

OFFICER REPORT – DELEGATED

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| Application number: PA15/00025/NDP | Earliest determination date: 26th November 2015 |
| Received on: 7th October 2015 | Neighbour expiry date: NONE CONSULTED |
| UPRN: 999999999999 | Consultation expiry date: 26th November 2015 |
| Legal agreement: N | Site notice posted: N/A |
| Departure: N | Site notice expiry: N/A |
| Complies with Development Plan? N/A If not, ensure you cover in the report how material considerations outweigh the plan? | |
| Is this decision contrary to local council recommendation? | |

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|--------------------------|--|
| Applicant: | Eira Hancock – Lezant Parish Council |
| Site Address: | Lezant Cornwall |
| Proposal: | Designation request for undertaking a Neighbourhood Development Plan for the Parish of Lezant |
| Application Type: | Neighbourhood Development Plan |

Executive Summary:

In accordance with the Neighbourhood Planning (General) Regulations 2012 ("The Regulations") any Neighbourhood Plan being produced must be carried out within a Neighbourhood Area the extent of which must be submitted to, publically advertised and consulted on for prescribed period and approved by Cornwall Council.

Lezant Parish Council is working on the preparation of a Neighbourhood Plan for the entire parish area of Lezant. An application for the designation of Neighbourhood Area was made to Cornwall Council and was advertised in the Cornish Guardian between the 15th October and 26th November 2015.

No objections were received to the advertisement of the Neighbourhood area and it is therefore recommended under regulation 6 that the Neighbourhood Area designation is confirmed and advertised as required by Regulation 7.

Public representations:

No public representations received at the time of writing.

Consultee representations:

Historic Environment Planning - no comment received

Historic Environment Planning Archaeology - no comment received

Historic England (26.10.2015)

NEIGHBOURHOOD AREA CONSULTATION - LEZANT

Thank you for giving notice that Lezant Parish Council has applied to designate Lezant as a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012.

Historic England has no objection to this proposal.

We would like to take the opportunity of the consultation to outline the range of support Historic England is able to offer in relation to Neighbourhood Plans. It would be helpful if this response can be copied to the Parish Council for their information.

Research has clearly demonstrated that local people value their heritage and Neighbourhood Plans are a positive way to help communities care for and enjoy the historic environment.

Historic England is expecting that as Neighbourhood Planning Forums come to you to seek advice on preparing Neighbourhood Plans they will value guidance on how best to understand what heritage they have, as well as assistance on preparing appropriate policies to secure the conservation and enhancement of this local heritage resource.

Information held by the Council and used in the preparation of your Core Strategy/Local Plan is often the starting point for Neighbourhood Plans. Other useful information may be available from the Historic Environment Record Centre or local environmental and amenity groups. For example, our records indicate that the area contains 3 Grade I, 2 Grade II* and 57 Grade II Listed Buildings, 3 Scheduled Ancient Monuments and 1 Registered Park and Garden. The Grade II* Church of St Briocus is also on the national Heritage At Risk Register. Historic England also publishes a wide range of relevant guidance. Links to these can be found in the appendix to this letter.

Plan preparation also offers the opportunity to harness a community's interest in the historic environment by getting them to help add to the evidence base, perhaps by creating and or reviewing a local heritage list, inputting to the preparation of conservation area appraisals and undertaking or further deepening historic characterisation studies.

Historic England has a statutory role in the development plan process and there is a duty on either you as the Local Planning Authority or the Neighbourhood Planning Forum to consult Historic England on any Neighbourhood Plan where our interests are considered to be affected as well as a duty to consult us on all Neighbourhood Development Orders and Community Right to Build Orders.

Historic England will target its limited resources efficiently. We will directly advise on proposals with the potential for major change to significant, nationally important heritage assets and their settings. Our local offices may also advise communities where they wish to engage directly with us, subject to local priorities and capacity.

Historic England fully recognises that the neighbourhood planning process is a locally-led initiative and communities will shape their own neighbourhood plan as informed by the issues and opportunities they are most concerned about and relevant to the local area. As a national organisation we are able to draw upon our experiences of neighbourhood planning across the country and information on our website might be of initial assistance <http://www.historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>. It is envisaged that the website will be progressively updated to share good practice in the management of the historic environment through neighbourhood planning.

Should you wish to discuss any points within this letter, or if there are issues about this Neighbourhood Plan Area where the historic environment is likely to be of particular interest, please do not hesitate to contact me.

