

# **GWINEAR-GWITHIAN NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

**A report to Cornwall Council  
into the examination of the  
Gwinear-Gwithian Neighbourhood Plan  
by Independent Examiner, Rosemary Kidd**

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## 1.0 Summary

- 1.1 The Gwinear-Gwithian Neighbourhood Plan has been prepared to set out the community's wishes for the parish of Gwinear-Gwithian to help retain and enhance the parish's unique rural and coastal settlements through appropriate development and by ensuring that existing and proposed infrastructure is reflective of the community's needs.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
- Revisions to the wording of policies to ensure that they are clear and unambiguous so that a decision maker can apply them consistently and with confidence when determining planning applications and to ensure that they support the delivery of strategic Local Plan policies.
  - The deletion of Policy 2a on the A30 Green Buffer.
  - The inclusion of evidence to demonstrate that the settlement boundaries have been drawn to include sufficient sites to deliver an apportionment of the housing requirement.
  - Deletion of the settlement boundary from Gwithian Townas.
  - Amendments to Map 14 to exclude the AONB and Heritage Coast.
  - Updating of references to the Local Plans to refer to the adopted Cornwall Local Plan.
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Gwinear-Gwithian Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

- 2.1 Neighbourhood planning was introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the development plan which will include the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

### Legislative Background

- 2.5 I have been appointed by Cornwall Council with the consent of Gwinear-Gwithian Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council, the Neighbourhood Plan Steering Group and Cornwall Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. My appointment has been facilitated by the Neighbourhood Planning Independent Examiners Referral Service.
- 2.6 As an Independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
  - (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;

- (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
- (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
- (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.

- 2.7 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development. There are no other neighbourhood plans for the plan area. The Neighbourhood Plan area is co-terminus with the parish of Gwinear-Gwithian and was designated by Cornwall Council on 2 July 2013 as a Neighbourhood Area. Section 1.3 of the Neighbourhood Plan and section 1 of the Basic Conditions Statement confirm these points.
- 2.8 The boundary of the plan area is shown on the front cover of the Neighbourhood Plan and on page 1 of the plan, although the latter map is not legible. Appendix 1 of the Basic Conditions Statement includes the designation map and confirmation of the designation of the Neighbourhood Plan area. It would be helpful to users of the Plan if it included a clear map that showed the location of the Plan area within the context of the local area.

**Recommendation 1: include a clear map to show the boundary of the Neighbourhood Plan area within the context of the local area.**

- 2.9 Paragraph 1.5 of the plan states that the lifespan of the Neighbourhood Plan is to be until 2030 and this is shown on the front cover of the plan.
- 2.10 The neighbourhood plan making process has been led by Gwinear-Gwithian Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan has been prepared by the Gwinear-Gwithian Neighbourhood Development Plan Steering Group on behalf of Gwinear-Gwithian Parish Council.
- 2.11 I am satisfied therefore that the Gwinear-Gwithian Neighbourhood Plan satisfies all the requirements set out in paragraph 2.8 above.

**Conformity with Basic Conditions**

- 2.12 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:
  - o Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. 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)).

2.13 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.

2.14 A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

2.15 It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.

2.16 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

## Policy Background

- 2.17 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.18 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.19 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.20 The third basic condition is for the neighbourhood plan as a whole to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan comprises the Cornwall Local Plan which was adopted on 22 November 2016. The Site Allocations Development Plan Document is at an early stage with consultations on the Preferred Options being carried out between 3 October and 14 November 2016. There were a number of saved policies from the Penwith Local Plan adopted in 2004 that were taken into account during the preparation of the Neighbourhood Plan. However, the Council has confirmed that only relevant saved Policy is CC5 on Areas of Great Landscape Value; other policies have been replaced by the recently adopted Cornwall Local Plan.
- 2.21 As an examiner I am required to consider whether the Plan is in general conformity with the strategic policies of the development plan in force at the time of the examination and I have therefore considered the Neighbourhood Plan against the Cornwall Local Plan. It is recommended that section 1.4 of the Neighbourhood Plan be updated to state that the strategic policies are those in the Cornwall Local Plan (2016) and saved Policy CC5 of the Penwith Local Plan. The Neighbourhood Plan should also be updated to remove references to those policies in the Penwith Local Plan that have been replaced and update references to policies in the draft Cornwall Local Plan to those in the adopted Plan.

**Recommendation 2: revise the second sentence of the final paragraph of section 1.4 to read: “*The Cornwall Local Plan (2016) sets out the local strategic policies for the Neighbourhood Plan. Policy CC5 of the Penwith Local Plan has been saved.*” Update references to the draft Cornwall Local Plan throughout the Plan to the “adopted Local Plan” and revise relevant policy numbers. Delete references to those policies in the Penwith Local Plan that have been replaced.**

- 2.22 I have also considered whether the Neighbourhood Plan would introduce policies and designations that may constitute blanket restrictions that may restrict future development in the area contrary to the Local Plan strategy. I have considered whether there is robust evidence to support any proposed designations that would introduce such restrictions.
- 2.23 The Basic Conditions Statement sets out an assessment of how the Neighbourhood Plan policies have had regard to national policy and how it is in general conformity with the local strategic development plan policies.
- 2.24 I have considered the Neighbourhood Plan as a whole against the NPPF and PPG and the adopted strategic policies. Then I have considered each of the policies to ascertain whether there is any conflict between a particular policy and the NPPF or the strategic policies of the Development Plan. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

### **EU obligations and human rights requirements**

- 2.25 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.26 Screening Opinions for the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) were undertaken on the draft Neighbourhood Plan prior to submission. The SEA screening report concluded that:
- “The Plan area contains small areas of sensitive landscapes and environmental designations but the scale and location of development is unlikely to impact on these. The Plan does not allocate sites and contains policies designed to protect the special features and qualities of the environment. As a result of the assessment in section 4, it is unlikely there will be any significant environmental effects arising from the Gwinear-Gwithian Parish Neighbourhood Development Plan. As such, SEA and HRA are not required.”*
- 2.27 With regard to the likely effect on sites under Article 6 or 7 of the Habitats Directive, the assessment noted that the closest European sites are Marazion Marsh SPA and Godrevy Head to St Agnes SAC and the Plan area does not fall within the recreational zones of influence for these sites.

This screening outcome has been confirmed through the responses from Historic England, Natural England and the Environment Agency.

- 2.28 A representation has been received that considered that the neighbourhood plan is an urban development project under Annex II of SEA Directive 2001/42/EC.
- 2.29 Annex II sets out the criteria for determining the likely significance of effects referred to in Article 3(5) of the SEA Directive. It does not set out specific types of development or plans that require an SEA. It sets out a number of criteria to be considered in assessing the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.
- 2.30 The screening opinion has assessed the amount and location of sensitive landscapes and environmental designations and the likely scale and location of development and has concluded that the Neighbourhood Plan is unlikely to give rise to any significant environmental effects on the environmental designations. This has been confirmed by the responses from the environmental consultation bodies. The Neighbourhood Plan has also been prepared within the framework of the Cornwall Local Plan which has been subject to a full SEA. I am satisfied with the conclusions of the screening report.
- 2.31 The Basic Conditions statement does not include an assessment of whether the Neighbourhood Plan is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights.
- 2.32 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011.
- 2.33 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 2.34 Article 14 provides that "*The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*" In the Consultation Statement, the Qualifying Body has provided evidence on how the statutory and non-statutory consultations have been carried out and demonstrated that they were undertaken in such a way that all sections of the local community have been given the opportunity to express their views.
- 2.35 In response to my request for an assessment of whether the Neighbourhood Plan is compatible with the European Convention on Human Rights, the

qualifying body has confirmed that they believe that the plan has been prepared in a way that is compatible.

