

OFFICER REPORT – DELEGATED

Application number: PA15/00027/NDP	Earliest determination date: 7th January 2016
Received on: 10th November 2015	Neighbour expiry date: NONE CONSULTED
UPRN: 999999999999	Consultation expiry date: 7th January 2016
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?	

Applicant:	Mr D Stevens – Treverbyn Parish Council
Site Address:	Treverbyn Cornwall
Proposal:	Designation request for undertaking a Neighbourhood Development Plan for the Parish of Treverbyn
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.

Treverbyn Parish Council is working on the preparation of a Neighbourhood Plan for the entire parish area of Treverbyn. An application for the designation of Neighbourhood Area was made to Cornwall Council and was advertised in the Cornish Guardian between the 19th November 2015 and 7th January 2016.

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:

Highways (30th November 2015)

A30(T): Designation request for a Neighbourhood Development Plan area - Treverbyn, Cornwall

Thank you for your letter of 17 November providing Highways England with the opportunity to comment on the application by the Parish of Treverbyn for designation as a Neighbourhood Development Plan (NDP) area.

Highways England is responsible for operating, maintaining and improving the strategic road network which in this instance consists of the A30 to the north of the Plan area. We are keen to

support the development of neighbourhood plans and the delivery of local growth and therefore we have no objection in principle to the Parish becoming an NDP area. However, it is possible that proposals could have the potential to impact on the strategic road network, particularly in view of the wider growth proposals coming forward for the St Austell area, and we would therefore welcome the opportunity to comment further on the plan as it develops to ensure there is a satisfactory assessment of traffic impacts and mitigation requirements.

If you have any queries in the meantime please don't hesitate to contact me.

Yours Sincerely

Sally Parish
NDD South West - Growth & Improvement Team

Historic Environment Planning – no comment received

Principle Public Spaces Officer – no comment received

Affordable Housing (29th December 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:

- The National Planning Policy Framework (NPPF);
- Former Restormel District Local Plan (and accompanying SPG / SPD / DPD);
- The submission draft of the Cornwall Local Plan (2010 - 2030);
- The Inspector's preliminary finding Local Plan hearing (May 2015);
- 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 Treverbyn. 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 Treverbyn's built-up area should provide 25% affordable housing, as the parish lies within a Zone 5 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 high level of housing need in Treverbyn with 296 households registered with a local connection and in housing need. Of the total registered need above 128 of households have stated either a 1st, 2nd or 3rd choice preference for living in the parish.

Local connection area	Band	Council Minimum Bedroom Need								Total	
		0	1	2	3	4	5	6	7		8
Treverbyn	Band A	1	0	1	0	1	0	0	0	0	3
Treverbyn	Band B	11	2	9	0	5	1	0	0	0	28
Treverbyn	Band C	26	9	11	17	10	1	0	0	0	74
Treverbyn	Band D	17	3	14	0	0	0	0	0	0	34
Treverbyn	Band E	33	35	65	20	4	0	0	0	0	157
Treverbyn	Total of Band	88	49	100	37	20	2	0	0	0	296

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

Information from Help to Buy South West identifies a need for 9 affordable housing to buy in Treverbyn. This should therefore be reflected in the NDP, with a focus on providing predominantly affordable rented homes.

Development Commitments:

In addition to the above, there are a number of development schemes delivering affordable housing in Treverbyn which are progressing through the planning system or already have planning permission which include affordable housing:

West Carclaze, eco-communities site	450 affordable dwellings	Pending
Cargwyn, Penwithick	10 affordable dwellings	Permission
Screda phase 2	25 affordable dwellings	Permission
Roche Road, Bugle	8 affordable dwellings	Permission
Billberry, Bugle	1 affordable dwelling	Permission

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.

Rebecca Jacob - Senior Development Officer
Cornwall Council

Electoral Services – no comment received

Environment Agency (10th December 2015)

DESIGNATION REQUEST FOR UNDERTAKING A NEIGHBOURHOOD DEVELOPMENT PLAN FOR THE PARISH OF TREVERBYN

Thank you for consulting us on the above designation request.

The Environment Agency, together with Natural England, English Heritage and the 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>

At this initial stage in the Neighbourhood Plan process we would like to take the opportunity to highlight the environmental constraints / opportunities of this Parish that are likely to need further consideration in the preparation of the Plan.

Flood risk

The St Austell or White River has its headwaters upstream of Carthew. There is some flood risk associated with the river as it flows through the parish. Receptors at risk include the B3274 and some properties in Ruddlemoor. We hold records of surface water flooding in Bugle and Bowling Green.

