

OFFICER REPORT – DELEGATED

Application number: PA16/00002/NDP	Earliest determination date:
Received on: 7th March 2016	Neighbour expiry date: NONE CONSULTED
UPRN: 999999999999	Consultation expiry date: 27th April 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 Phillip Tubb – Lanteglos by Fowey Parish Council
Site Address:	Cornwall
Proposal:	Designation request for undertaking a Neighbourhood Development Plan for the Parish of Lanteglos by Fowey
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.

Lanteglos by Fowey Parish Council is working on the preparation of a Neighbourhood Plan for the entire Parish area of Lanteglos by Fowey. An application for the designation of Neighbourhood Area was made to Cornwall Council and was advertised in the Cornish Guardian on 16th March 2016. The consultation period ran from 16^h March 2016 and 27th April 2016.

The Council received two responses after the consultation period ended from Historic England on 28th April 2016 and the Affordable Housing Team on 19th May 2016. Both responses have been included in the report.

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 Agency – (31st March 2016)

Thank you for your letter of 15 March providing Highways England with the opportunity to comment on the application by Lanteglos Parish Council for the Parish to be designated as a Neighbourhood Development Plan (NDP) area.

Highways England is responsible for maintaining, improving and operating the strategic road network, which in Cornwall comprises the A30 and A38, and is a statutory consultee prescribed by the Neighbourhood Planning (General) Regulations 2012. We are keen to support the development of neighbourhood plans and the delivery of local growth and therefore have no objection in principle to the parish becoming an NDP area. The location of the Parish is such that any policies coming forward are unlikely to impact on our network, and we will not therefore need to be consulted further on the plan as it develops.

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

Yours Sincerely

Sally Parish

Historic Environment Planning - (no comment received)

Economic Development – (no comment received)

Principle Public Spaces Officer (7th April 2016)

7th April 2016
PA16/00002/NDP

Designation Request for undertaking a Neighbourhood Development Plan for Parish of Lanteglos by Fowey

Thank you for consulting the Public Space Team.

The National Planning Policy Framework 2012 (para 73) requires that planning policies should be based on robust & up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. This has been undertaken for the St Austell area, which is now included in the adopted Open Space for Larger Towns in Cornwall can be found at:

<http://www.cornwall.gov.uk/environment-and-planning/parks-and-open-spaces/open-space-strategy-standards> . More recently the study has been repeated in St Blazey, Par & Tywardreath and for Fowey. Details of Assessments of open spaces and the setting of future standards (quantity, accessibility & quality) should follow the same methodology and use the same definitions as set out in the adopted strategy for larger towns, in order to ensure a consistency with the planning policies throughout the county.

We regret that the Public Space Team is unable to provide this service free of charge at this time, but should you require advice on the application of the methodology or its conclusions please do not hesitate to contact us.

Many thanks

Affordable Housing – (19th May 2016)

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 Saved Policies in the former Restormel Borough Local Plan;
- 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. 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 40% affordable housing, as the parish lies within the Zone 2 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 level of housing need with 53 households registered with a local connection to the Parish and in housing need.

New developments 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:

- o Tenure
- o Unit mix and size
- o Affordability
- o Delivery mechanisms and partners
- o Availability of funding
- o Phasing (should large sites be promoted)
- o Clustering arrangements (for mixed-tenure schemes)
- o The provision of flats
- o Adapted/wheelchair accessible accommodation
- o 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:

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

Victoria Regan
Senior Development Officer
Cornwall Council

Electoral Services – (no comment received)

Environment Agency – (no comment received)

Cornwall Area of Outstanding Natural Beauty Unit – (no comment received)

Natural England – (15th March 2016)

Designation request for undertaking a Neighbourhood Development Plan for the Parish of Lanteglos by Fowey

Thank you for notifying Natural England of your Neighbourhood Planning Area in your letter dated 15/03/2016.

We would like to take this opportunity to provide you with information sources you may wish to use in developing your plan, and to highlight some of the potential environmental risks and opportunities that neighbourhood plans may present. We have set this out in the annex to this letter.

Natural England's role

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. Your local planning authority should be able to advise you when we should be consulted further on your neighbourhood plan.

Planning policy for the natural environment

Neighbourhood plans and orders present significant opportunities, but also potential risks, for the natural environment. Your proposals should be in line with the National Planning Policy Framework. The key principles are set out in paragraph 109: The planning system should contribute to and enhance the natural and local environment by:

protecting and enhancing valued landscapes, geological conservation interests and soils;

recognising the wider benefits of ecosystem services;

minimising impacts on biodiversity and providing net gains in biodiversity where possible,

contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

You should also consider the natural environment policies in your area's Local Plan. Your neighbourhood plan or order should be consistent with these, and you may decide that your plan should provide more detail as to how some of these policies apply or are interpreted locally.

The attached annex sets out sources of environmental information and some natural environment issues you may wish to consider as you develop your neighbourhood plan or order.

Yours sincerely,

Victoria Kirkham
Consultations Team

Annex 1 -Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The Magic1 website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map)** and **Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available here2.

1 <http://magic.defra.gov.uk/>

2 <http://www.nbn-nfbr.org.uk/nfbr.php>

3<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

4 <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

5 <http://magic.defra.gov.uk/>

6 <http://www.landis.org.uk/index.cfm>

7 <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

8 <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>
Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found here³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**.

Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found here⁴.

There may also be a local **landscape character assessment** covering your area.

This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the Magic⁵ website and also from the LandIS website⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The National Planning Policy Framework⁷ sets out national planning policy on protecting and enhancing the natural environment. Planning Practice Guidance⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

Landscape

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed here⁹), such as Sites of Special Scientific Interest or Ancient woodland¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

10 <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

11 <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

12 <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

13 <http://publications.naturalengland.org.uk/publication/35012>

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed here¹¹) or protected species. To help you do this, Natural England has produced advice here¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication Agricultural Land Classification: protecting the best and most versatile agricultural land¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see Planning Practice Guidance on this ¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.

- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

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Historic England (28th April 2016)

27th April 2016

Dear Ms Ball

NEIGHBOURHOOD AREA CONSULTATION - LANTEGLOS

Thank you for giving notice that Lanteglos Parish Council has applied to designate Lanteglos 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 show that the area contains 1 Grade I, 2 Grade II* and 43 Grade II Listed Buildings, and 6 Scheduled Ancient Monuments. 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/knowing-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>:

South West Water – (18th March 2016)

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

Network Rail – (no comment received)

National Farmers Union – (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 Lanteglos by Fowey Parish.

Lanteglos by Fowey 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 Lanteglos by Fowey 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 Lanteglos by Fowey 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/>