- 2.36 As far as I can ascertain, the policies of the plan and its preparation have taken account of the need to consider human rights. I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

### **Contributes to sustainable development**

- 2.37 The Basic Conditions Statement has included an assessment of the contribution of each policy towards the three key principles to sustainable development: economic, social and environmental and commented on how each policy will contribute towards delivering sustainable development. It would be helpful if the Neighbourhood Plan itself contained a section to demonstrate how the plan meets the requirement to contribute to the delivery of sustainable development. The Qualifying Body has supplied text for inclusion in the plan.

**Recommendation 3: include the following in the introductory section of the Plan under the heading Sustainable Development:**

***“The Gwinear-Gwithian Neighbourhood Plan has been developed to ensure that future growth and development is shaped to protect the unique character of the parish which has both rural and coastal communities and ensures that any further development will contribute towards creating a stable and more sustainable community.*”**

***“The Plan focuses on different areas of interest within the overall remit of sustainable development for the Neighbourhood Area – people and housing, education, renewable energy, environment, transport, leisure and recreation and business and jobs.*”**

***“By developing clear settlement boundaries which can accommodate the planned growth, our plan helps our community shape the future of the parish in a sustainable way.”*”**

- 2.38 I am satisfied that, subject to the modifications proposed, the Gwinear-Gwithian Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

### **The Neighbourhood Plan Preparation**

- 2.39 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.

- 2.40 The Consultation Statement sets out an overview of the consultation process that has been undertaken in the course of preparing the Neighbourhood Plan.

The preparation of the Neighbourhood Plan commenced in April 2014 following the designation of the Plan area. There were six key stages to the consultation on the pre-submission Plan:

- Nov/Dec 2013 Stage 1 Launching the Plan with a launch leaflet and publicity to every household, attendance at community events and through a dedicated website
- April/July 2014 Stage 2 Survey of Needs and Demands – The purpose of this major consultation was to share the main conclusions from the evidence base; to fill in the key gaps in knowledge and understanding; and to encourage a debate where it was needed. A questionnaire was sent to every household and there was widespread publicity and events to promote the consultation. A specific consultation was carried out with chalet owners of the Gwithian Towans area, most of whom live outside the parish, concerning the draft Design Guide for the area.
- Nov 14/Jan 15 Stage 3 Consultation on Vision & Objectives and draft Settlement Boundaries – The purpose of this consultation was to share a draft vision and objectives for the Neighbourhood Plan and to set out the themes and priorities for the planning policies, including Settlement Boundaries. This was publicised to every household, through the website, newsletters and community events.
- Aug/Sept 15 Stage 4 Gwithian Towans - Generating Options & consult on Draft Neighbourhood Plan - The purpose of this consultation was to seek endorsement of the settlement boundary for this area; provide an update on the draft Design Guide; and seek reaction/endorsement of the draft plan and specific planning policies. This was publicised to land owners and the residents/owners of the chalets, through the website, and a community event.
- Aug/Sept 15 Stage 4 Generating Options & consult on Draft Neighbourhood Plan - The purpose of this consultation was to seek reaction/endorsement of the draft plan and specific planning policies; to obtain comments on the draft supplementary documents and proposal maps. This was publicised to every household, through the website, newsletters and community events.
- Nov/Dec 15 – Stage 5 Consult on Draft Neighbourhood Plan – to give the community an opportunity to sign off the draft plan ready for pre-submission consultation.
- Dec 15/Feb 16 – Stage 6 Consult on Draft Neighbourhood Plan – Pre-Submission consultation – This was widely publicised through the website, newsletters and community events; letters were sent to all statutory consultees, stakeholders and other groups and organisations; invitations were sent to landowners who had made representations previously to meet with the Steering Group.
- Consultation on the Submission draft Plan was undertaken between 24 November 2016 and 12 January 2017.

- 2.41 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in The Neighbourhood Planning (General) Regulations 2012.

### **The Examination Process**

- 2.42 The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.43 I have undertaken this examination by way of written representations. I have considered the representations received during the consultation on the Submission draft plan. I have presented a number of questions to the Qualifying Body and Local Planning Authority seeking further clarification and information in writing.
- 2.44 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Strategic Environmental Assessment and Habitats Regulations Assessment and other background evidence. In my assessment of the plan as a whole and each policy I have commented on how the plan and policy has had regard to national policies and advice and whether it is in general conformity with relevant strategic policies.
- 2.45 This report is the outcome of my examination of the Submission Draft Version of the Gwinear-Gwithian Neighbourhood Plan 2016 - 2030. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. Once the plan is approved by Cornwall Council it may proceed to a referendum. If it receives the support of over 50% of those voting then the Plan will be made by Cornwall Council.
- 2.46 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- that the plan should proceed to referendum on the basis that it meets all the legal requirements;
  - that the plan should proceed to referendum if modified; or
  - that the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.47 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

### 3.0 Neighbourhood Plan – As a whole

- 3.1 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*

- 3.2 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that

*“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.”*

- 3.3 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that *“the neighbourhood plan must address the development and use of land by setting planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”*.

- 3.4 National planning advice in NPPF paragraphs 16 and 184 is that neighbourhood plans should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies. Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

- 3.5 NPPF paragraph 55 states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. The PPG adds the following guidance on rural housing *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”*.

- 3.6 The Basic Conditions require that the Examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies. I now turn to considering whether

the policies in the plan taken together have had regard to national and local strategic planning policies.

- 3.7 Gwinear-Gwithian has a population of 3177 in 2011. The area covered by the Neighbourhood Plan incorporates the communities of Connor Downs, Upton Towans, Gwithian, Gwinear, Carnhell Green, Wall and Reawla as well as the hamlets of Fraddam, Rosewarne and Roseworthy. It is a coastal parish in west Cornwall, situated approximately two miles (3km) east of Hayle and two miles (3km) west of Camborne.
- 3.8 The Neighbourhood Plan itself does not include any basic factual information about the parish, its history or challenges that it is facing today. The Evidence Report (2014) includes extensive information about the parish under various themes as well as extracts from relevant plans and proposals. The SEA screening report states that “*The extreme northern corner of the parish is within the AONB and a short section of the parish boundary runs along the AONB boundary. A small part of Godrevy Head to St Agnes SSSI and approximately half of the Gwithian to Mexico Towans SSSI lie within the Plan area. Godrevy Head is cited for the rock, raised beach and cliff formations and nesting birds. Both sites contain dune systems which support a number of rare native plants, butterflies and moths.*” It is noted that parts of the plan area are designated as AONB and Heritage Coast.
- 3.9 Whilst not a requirement to meet the basic conditions, it would be helpful to users of the plan to include a summary of the key facts about the parish, particularly the designated areas and the challenges it is facing today in order to understand the background to the Plan.
- 3.10 The Neighbourhood Plan does not allocate any sites for housing development and relies on sufficient sites coming forward within the settlement boundaries to deliver the housing requirement of the Local Plan. It identifies settlement boundaries for the settlements of Connor Downs; Carnhell Green, Reawla and Wall; Gwinear; Gwithian; Upton Towns and Gwithian Towans. Criteria based policies has been included to control the design of new development in each settlement supported by Character Area Appraisals for each settlement and a Design Guide for the area of chalets at Gwithian Towans. The Development Proposals Document sets out supplementary guidance on affordable housing and other matters.
- 3.11 I have considered additional evidence prepared by the Qualifying Body and Local Planning Authority in response to my question about the availability of potential sites within the settlement boundaries to accommodate sufficient sites to deliver a reasonable apportionment of the housing requirement.
- 3.12 In my assessment of Policy 8 on Gwithian Towans, I have considered whether it is appropriate to define a settlement boundary around Gwithian Towans. As it is a holiday chalet village I have concluded that it is not a suitable settlement for the location of new permanent housing development.