In accordance with the National Planning Policy Framework we would seek planned development to be directed away from the floodplains of these rivers (Flood Zone 3 (high probability) and Flood Zone 2 (Medium probability)). We recommend the NDP supports this sequential approach and that it protects these floodplains which also provide a good network of green infrastructure.

Within the parish, we plan to investigate the potential to manage flood risk through the restoration of former china clay mining areas. There are also a number of measures which apply to the wider catchment. These include implementing a programme of targeted asset maintenance and inspection and improving our flood warning service.

The parish includes land where land use management may help to reduce downstream flood risk in Par, St Blazey and St Austell. We would welcome further engagement on the Plan preparation to explore how the Plan could safeguard this land for such uses.

Water Framework Directive

With regard to the objectives of the Water Framework Directive the St Austell River was classed as moderate in 2014 with the objective of maintaining moderate status in the second cycle of River Basin planning. We would require new development to not cause any deterioration and wherever possible should contribute to improving the waterbody.

Further information about the waterbody can be accessed online:

<http://environment.data.gov.uk/catchment-planning/OperationalCatchment/25dc>

Yours sincerely

Mrs Emma Whereat
Sustainable Places Planning Advisor

Direct dial 01208 265048
Direct fax 01208 78321
Direct e-mail emma.whereat@environment-agency.gov.uk

cc: Mr D Stevens Parish Clerk

Natural England (17th December 2015)

Designation request for undertaking a Neighbourhood Development Plan
for the Parish of Treverbyn

Thank you for notifying Natural England of your Neighbourhood Planning Area dated 17/11/2015. 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,
Victoria Kirkham
Consultations Team

Historic England (21st December 2015)

NEIGHBOURHOOD AREA CONSULTATION - TREVERBYN

Thank you for giving notice that Treverbyn Parish Council has applied to designate Treverbyn 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 1 Grade II* and 27 Grade II Listed Buildings, and 4 Scheduled Ancient Monuments, and it lies within the Cornwall and West Devon Mining Landscape World Heritage Site. 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 CABI 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/known-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)

National Farmers Union – no comment received

Network Rail (29th December 2015)

Thank you for providing Network Rail with the opportunity to comment on this Neighbourhood Development Plan (NDP). At this early stage of preparation Network Rail do not wish to comment on the designation request letter and accompanying map subject of this consultation. However, as a rail line passes through the plan area Network Rail would still wish to be consulted on any draft NDP in the future. In preparing this development plan the following comments may be of use and should be taken into account where relevant.

Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure, any proposed changes require careful assessment to ensure they are both safe and viable.

Network Rail is required to monitor new policies and development allocations that may have an impact on rail services and/or safety of existing infrastructure. For instance the safety of level crossings is a major concern which can be impacted in a variety of ways by planning proposals. In addition, where proposed policies and allocations require rail improvements, the funding of these improvements also require careful consideration. These two issues are dealt with in more detail below.

Level/Pedestrian Crossing Safety

Development proposals' affecting the safety of level/pedestrian crossings is an extremely important consideration for emerging planning policy and related development allocations to address. The impact from future development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision.

As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services. Therefore the location of proposed new development is an important consideration for Network Rail and should form part of any initial appraisal of future development sites.

Please note that Cornwall Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway:

Schedule 4 (j) of the Town & Country Planning (Development Management Procedure) Order 2015 requires that Where any proposed development is likely to result in a material increase in volume or a material change in the character of traffic using a level crossing over a railway (public footpath, public or private road) the Local Planning Authority prior to granting approval must consult: The operator of the network which includes or consists of the railway in question and the Secretary of State for Transport".

Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact: and the developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.

Funding of Rail Improvement

Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.

The likely impact and level of improvements required will be specific to each station and each development meaning standard charges and formulae may not be appropriate. Therefore in order to fully assess the potential impacts, and the level of developer contribution required, it is essential that where a Transport Assessment is submitted in support of a site allocation or planning application that this quantifies in detail the likely impact on the rail network.

To ensure that developer contributions can deliver appropriate improvements to the rail network we would recommend that Developer Contributions should include provisions for rail.

We therefore ask that the council should consider the following:

- A requirement for development contributions to deliver improvements to the rail network where appropriate..

- A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated.
- A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements. In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable. We would not seek contributions towards major enhancement projects which are already programmed as part of Network Rail's remit.

Kind Regards

Guy Gibson

South West Water (18th November 2015)

Thank you for notifying South West Water of the above upon which we have no comment at present but are happy to provide further comment as and when development proposals are formalised.

Martyn Dunn
Development Coordinator
01392 443702
South West Water, Peninsula House, Rydon Lane, Exeter, EX2 7HR

Marine Management Organisation (17.11.2015)

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 Lansallos Parish.

Polperro Community 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 Polperro Community 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 Treverbyn 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/>