Yours sincerely

David Stuart
Historic Places Adviser

Appendix

The National Heritage List for England: a full list with descriptions of England's listed buildings:
<http://www.historicengland.org.uk/advice/hpg/heritage-assets/nhle>

Heritage Gateway: includes local records of historic buildings and features
www.heritagegateway.org.uk

Historic England's Advice by topic: you can search for advice on a range of issues relating to the historic environment in the Advice section of our website

Heritage Counts: facts and figures on the historic environment <http://hc.historicengland.org.uk>

HELM (Historic Environment Local Management) provides accessible information, training and guidance to decision makers whose actions affect the historic environment. www.helm.org.uk or www.helm.org.uk/communityplanning

Heritage at Risk programme provides a picture of the health of England's built heritage alongside advice on how best to save those sites most at risk of being lost forever.
<http://www.historicengland.org.uk/caring/heritage-at-risk>

Placecheck provides a method of taking the first steps in deciding how to improve an area.
<http://www.placecheck.info/>

The Building in Context Toolkit grew out of the publication 'Building in Context' published by English Heritage and CABE in 2001. The purpose of the publication is to stimulate a high standard of design when development takes place in historically sensitive contexts. The founding principle is that all successful design solutions depend on allowing time for a thorough site analysis and character appraisal of context. <http://building-in-context.org/toolkit.html>

Knowing Your Place deals with the incorporation of local heritage within plans that rural communities are producing,
<https://www.historicengland.org.uk/images-books/publications/knowning-your-place/>

Planning for the Environment at the Neighbourhood Level produced jointly by English Heritage, Natural England, the Environment Agency and the Forestry Commission gives ideas on how to improve the local environment and sources of information. <http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>

Good Practice Guide for Local Heritage Listing produced by English Heritage uses good practice to support the creation and management of local heritage lists.
<https://www.historicengland.org.uk/images-books/publications/good-practice-local-heritage-listing/>

Understanding Place series describes current approaches to and applications of historic characterisation in planning together with a series of case studies
[http://www.helm.org.uk/server/show/nav.19604:](http://www.helm.org.uk/server/show/nav.19604)

Highways (20.10.2015)

Thank you for your letter of 13 October providing Highways England with the opportunity to comment on the application by Lezant Parish Council for the Parish to be designated as a Neighbourhood Development Plan (NDP) area.

Highways England is responsible for operating, maintaining and improving the strategic road network which in this case comprises the A30 to the north of the proposed plan area. We are keen to support the development of neighbourhood plans and the delivery of local growth and therefore we have no objection to the Parish becoming an NDP area.

Regards
Gaynor

Gaynor Gallacher, Business Support NDD South West
Highways England | Ash House | Falcon Road, Sowton Ind. Estate | Exeter | EX2 7LB
Tel: +44 (0) 1392 312540
Web: <http://www.highways.gov.uk>
GTN: 1365 2540

South West Water (15.10.2015)

I refer to the above notification upon which South West Water has no particular concerns in terms of our existing infrastructure being adequate to support new development and we will be happy to comment in more detail on any specific proposals as and when they are promoted.

Martyn Dunn – Development Services Planning

Principle Public Spaces Officer – no comment received

Affordable Housing (19.10.2015)

Note: Comments are confined only to the affordable housing implications of this proposal, and are made without prejudice to any formal decision of the Planning Authority.

Summary: The affordable housing team SUPPORT the proposal to designate, however recommends that any Neighbourhood Development Plan permitted take into account the significant local need for affordable housing and recent development activity in the area.

Relevant Policy Position:

Neighbourhood Development Plans (NDP) must conform to local, national and strategic planning policy. In relation to affordable housing, the documents listed below are of particular relevance:

- o The National Planning Policy Framework (NPPF);
- o Former NCDC District Local Plan (and accompanying SPG / SPD / DPD);
- o The submission draft of the Cornwall Local Plan (2010 - 2030);
- o The Inspector's preliminary findings Local Plan hearing (May 2015);
- o Post-consultation draft Affordable Housing Supplementary Planning Document (2015)

These set out the Local Planning Authority's (LPA's) expectations in relation to residential developments contributing towards the delivery of affordable housing, and define delivery mechanisms for areas such as Lenzant. Consequently, the Affordable Housing Team would recommend that the documents above be used to inform the evolution of the NDP; its policies; and any site allocations, in due course.

In particular, Policy 8 of the emerging Cornwall Local Plan (including the preliminary findings of the Inspector from the hearing in May 2015), suggests that sites within the built-up area should provide 30% affordable housing, as the parish lies within the Zone 4 area. This effectively applies to any site that is not considered to be a rural exception site (as per the definition within the NPPF). In relation to rural exception sites, Policy 9 of the emerging Local Plan outlines that these should only normally be permitted if they are genuinely affordable housing-led, with a presumption that a scheme will provide 100% affordable housing. In circumstances where this would not be viable without recourse to public subsidy, provision of open market housing may be supported, subject to meeting the criteria outlined within Policy 9, and capped at a maximum of 50%.

Housing Need:

The Council's housing register (HomeChoice) identifies a moderate level of housing need with 29 households registered with a local connection and in housing need. Of the total registered need above 6 households have stated a preference for living in the parish. The greatest need is for 1 and 2 bedroom homes, with a lesser need for larger family homes.

However new development should always provide a range of property types and sizes, to reflect the need to develop a mixed, yet balanced community.

In addition to the identified registered housing need figures above the Affordable Housing Team is able to offer the NDP Group support to undertake a local housing needs survey to further assess and enhance the understanding of housing need locally. Please advise the NDP Group to contact me if they wish to discuss this option further.