- 3.13 The Plan makes provision for additional housing sites to come forward as rural exceptions sites adjacent to the settlement boundary of Connor Downs and Carnhell Green, Realwla and Wall subject to satisfying a number of criteria, provided there is evidence of local housing needs.
- 3.14 Policies 2 and 4 include a criterion to safeguard best and most versatile agricultural land and grade 3b land. This criterion may impose a blanket restriction on the development as all sites on the edge of the villages are grade 3 land. I consider the implications of this policy in more detail later in my report.
- 3.15 The Neighbourhood Plan contains a number of small maps within the text that are illegible when viewed on screen and in print and should be deleted. Clear full page versions on the maps have been included in the Appendices. However there is no distinction between those maps that relate to the policies of the Plan and as such form part of the Proposals Map and those that show background information and evidence. It is recommended that a Proposals Map for the whole of the Plan area should be included in the Plan that shows the boundary of the Plan area together with the location of the Inset Maps and designations outside the villages. The Inset Maps should show the settlement boundaries and other designations referred to in the policies. The maps should be sufficiently clear to enable the boundaries of sites and areas to be identified. The Proposals Map should be titled as such and distinguished from the maps showing background evidence.

**Recommendation 4: Include a Proposals Map that shows the boundary of the Plan area together with Inset Maps that show the settlement boundaries and other designations referred to in the policies. The maps should be sufficiently clear to enable the boundaries of sites and areas to be identified.**

- 3.16 The Intention box under each policy refers to the policy being created or formulated in accordance with various sections of the NPPF. These sections are very broad and cover many areas of planning policy. It is advised that the references to the sections of the NPPF could be deleted from the Plan. It would be preferable for the Basic Conditions Statement to make reference to the relevant paragraph numbers of the NPPF to demonstrate that the policy is in accordance with national guidance.
- 3.17 The Plan includes a number of policies that state that planning permission will be granted for a particular type of development. The Neighbourhood Plan policies cannot indicate whether planning permission should be granted for a particular form of development. NPPF paragraph 2 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the Local Plan as well as the Neighbourhood Plan and there may be other matters that have to be considered before granting planning permission. Modifications are proposed to these policies to avoid this form of wording to take account of national policy.

### Introductory Sections to the Neighbourhood Plan

- 3.18 The Introduction and Background section of the plan sets out information on the designation of the neighbourhood area and confirms some of the Basic Conditions that the Plan must meet.
- 3.19 However, the Plan includes no information about the history of the communities or the challenges facing the plan area. A comprehensive set of data on population, the housing stock, transport, community infrastructure and the availability of employment is included in the Evidence Report, however there is little analysis of the implications of this information for the parish.
- 3.20 To improve the clarity of the Plan contextual information about the parish should be provided. It is suggested that this could include a short section describing the location of the plan area, key facts including environmental designations, the challenges facing the plan area and a summary of the strategic planning context for the plan area from the Local Plan.

**Recommendation 5: Improve the contextual material on Gwinear-Gwithian by including a summary of the key data for the plan area; describe the location and importance of the AONB, SSSI and Heritage Coast; and include a summary of the strategic planning context for the plan area from the Core Strategy.**

### The Neighbourhood Plan's Vision and Objectives for Gwinear-Gwithian

- 3.21 The vision of the plan aims to help retain and enhance the parish's unique rural and coastal settlements through appropriate development and by ensuring that existing and proposed infrastructure is reflective of the community's needs.
- 3.22 Seven objectives are set out. They are developed in each section of the Plan: People & Housing; Environment; Business & Jobs; Transport; Education; Leisure & Recreation; and Renewable Energy. No assessment has been undertaken to demonstrate how the policies of the Plan deliver the objectives, other than linking them to the sections headings of the Plan.
- 3.23 It is considered that the vision and objectives are clear and distinct and are addressed through policies in the Plan.

## 4.0 Neighbourhood Plan – The Policies

### Strategic Context for Residential Development in Gwinear-Gwithian

4.1 For the purposes of the Cornwall Local Plan, the Gwinear-Gwithian parish is one of five parishes that form part of the Hayle and St Ives Community Network Area (CNA). The population of the Network Area in 2014 was 26,295 which includes approximately 3,180 in the plan area. In the residual Hayle Community Network Area outside of the main towns of St Ives with Carbis Bay and Hayle, there is a requirement for 480 homes to be provided by 2030. There is no apportionment of this total between the five parishes.

4.2 Local Plan Policy 3: Role and Function of Places, section 3 sets out the strategic policy for housing development in the smaller communities such as those in Gwinear-Gwithian as follows:

*“Other than at the main towns identified in this Policy, housing and employment growth will be delivered for the remainder of the Community Network Area housing requirement through:*

- *identification of sites where required through Neighbourhood Plans;*
- *rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;*
- *infill schemes that fill a small gap in an otherwise continuous built frontage and do 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;*
- *rural exception sites under Policy 9.”*

4.3 Paragraph 1.57 of the Local Plan states that *“The majority of parishes that do not have a town or village named in Policy 3 (including those in the parish of Gwinear-Gwithian) can meet the remaining housing requirement through the following:*

1. *Existing sites with planning permission;*
2. *Infill;*
3. *Small scale rounding off;*
4. *The development of previously developed land within or adjoining settlements;*
5. *Rural exceptions sites.”*

4.4 Table 1 in the Local Plan sets out the apportionment of housing provision in the Hayle and St Ives CNA residual area with 186 completions between 2010-16; 206 on sites that have planning permission that are not started and under

construction; and 99 to be provided on windfall sites of less than 10 homes between 2021-30.

### **People and Housing Policies**

- 4.5 The Examiner’s responsibility is to consider whether the Neighbourhood Plan has met the Basic Conditions and it would be appropriate to make the plan. It is not the same as the test of soundness for Local Plans. With this regard I have considered whether the Neighbourhood Plan policies for housing development are in general conformity with the strategic policies contained in the adopted development plan for the area.
- 4.6 The parish contains a number of communities. Settlement boundaries have been defined for six communities and each has its own policy to control development within the settlement boundary, although there are many similarities in the policy requirements. There are also policies to support housing development “outside the settlement boundaries” of the largest settlements of Connor Downs and the elongated community of Carnhell Green, Reawla and Wall. A further policy seeks to control development in a green buffer zone between the A30 and Connor Downs.
- 4.7 There is a considerable amount of repetition in the policies setting out the criteria for considering development in the settlement boundaries. This could have been reduced by setting out the general requirements for development within the settlement boundaries in one policy and for Rural Exceptions Sites in a second policy.

### **GGP Policy 1 - Connor Downs – Settlement Boundary**

### **GGP Policy 3 - Carnhell Green, Reawla & Wall - Settlement Boundary**

### **GGP Policy 5 - Gwinear - Settlement Boundary**

### **GGP Policy 6 - Gwithian - Settlement Boundary**

### **GGP Policy 7 - Upton Towans - Settlement Boundary**

- 4.8 These policies identify settlement boundaries and support the delivery of future housing development within the settlement boundaries of these communities.
- 4.9 The Gwinear-Gwithian Neighbourhood Plan does not provide any information about the number of new homes that are to be planned for, neither has it considered the potential number of homes that could be delivered through windfall development within the proposed settlement boundaries. The Background Evidence Report refers to sites that have been submitted to the Strategic Housing Land Availability Assessment but no information has been included about the suitability of these sites.
- 4.10 There is no indication of historical windfall rates in the plan. The background evidence paper reports a figure of 16 dwellings per annum for the residual

CNA area (ie for the 5 parishes) and this is projected to increase to 20 dwellings per annum to deliver the housing requirement of 480.

- 4.11 The background evidence report refers to the need for affordable housing in the parish and recognises that as the last Housing Needs Survey was undertaken in 2011, an updated survey is required to ascertain the needs of the different villages. The need for affordable housing in the parish has been supported by a representation from Cornwall Council's Housing Officer.
- 4.12 The PPG states that neighbourhood plans should be underpinned by proportionate robust evidence to support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies. The PPG also advises that neighbourhood plans should not promote less development than that set out in the Local Plan or undermine its strategic policies.
- 4.13 The strategic policies seek the delivery of a limited amount of housing development in the villages in this rural area. Defining settlement boundaries is an established policy mechanism to control the release of sufficient sites to deliver the housing requirement.
- 4.14 To ensure that the Plan has made provision for the delivery of sufficient potential housing sites to meet a reasonable and justified apportionment of the housing requirement, I have asked the Qualifying Body and Local Planning Authority for evidence to support the rationale for defining the settlement boundaries in the locations chosen. The information requested covered the number of housing completions and commitments and the potential number of dwellings that could be delivered within the settlement boundaries. I have also sought their views on the apportionment of the CNA's housing requirement to the Plan area.
- 4.15 Cornwall Council has confirmed that Gwinear Gwithian, with 1,517 dwellings represents 65% of the CNA housing stock pro rata. Cornwall Council suggests that the Plan might therefore look at a target of approximately 310 dwellings, as a baseline. However, this target should then be refined according to environmental constraints, affordable housing need and/or other community ambitions for development.
- 4.16 Cornwall Council has confirmed that since 2010, 147 dwellings have been completed in the Plan area and that there are currently 84 commitments. The Council further states that "*The Plan therefore needs to demonstrate the capacity to deliver approximately 80 further dwellings within the plan period to demonstrate general conformity. Although it could aim to deliver more to meet affordable housing need if this is the desire of the community.*" Cornwall Council is satisfied that the Neighbourhood Plan demonstrates this capacity.
- 4.17 It is recommended that a summary of the evidence on the number of housing completions, commitments and the potential capacity of sites in the settlement boundaries should be included in the Plan to demonstrate that there is sufficient capacity within the settlement boundaries to deliver an

acceptable apportionment of the housing requirement. More detailed evidence should be presented as a background evidence report. In the absence of any other assessment or justification, the pro-rata housing requirement figure should be used: this has been demonstrated to be deliverable.

- 4.18 Additional dwellings may be delivered through the release of Rural Exceptions Sites under Policies 2 and 4 should the need for affordable housing be demonstrated.

**Recommendation 6: Include a new section in the Neighbourhood Plan setting out the pro-rata baseline housing requirement, the number of housing completions, commitments and the potential capacity of sites in the settlement boundaries to demonstrate that there is sufficient capacity within the settlement boundaries to deliver an acceptable apportionment of the housing requirement. A background evidence report should set out full details of the site information.**

- 4.19 This modification will provide the background evidence required by national planning guidance to support the rationale and justification for the housing policies of the Plan and aid the interpretation of the policies for decision makers.
- 4.20 A representation has been received that housing policies should be flexible and the settlement boundary should not imply a moratorium on all new development outside of the line.
- 4.21 Defining the areas suitable for future development through settlement boundaries takes account of national policy and is in general conformity with strategic local policies to promote sustainable development in rural areas by focusing it in those settlements that have the widest range of community facilities and services. The approach provides clarity for developers, landowners and the local community. No change is proposed in response to the representation.
- 4.22 A representation has been received requesting that the settlement boundary on the northern edge of the Connor Downs map should be redrawn to include all of the house and garden at 41 Turnpike Road as planning permission granted has been granted for residential development on the site.
- 4.23 Cornwall Council has confirmed that outline planning permission was granted for 5 dwellings on the site on 7 March 2017. This is a development of market housing and not a rural exceptions site. In order to reflect the current planning consent on the site, it is recommended that the settlement boundary at Connor Down should be revised to include the area of the planning permission.
- 4.24 Network Rail has requested that the potential impacts of development affecting level crossings should be addressed in the policies. This matter is an administrative matter when processing planning applications and is not a land

use matter and as such it is not considered appropriate for inclusion in a policy for the Neighbourhood Plan.

- 4.25 Criterion a) in all policies requires development proposals to provide a high quality design and layout that is in accordance with the village Character Area Appraisal and takes into account guidance set out in a supplementary document entitled “Development Proposals”. Both documents are included in the Appendices to the Neighbourhood Plan, however it is unclear what the status of the documents is.
- 4.26 I have raised the matter with the Qualifying Body and Local Planning Authority who have stated that the Development Proposals Supplementary Document and settlement Character Area Guidance are part of the Neighbourhood Plan and there is no intention to adopt them by Cornwall Council. In the interests of clarity, it is recommended that the status of the documents is made clear in the documents themselves, with appropriate headings and introductions.
- 4.27 The introduction to the Development Proposals document states that the document is intended to aid prospective applicants when considering development within the Parish of Gwinear-Gwithian. Furthermore, it states that the document is not exhaustive and any development should also meet the requirements set out within the Gwinear-Gwithian Neighbourhood Plan as well as any supplementary documents to the Neighbourhood Plan. Prospective applicants are also advised to read this in conjunction with the Cornwall Local Plan and Affordable Housing SPD.
- 4.28 The document contains detailed considerations on the delivery of affordable housing, local connections criteria, planning obligations, CIL and highways.
- 4.29 In response to my question to the Local Planning Authority about whether the Development Proposals Document is in general conformity with the strategic policies on affordable housing, a number of comments and revisions have been proposed by the Council to clarify and update the Development Proposals Document. I have recommended that the document be updated to take these proposed revisions into account. These modifications will ensure that the Development Proposals Document is in general conformity with the adopted Cornwall Local Plan Policies 8 and 9.
- 4.30 Criterion e) in Policies 1, 3, 6 and 7 and criterion f) in Policy 5 state that development proposals should ensure that “*Connections with existing walking and cycling routes are made and on-site infrastructure is provided to support sustainable modes of travel*”. As no sites are to be allocated through the Neighbourhood Plan and it is anticipated that most sites will be small scale rounding off or infill, this requirement may not be feasible in all cases. It is recommended therefore that some flexibility should be introduced in the application of the criterion through the addition of the words “where feasible”.
- 4.31 Criterion f) in Policies 1, 3 and 6 and criterion g) in Policies 5 and 7 require the provision of the necessary infrastructure for superfast broadband or a

financial contribution towards off site works to enable its provision. A representation has been received that this is an unreasonable requirement. I agree that a Neighbourhood Plan cannot set out mandatory requirements for infrastructure provision. The PPG advises that neighbourhood plans should identify the prioritised infrastructure required to support development proposed. To accord with national guidance, it is recommended that the criterion should be deleted.

- 4.32 Criterion g) refers to financial contributions or on site provision being made through a S106 agreement or Community Infrastructure Levy to assist in the delivery of projects identified in the Parish Infrastructure Needs Assessment. This assessment is included in the Appendices.
- 4.33 It is noted that the Parish based Infrastructure Needs Assessment follows a similar format to the Cornwall Council Infrastructure Needs Assessment. The Parish Council has taken information from the Hayle and St Ives Schedule and combined this with historic information at a local level. The document is a work in progress and will be updated as projects are completed and others are identified. The Assessment has prioritised the projects as Critical, Necessary or Desirable. It is considered that this approach accords with advice set out in the PPG on the delivery of new or enhanced infrastructure.

**Recommendation 7: revise Policy GGP Policies 1, 3, 5, 6 and 7 as follows:**

**Add “where feasible” at the end of criterion e) in Policies 1, 3, 6 and 7 and criterion f) in Policy 5.**

**Delete criterion f) in Policies 1, 3 and 6 and criterion g) in Policies 5 and 7.**

**Revise the settlement boundary of Connor Downs on GGP Map 1 to include the land at 41 Turnpike Road, Connor Downs that has planning permission for 5 dwellings.**

**Include appropriate headings and introductions to the Development Proposals Document and the Character Area Guidance for the settlements to explain the status of the documents that they supplemental guidance to the policies in the Neighbourhood Plan and should be used in interpreting the Neighbourhood Plan policies in determining planning applications.**

**Revise the Affordable Homes section of the Development Proposals Document as follows:**

**Paragraph 1 – delete “preferably”.**

**Paragraph 3 – delete “where practically possible”.**

**Delete paragraphs 8, 9, 12 – 14.**

**Revise paragraph 10 to read: “A financial or other contribution will be sought by the local authority from proposals to remove occupancy conditions on developments of more than 5 dwellings.”**

- 4.34 The modifications will ensure that the Plan is clear and unambiguous, has had regard to national policy and is in general conformity with local strategic policies.