Affordable Housing Details:

On the assumption that the proposed NDP will seek to address the issue of future affordable housing delivery, the Affordable Housing Team recommends that the following issues be considered:

- Tenure
- Unit mix and size
- Affordability
- Delivery mechanisms and partners
- Availability of funding
- Phasing (should large sites be promoted)
- Clustering arrangements (for mixed-tenure schemes)
- The provision of flatted accommodation
- Adapted/wheelchair accessible accommodation
- Self-build (if identified as a local need)

All development proposals that deliver affordable housing should take account of: eligibility criterion, nominations procedures and housing allocation policies (i.e. HomeChoice) already in place by the Council in its role as Local Housing Authority.

If the NDP seeks to deliver affordable housing through site allocations or other mechanisms the following should be considered:

- Neighbourhood Development Orders;
- Land ownership, availability, and cost;
- The deliverability of a site, having due regard to all material planning considerations;
- Economic Viability

The NDP may also wish to consider opportunities contained within the Community Right to Build initiative, which can be used to compliment the NDP process.

More Information

Applicants should be referred to the Affordable Housing NDP Briefing note and Supplementary Planning Document for detailed guidance.

Electoral Services – no comment received

Natural England (30.10.2015)

Date: 30 October 2015

Our ref: 168433

Your ref: PA15/00025/NDP

BY EMAIL ONLY
Hornbeam House

Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6JC
T 0300 060 3900

Dear Ms Ball,

Designation request for undertaking a Neighbourhood Development Plan for the Parish of Lezant.

Thank you for notifying Natural England of/requesting information in respect of your Neighbourhood Planning Area dated 13/10/2015

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning. We must be consulted on draft Neighbourhood Development Plans where the Town/Parish Council or Neighbourhood Forum considers our interests would be affected by the proposals. We must be consulted on draft Neighbourhood Development Orders and Community Right to Build Orders where proposals are likely to affect a Site of Special Scientific Interest or 20 hectares or more of Best and Most Versatile agricultural land. We must also be consulted on Strategic Environmental Assessments, Habitats Regulations Assessment screening and Environmental Impact Assessments, where these are required. Your local planning authority will be able to advise you further on environmental requirements.

The following is offered as general advice which may be of use in the preparation of your plan. Natural England, together with the Environment Agency, English Heritage and Forestry Commission has published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans and development proposals. This is available at: <https://www.gov.uk/consulting-on-neighbourhood-plans-and-development-orders>

Local environmental record centres hold a range of information on the natural environment. A list of local records centre is available at: <http://www.nbn-nfbr.org.uk/nfbr.php>
Protected landscapes

If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), we advise that you take account of the relevant National Park/AONB Management Plan for the area. For Areas of Outstanding Natural Beauty, you should seek the views of the AONB Partnership.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision making framework for the natural environment.

<http://www.naturalengland.org.uk/publications/nca/default.aspx>

Protected species

You should consider whether your plan or proposal has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.

Natural England Standing Advice

Local Wildlife Sites

You should consider whether your plan or proposal has any impacts on local wildlife sites, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) or whether opportunities exist for enhancing such sites. If it appears there could be negative impacts then you should ensure you have sufficient information to fully understand the nature of the impacts of the proposal on the local wildlife site.

Best Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. Paragraph 112 of the National Planning Policy Framework states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

General mapped information on soil types is available as 'Soilscapes' on the www.magic.gov.uk and also from the LandIS website; <http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.

Opportunities for enhancing the natural environment

Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again at consultations@naturalengland.org.uk

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely
James Hughes
Consultations Team

National Farmers Union – no comment received

Area of Outstanding Natural Beauty Unit – no comment received

Marine Management Organisation – no comment received

Home and Communities Agency – no comment received

Constraints and designations:

Not applicable.

Relevant policies, SPGs and Government guidance:

Not applicable for the designation process.

Appraisal/key issues and conclusion:

The main issues in determining this application are:

- Whether an application for a Neighbourhood Area has already been made covering all or part of this area (as there can only be one Neighbourhood Area in each location and they cannot overlap)
- Confirmation that the applicant is a 'relevant body' to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations (i.e. a parish council or Neighbourhood Forum).
- Assessment of whether the extent of the Neighbourhood Area is appropriate.

No other application has previously been made covering all or part of this area and there are no existing designated Neighbourhood Areas covering, or close to the boundary of Lezant Parish.

Lezant Parish Council is a relevant body to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations.

The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Lezant Parish Council.

It is therefore considered to be an appropriate area in which to prepare a Neighbourhood Development Plan.

Recommendation:

The Neighbourhood Area illustrated on Plan 1 is designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

Conditions

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Plan 1 – Designation area of Lezant Parish

Copies of decision notices and documents associated with the decision making process, where relevant, for the above applications can be found in the Council's on-line planning register using the following link and by entering the reference of the application you are interested in.

Link: <http://planning.cornwall.gov.uk/online-applications/>