#### **GGP Policy 2 - Connor Downs - Outside Settlement Boundary**

#### **GGPP 4 - Carnhell Green, Reawla & Wall - Outside Settlement Boundary**

- 4.35 GGP Policies 2 and 4 make provision for the development on Rural Exceptions Sites adjacent to the settlement boundaries, should this be demonstrated to be necessary, of Connor Downs, Carnhell Green, Reawla and Wall.
- 4.36 The policies include a number of requirements for housing that are in addition to those set out in the Cornwall Local Plan Policy 9 on Rural Exceptions Sites. These include avoiding good quality agricultural land, being within reasonable walking distance of existing public open space or making provision on site or making a contribution towards off site provision, making a contribution towards education improvement if required, making a contribution towards infrastructure improvements. The criteria in the two policies are identical except that Policy 4 does not require financial contributions towards identified infrastructure needs. The repetition of the policies could have been avoided by have one policy covering all the settlements stated.
- 4.37 The approach as set out in the policies is unclear and does not provide any certainty to landowners or developers as to whether there is sufficient land within the settlement boundaries to contribute to the delivery the housing requirement for the parish, in particular how and where affordable housing and intermediate housing is to be delivered. There is no explanation in the plan of what constitutes “genuine local housing need” or how it will be assessed.
- 4.38 As discussed above when considering the settlement boundaries, I am satisfied with the evidence submitted in response to my question to the Qualifying Body and Local Planning Authority that there are sufficient sites within the settlement boundaries to deliver an appropriate level of the housing requirement.
- 4.39 However, there is no evidence as to whether there are potential sites within the settlement boundaries capable of accommodating the requirements for affordable housing, in which case Rural Exceptions Sites will have to be

brought forward under the provisions of Cornwall Local Plan Policy 9 to deliver the local needs for affordable housing.

- 4.40 The background to the policy appears to support all types of housing on the edge of these village, although criterion j) states that the sites should meet the criteria for exceptions sites in the Local Plan.
- 4.41 To improve the clarity of the Policies and to ensure that they are in conformity with the Local Plan Policy 9, it is recommended that the background to the Policies should make it explicit that Policies 2 and 4 will apply to Rural Exceptions Sites only, delivered in accordance with Cornwall Local Plan Policy 9. They should be developed to deliver affordable housing to meet a demonstrated local need. Proposals that include an element of market housing on these sites should demonstrate to the Council's satisfaction that a mixed tenure scheme is essential to the delivery of the affordable housing. The housing need should be demonstrated through a Local Housing Needs Survey and evidence such as from the Homechoice Register. The title of the Policies should be amended to be more specific and refer to Rural Exceptions Sites.
- 4.42 The introductory section of the policies includes a paragraph setting out the intention of the policies which states that the policies have been formulated in accordance with Policies 2 and 3 of the Proposed Submission Cornwall Local Plan. It is recommended that reference should also be made to Policy 8 on Affordable Housing, Policy 9 on Rural Exceptions Sites, Policy 28 on Infrastructure and to the guidance in the Cornwall SPD on Affordable Housing.
- 4.43 Criteria a) and b) are critical to the release of sites under these policies and require evidence of genuine local housing need in the parish and sufficient evidence to demonstrate that the need cannot be met within the settlement boundary. No information is provided as to how this evidence is to be obtained or what amounts to "genuine" need. It is recommended that these criteria should be revised to explain how housing need is to be assessed to ensure that the policy is clear and accords with strategic local policy.
- 4.44 Criterion d) limits the development to a maximum of 10 dwellings. No evidence has been provided to justify this limitation. The concerns of the Council's Housing Officer are noted that it may restrict the delivery of moderately priced and affordable residences. No limitation on development size is set in the Local Plan Policy. It is considered that the limitation would not support the delivery of the strategic policies on affordable housing and it is recommended that it be deleted.
- 4.45 Criterion e) refers to the safeguarding of best and most versatile agricultural land. However, the wording of the criterion is considered to be unclear. NPPF paragraph 112 advises that "*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.*"

This is repeated in Cornwall Local Plan Policy 21 on the Making the Best Use of Land and Buildings.

- 4.46 Natural England's Agricultural Land Classification Map shows that most of the land in the plan area around the villages referred to is grade 3. The subdivision of land between grades 3a and 3b is not mapped. Unless on-site surveys demonstrate to the contrary, it is likely that all sites on the edge of the villages would be either grade 3a or 3b and would be safeguarded from development by this criterion.
- 4.47 As the development that would be permitted under the policy would be for small scale housing developments, it is considered that this would not constitute significant development. The safeguarding requirement set out in criterion e) is therefore more onerous than the national and local strategic requirement which safeguards best and most versatile agricultural land only in the case of "significant development". The policy may therefore result in a blanket restriction on new development around the villages concerned which would be contrary to national planning guidance. It is therefore recommended that this criterion should be deleted.
- 4.48 Criterion h) requires an education contribution to be made if required. This is not a requirement of the policies addressing development in the settlement boundary. The PPG advises that Neighbourhood Plans should set out their priorities for infrastructure provision. They should not require separate contributions; these requirements are set out in the strategic Local Plan policies. It is recommended therefore that this criterion should be deleted.
- 4.49 Criterion i) repeats the criterion in Policies 1 and 4 and is superfluous in view of criterion k) in Policy 2 and j) in Policy 4.
- 4.50 The Policies refer to housing development "outside the Settlement Boundary", however, they do not address the exceptional forms of housing development that may be developed under NPPF paragraph 55 and Cornwall Local Plan Policy 7. It is recommended that the background section explain that other development outside the settlement boundaries will be considered against these policies.
- 4.51 A representation has been received from the Council's Housing Officer highlighting a high level of housing need in the Plan area for affordable housing and a lower level of need for intermediate homes for sale. It is stated that the restriction of sites to a maximum of 10 dwellings may restrict the delivery of moderately priced and affordable residences. The representation also states that the safeguarding of agricultural land is not in accordance with Local Plan Policy 21 which encourages development in sustainable locations. This criterion could further restrict the number of sites that could come forward for affordable housing.
- 4.52 A representation has been received that states that Policy 2 is in conflict with Local Plan Policy 9 which sets out the factors to considered in releasing Rural

Exceptions Sites. It is unclear that Policy 2 is only to apply where the housing requirement within the settlement boundary has already been met.

- 4.53 The recommended modifications will ensure that the policies are clear and unambiguous and make it clear that they refer to rural exceptions housing sites in accordance with Local Plan Policy 9 to ensure general conformity with this policy.
- 4.54 With these modifications the policy will comply with Basic Conditions.

**Recommendation 8: rename Policies GGP 2 and GGP 4 [SETTLEMENT NAME] - Rural Exceptions Housing Sites**

**Delete the second paragraph of the background text of Policy 2 and the first paragraph of the background text of Policy 4. Replace with the following: “*This policy sets out the factors to be considered in the delivery of Rural Exceptions Sites adjacent to the village of [settlement] under Policy 9 of the Cornwall Local Plan and the Cornwall Affordable Housing SPD. Clear evidence would be needed to show there was a local housing need for affordable housing demonstrated through a Local Housing Needs Survey and the Homechoice Register to justify the release of a Rural Exception Site under Policy 2 (or 4).*”**

**Include Policies 9 and 28 of the Cornwall Local Plan in the Intention Box**

**Revise the first paragraph of the policies to read: “Housing development on sites outside of *but adjacent to the settlement boundaries* of Connor Downs / Carnhell Green, Reawla and Wall will be supported where the development would meet the following criteria:”**

**Move criterion j) of Policy 2 and criterion i) of Policy 4 to become the first criterion in the policy and renumber the criteria. Revise the criterion to read: “The proposed development *satisfies Policy 9 of the Cornwall Local Plan as a Rural Exceptions Site and the guidance in the Cornwall SPD on Affordable Housing*; the number, type, tenure and size of dwellings should help *deliver local housing needs in accordance with the Local Connections Policy and as evidenced by an up to date Housing Needs Survey and the Homechoice Register*; ”**

**Revise criterion a) to read: “There is a *demonstrated* local housing need for affordable homes;”**

**Revise criterion b) to read: “*There is evidence that the need cannot be met by development within the settlement boundaries of communities in the plan area or adjacent parishes*;”**

**Delete criteria d), e), h) and i).**

**Add the following informative text to the background section to explain how other exceptional forms of housing outside the settlement boundaries will be considered: “*Exceptionally new housing will be***

***supported elsewhere in the countryside outside the settlement boundaries where it accords with NPPF paragraph 55 and Cornwall Local Plan Policy 7.”***

#### **GGPP 2a - Connor Downs - A30 Green Buffer**

- 4.55 This policy seeks to retain a green buffer zone between the village of Connor Downs and the A30. The policy is worded in such a way that development would only be permitted if there was evidence that the local housing needs could not be met through the development of sites within or adjacent to the settlement boundary in accordance with Policies 1 and 2. If housing were to be developed on land within the buffer zone, the policy requires a continuous green landscape corridor to be maintained between the A30 and the site and a management regime to be put in place to enhance biodiversity.
- 4.56 The A30 is a busy dual carriageway and is bounded by an almost continuous belt of trees and hedgerows along its southern side near the village. The fields are in agricultural use.
- 4.57 GGP Policies 1 and 2 make provision for housing development to be carried out within or adjacent to the settlement boundary of Connor Downs to supply sufficient housing to make a reasonable contribution towards the housing requirement set for the residual area of the Hayle and St Ives CNA. This requirement is a limited number due to the size of the settlements in the residual area and their limited range of services.
- 4.58 Representations have been made that the policy is not justified by evidence of pollution from the A30 and would in effect amount to the creation of a green belt. The policy could lead to more development to the south of the village towards the next settlement. Development outside the settlement boundary would occur only because the need is not met within the settlement boundary. A representation refers to a site within the green buffer being considered for development. The Council has confirmed that there is no planning permission for residential development on this site referred to.
- 4.59 NPPF paragraph 184 states that neighbourhood plans should plan positively to support the strategic local plan policies and should not promote less development than set out in the Local Plan or undermine its strategic policies. PPG states that where neighbourhood plans contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.
- 4.60 To achieve this, it is considered that where neighbourhood plans are planning for the delivery of housing they should ensure that their policies will deliver sufficient sites to support the delivery of the housing requirement. This matter has been discussed above under Policy 1 and I am satisfied that there is the potential within the settlement boundaries to accommodate sufficient housing

to meet the pro-rata housing requirement. Further housing development may be delivered through rural exceptions sites.

- 4.61 Should further land need to be allocated for additional housing development in Connor Downs in the future, this should be carried out through a review of the settlement boundaries in the Neighbourhood Plan.
- 4.62 The landscaped corridor and biodiversity enhancement would only be delivered if new housing were developed in the buffer zone with the intention of providing a minimum separation between the development and the road with enhanced screening; they would not be delivered otherwise.
- 4.63 It is considered that the area of land to be safeguarded alongside the A30 is an extensive area over and above that which may be reasonably required to create a buffer between the village and the main road to maintain an adequate distance for the amenity of residents. I have noted that the policy has been worded in such a way that it would not create blanket restrictions on the future development of the settlement in this area should this be considered appropriate in a future Local Plan. The policy would not create or apply a “Green Belt” type policy to the area.
- 4.64 Although the policy aims to create a buffer zone along the A30, no evidence has been submitted about pollution levels to support the need for the policy. Furthermore, the policy makes provision for housing development in the area should there be evidence of the need for additional housing land. It is considered that the policy creates uncertainty about where housing development should take place in the future by opening up the potential of further housing on sites outside the settlement boundary in an area which is countryside and where housing development would only be accepted under the exceptional circumstances set out in NPPF paragraph 55 and Local Plan Policy 7.
- 4.65 It is recommended that the policy should be deleted as it is not supported by evidence, it introduces uncertainty as it is unclear as to the circumstances when housing development would be acceptable; and would be contrary to NPPF paragraph 55 and Local Plan Policy 7.

**Recommendation 9: delete GGP Policy 2a.**

**GGPP 8 - Gwithian Towans - Settlement Boundary**

- 4.66 This policy defines a settlement boundary for the Gwithian Towans area and states that chalet development will be permitted in the settlement boundary where it meets the same criteria as set out in the policies for development in the other settlements. A design guide has been developed and appended to the Neighbourhood Plan with the aim of controlling the design of future development in the area.

- 4.67 The area is located within the sand dunes area west of Gwithian village and was established as a location for holiday chalets prior to the First World War. These were originally wooden hut type chalets; over the years many have been extended and a few are now used as permanent homes.
- 4.68 Strict controls were imposed through policies of the Penwith Local Plan to preclude the development of new chalets other than as replacement chalets and to retain the chalets for holiday use only. As worded Policy 8 does not limit the development of chalets to replacement ones. The Qualifying Body has stated that it is the intention of the policy that new chalets could be developed on some limited areas identified in the Gwithian Towans Design Guide.
- 4.69 Settlement boundaries have been established in the Neighbourhood Plan around villages to identify the extent of the settlement where new housing development would be acceptable to deliver the Local Plan's housing requirement in accordance with Local Plan Policies 2 and 3. However, Gwithian Towans is a holiday chalet village and not a residential village. As such, the relevant strategic policies are Local Plan Policy 5 on Business and Tourism and Policy 7 on Housing in the Countryside and these should be referenced in the Intention Box. NPPF paragraph 28 supports sustainable rural tourism which respects the character of the countryside and NPPF paragraph 55 sets out the exceptional forms of housing that may be acceptable in the countryside. Gwithian Towans lies close to the Heritage Coast and adjacent to protected nature conservation areas including the SSSI. In view of its location, national and strategic environmental policies should also be taken into account in considering its future development.
- 4.70 GGP Policy 10 sets out the Neighbourhood Plan's policy on new and existing holiday accommodation. This policy sets out the need for new holiday accommodation to be demonstrated. Secondly it seeks to control the conversion of tourist accommodation to permanent residential use outside the settlement boundaries. The implication of establishing a settlement boundary around Gwithian Towans would be that the controls over the conversion of holiday accommodation to permanent residential use in Policy 10 would not be applicable.
- 4.71 A representation has been made that the Northern Registered Boundary should be shown as the extent of the settlement. I am satisfied that the boundary of the area to which Policy 8 and the Design Guide relates, shown on Map 6, follows the edge of the existing chalet development and is therefore appropriate.
- 4.72 A representation has been submitted in support of the policy and the associated Design Guide.
- 4.73 Gwithian Towans is a holiday chalet development, not a residential village; as such it is not appropriate to define a settlement boundary around it. The settlement is one where new housing development would not be acceptable.

- 4.74 The aim of Policy 8 as set out in the background text is to set out design guidance to shape the design and layout of a limited amount of new chalet development and to control the replacement and extension of existing chalets.
- 4.75 The Design Guide is based on a Character Analysis of Gwithian Towans. This identifies several areas as being “vulnerable to new chalet development”. Neither Policy 8 nor the Design Guide identify any areas as being suitable for new chalet development. Without any areas being specifically identified as suitable for new chalet development in Policy 8, they would be considered under Policy 10 of the Neighbourhood Plan.
- 4.76 To ensure that the policy is clear and unambiguous it is recommended that the policy be renamed “Gwithian Towans Holiday Chalet Village”. The first paragraph of the policy should be revised to make it clear that it refers to replacement chalets and extensions to existing chalets within the area identified on Map 6 of the Proposals Map and that they should be designed to take account of the Gwithian Towans Design Guide.
- 4.77 Criteria b) to g) are the same as those in other policies on village Settlement Boundaries and are considered to be not relevant to this policy and should be deleted. The Development Proposals document is also not relevant.
- 4.78 The Character and Design Appraisal Study highlights the significance of the local landscape in shaping the context for Gwithian Towans. In view of the proximity of the area to the SSSI, local nature reserve and the heritage coast, it would be appropriate to make reference to the importance of safeguarding the natural assets in accordance with the relevant Local Plan Policies. The Design Guide appears not to be finalised with some text highlighted in yellow and italicised.
- 4.79 The recommendation has been made to ensure that the policy is clear and unambiguous and has had regard to national policies and is in general conformity with the local strategic policies. .

**Recommendation 10: Revise Policy 8 as follows:**

**Revise the title of the Policy to “Gwithian Towans Holiday Chalet Village**

**Replace the policy text with the following: “*Within the boundary of Gwithian Towans as shown on Map 6, the development of replacement chalets and the extension of existing chalets should take account of the Gwithian Towans Design Guide.*”**

**Delete criteria a) to g).**

**In the Background section add the following text: “*Gwithian Towans is located adjacent to the [name] SSSI, Local Nature Reserve and Heritage Coast where the conservation and safeguarding of the natural assets and landscape character is of particular importance under Policy 23 of the Cornwall Local Plan.*”**

**Add Local Plan Policies 5, 7 and 23 to the Intention Box.**

**Include appropriate headings and introductions to the Gwithian Towans Design Guide to explain the status of the document that it is supplemental guidance to the policies in the Neighbourhood Plan and should be used in interpreting the Neighbourhood Plan policies in determining planning applications.**

**Revise the key to Map 6 to delete “settlement boundary” and replace with “area applicable to Policy 8”. For the avoidance of doubt, no change is recommended to the boundary line.**

### **GGPP 9 - Derelict Buildings**

- 4.80 Policy 9 sets out factors to be taken into account in the consideration of the re-use and the demolition and reconstruction of derelict, abandoned and dilapidated buildings outside of the settlement boundaries.
- 4.81 As worded in the submission draft Neighbourhood Plan the policy states that planning permission will be granted for the reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting. The second part of the policy sets out nine criteria that proposals for the demolition and reconstruction of derelict, abandoned and dilapidated buildings are to be considered against. The third paragraph of the policy states that the policy does not apply to the demolition of and reconstruction of temporary buildings.
- 4.82 NPPF paragraph 55 states that new housing in the countryside should be avoided unless there are special circumstances including where the development would reuse a redundant or disused building and lead to the enhancement of the immediate setting.
- 4.83 Cornwall Local Plan Policy 21 on making the best use of land and existing buildings gives encouragement to sustainably located proposals that use previously developed land and buildings provided that they are not of high environmental or historic value.
- 4.84 Local Plan Policy 7 on Housing in the Countryside states that “*The development of new homes in the open countryside will only be permitted where there are special circumstances. Amongst other things, new dwellings will be restricted to the reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting. The building to be converted should have an existing lawful residential or non-residential use and be ten years old or greater.*”
- 4.85 Paragraph 2.33 in the justification to this policy states that in the countryside the focus will be on the efficient use of existing properties and buildings to

meet needs and other exceptions to development in the countryside. The appropriateness of buildings for conversion will depend on their scale and method of construction, structural soundness and the ability to convert the building without the necessity of substantial demolition or substantial rebuilding operations. The conversion of large portal framed buildings will rarely be appropriate.

- 4.86 It is considered that the NP Policy 9 is unclear and is not in accordance with national or strategic local policies:
- It does not specify the type of development that will be acceptable;
  - It applies the exceptional circumstances and principles of the re-use of redundant buildings in the countryside very broadly to the demolition and reconstruction of derelict, abandoned and dilapidated buildings;
  - It is unclear which criteria apply to the re-use of buildings and which apply to demolition and redevelopment;
  - There is no guidance on the size of the buildings to be re-used or demolition and their enlargement.
  - It is not clear what type of agricultural or commercial buildings are considered to be temporary.
- 4.87 The first paragraph of the policy states that “planning permission will be granted for.....”. Paragraph 3.17 above explains that the Neighbourhood Plan policies cannot indicate whether planning permission should be granted for a particular form of development. The text should be revised to avoid this phraseology.
- 4.88 The second part of the policy on the demolition and reconstruction of buildings leads into the nine criteria, however, some of the criteria specifically refer to the re-use of buildings and others are relevant to both the reuse and the demolition and reconstruction of buildings. It is recommended that the policy be revised to make it explicit that apart from the first bullet under criterion a), and criteria e) and f), the remaining criteria apply to proposals for the re-use of buildings and the demolition and reconstruction of buildings.
- 4.89 In order to be in general conformity with strategic local policy, it is recommended that the policy should make it clear that new housing in the countryside should only be provided in the exceptional circumstances set out in NPPF paragraph 55 and Local Plan Policy 7 and that the provisions of the policy do not override these requirements. The policy should state that the demolition and reconstruction of buildings will only be acceptable for commercial or tourism uses or for an ancillary building to an existing dwelling that is not capable of forming an additional dwelling.
- 4.90 The final paragraph of the policy should be explicit in defining the type of agricultural or commercial buildings that are referred to.
- 4.91 Subject to these modifications the Policy will meet the Basic Conditions.

**Recommendation 11: revise Policy 9 as follows:**

**The reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting *will be supported for residential or commercial use provided that residential developments outside settlement boundaries satisfy Local Plan Policy 7 and all uses satisfy the following criteria: (renumber criteria)***

**a) Reports of surveys conducted by appropriately qualified and experienced people shall be submitted with the planning application demonstrating that:**

- protected species and their habitats will not be harmed during or as a result of the reconstruction and reuse of the building. Any future potential impact on those species or their habitat will be required to be satisfactorily mitigated or compensatory measures provided for any acceptable loss; and**
- proposals affecting a heritage asset should assess in a proportionate manner the local or national importance of the historic fabric, features and setting of any building or site, using as a minimum the HERs and where necessary recorded in accordance with a scheme of works agreed with the local planning authority before planning permission is granted for reconstruction;**

**Retain criteria b), c), d), g) (with “cartilage” corrected to “curtilage”), h) and i).**

**The demolition and reconstruction of existing derelict, abandoned and dilapidated buildings outside of the settlement boundaries identified on the Proposals Map will be *supported for commercial or tourism uses* where they are permanent structures and of a suitable size to meet the building’s proposed future use *without the enlargement of the volume of the building, subject to satisfying all of the above criteria and:***

**j) Reports of surveys conducted by appropriately qualified and experienced people shall be submitted with the planning application demonstrating that the buildings to be demolished are structurally unsafe and that they cannot safely and economically be brought back into beneficial use through conversion;**

**Retain criteria e) and f).**

**This policy will not apply to the demolition and reconstruction of buildings termed as temporary such as caravans, chalets, sheds or *large portal frame agricultural buildings or similar commercial buildings* or to the demolition and reconstruction of temporary buildings or structures.**

## GGPP 10 - New & existing holiday accommodation

- 4.92 Policy 10 seeks to permit the provision of additional tourist accommodation where it can be demonstrated there is a need that cannot be met by existing facilities. Priority is to be given to the conversion or replacement of existing buildings that are well related to a settlement and accessible by a range of transport.
- 4.93 The second part of the policy sets out factors to be met before permission is granted for the conversion of tourist accommodation in the countryside to permanent residential use.
- 4.94 NPPF paragraph 28 supports the sustainable leisure and tourism developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Local Plan Policy 5 supports the development of new or upgrading of existing tourism facilities where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes.
- 4.95 NPPF paragraph 55 and Local Plan Policy 7 set out the exceptional circumstances where new housing will be permitted in the countryside. The justification states that buildings should have been erected and used for the purpose for which they had a lawful use for at least ten years before they will be considered for conversion in line with this policy.
- 4.96 The first paragraph of Policy 10 states that “new holiday accommodation will be permitted ...”. Paragraph 3.17 above explains that the Neighbourhood Plan policies cannot indicate whether planning permission should be granted for a particular form of development. The text should be revised to avoid this phraseology.
- 4.97 The second paragraph states that planning permission will only be granted for the conversion of holiday accommodation to permanent residential use if all the seven criteria are met.
- 4.98 Those criteria that require the provision of additional infrastructure are considered to be unduly onerous for small scale proposals of this type in advance of the introduction of CIL. It is recommended that they be deleted. The INA sets out the priorities for infrastructure and will be used as the basis for assessing CIL contributions once this is introduced. Some flexibility should be introduced into criteria c) and e) by their introduction with the words “where appropriate”.
- 4.99 Criterion g) states that the site should not be identified as an employment site under Policy 16. The recommendation to Policy 16 is that the Sites Map should be deleted; as a consequence criterion g) should be deleted.
- 4.100 A representation has been received to request that criterion b) concerning the loss or conversion of tourist accommodation to permanent residential use on properties outside of settlement boundaries should be deleted. The

representation considers that each proposal should be determined on its own merits.

- 4.101 To ensure that the policy has had regard to national planning policy and to ensure that it is clear and unambiguous, it is recommended that both paragraphs of the policy are reworded to remove reference to permitting the development; and the second part of the policy should make it explicit that the conversion of holiday accommodation to permanent residential use should be considered as an exceptional form of development and should be fully justified.
- 4.102 The background text is not clearly worded and should be revised to explain better why the conversion of holiday accommodation to residential use is not generally appropriate in the countryside.
- 4.103 Subject to the modifications the Policy will meet the Basic Conditions.

**Recommendation 12: revise Policy 10 as follows:**

**Revise the first paragraph to read “*Proposals for new holiday accommodation should demonstrate that there is a need....*”**

**Revise the second paragraph to read “*Outside the settlement boundaries, proposals for the conversion of tourist accommodation to permanent residential use will only be permitted exceptionally where it can be shown that ....*”**

**Delete criteria c), e) and g).**

**Delete the final sentence of the Background text. Add the following “*Buildings should have been erected and used for the purpose for which they had a lawful use for at least ten years before they will be considered for conversion in line with this policy. This is to avoid deliberate circumvention of policies designed to limit new housing in the countryside. For the avoidance of doubt, Gwithian Towans will be treated as being outside of settlement boundaries.*”**

**Add Cornwall Local Plan Policy 7 to the Intention Box.**

## **Education**

### **GGPP11 - Education**

- 4.104 The background section to Policy 11 recognises that Connor Downs is the logical school to expand to facilitate future growth. The policy supports the use of land within 800 metres of the school for educational purposes where Cornwall Council is satisfied that the land constitutes safe play provision and enough land is supplied to enable further onsite expansion of Connor Downs School.

- 4.105 Cornwall Council's Education Department has confirmed that they are in the process of expanding Connor Downs School from 6 to 7 classrooms but recognise there may be a need to consider future expansion by means of offsite play facilities. No sites have been selected.
- 4.106 Policy 11 is an aspirational policy that identifies the need to expand the school at Connor Downs to accommodate the growth in housing and recognises the difficulties arising from the limited land available at the school.
- 4.107 It is considered that the policy accords with national and local strategic policies and no modifications are proposed.

### Renewable Energy

- 4.108 This section contains three policies concerning community-led renewable energy development, wind turbines and solar PV. Cornwall Local Plan's Policies 14 and 15 relate to renewable and low carbon energy. Cornwall Council has also adopted an SPD on Renewable Energy which sets out detailed guidance on all forms of renewable energy development.

### GGPP12 - Community Led Renewable Energy

- 4.109 Policy 12 supports proposals for community led renewable energy schemes where the energy is supplied directly to the building or where the scheme is fully or partly owned by parish residents or businesses through a community energy enterprise.
- 4.110 Local Plan Policy 14 give support to renewable and low carbon energy generation developments that are led by, or meet the needs of local communities. Cornwall Council's Renewable Energy SPD states that the Council believes that this model of community led renewable energy deployment should receive particular support when considering the merits of renewable energy development at the planning decision stage.
- 4.111 It is considered that Policy 12 is in accordance with the strategic local policy on community led renewable energy. The only amendment proposed is the deletion of the brackets around "domestic, business and other" in criterion a) as they are superfluous.

**Recommendation 13: delete the brackets from criterion a) of Policy 12.**

### GGP Policy 12a - Wind Turbines

- 4.112 Policy 12a seeks to ensure that future wind energy development is located in landscape areas capable of accommodating such development provided that six criteria are met. The policy states that Map 14 shows potential sites for wind energy development. However, the map is titled "Unconstraint Areas"

(sic) and does not refer to areas of potential for wind energy in the key. It is noted that any proposals in these areas must demonstrate that they satisfy Policy 12 and address any community concerns regarding potential planning impacts.

- 4.113 The background to the policy states that wind turbines should not be located within a settlement, nationally protected areas or key infrastructure. The Local Plan also refers to wind turbines only being acceptable in and within the setting of an AONB in exceptional circumstances and the desire to retain the undeveloped coastal areas. A representation has been received from the National Trust requesting clarification about the inclusion of the AONB on the map as an unconstrained area whereas they should be constrained. It is noted that Map 14 shows part of the AONB and an area of coastline north of Gwithian Towans as unconstrained.
- 4.114 Local Plan Policy 14 supports the development of wind turbines that are within an area allocated by Neighbourhood Plans for wind power and avoid, or adequately mitigate, environmental impacts.
- 4.115 To ensure that Policy 12a is in general conformity with the local strategic policy it is recommended that Map 14 should exclude the AONB and the Heritage Coast and the map should be entitled “Map of Potential Areas for Wind Turbine Development”. It is recommended that criterion d) be revised to improve its clarity to refer to wind turbines not being located or of a size where they would affect the setting of the AONB and Heritage Coast.
- 4.116 The first paragraph of Policy 12a refers to wind turbines being permitted. Paragraph 3.17 above explains that the Neighbourhood Plan policies cannot indicate whether planning permission should be granted for a particular form of development. The text should be revised to avoid this phraseology. It is recommended that this should be revised to read “Proposals for wind energy development should be located in an area identified as suitable for wind turbine development in Map 14...”.
- 4.117 It also refers to wind turbines being supported where, following consultation with Gwinear-Gwithian’s community, the developer demonstrates the proposal fully addresses the planning impacts raised by the community. It is considered that this requirement may be onerous on a developer as the concerns raised may be unreasonable or undeliverable. To ensure that the policy has had regard to national policy, it is recommended that this requirement is deleted from the policy and the background text. The paragraph of the policy should be revised to relate to the guidance in the Cornwall SPD.
- 4.118 The background to the policy states that proposed wind turbines should satisfy Policy 12 as community led renewable energy schemes. No reference is made to how proposals for commercial wind turbines are to be considered and no evidence has been presented to justify why they should not be located in the area. To ensure that the policy accords with national and local strategic

policy on renewable and low carbon energy generation, it is recommended that the policy is not limited to schemes for community led renewable energy generation.

4.119 Subject to the modifications the Policy will meet the Basic Conditions.

**Recommendation 14: revise Policy 12a as follows:**

**Revise the first paragraph to read: “Proposals for wind turbine development should be located in an area identified as suitable for wind energy development in Map 14: Map of Potential Sites for Wind Energy. Wind turbine proposals should address the planning impacts of the scheme in accordance with guidance in the Cornwall Renewable Energy SPD and ensure that the potential harmful impacts on the following are appropriately avoided or mitigated:....”**

**Revise criterion d) to read: “Within the setting of the AONB and Heritage Coast, turbines should be no higher than 25m to tip height and should be located so as not to affect the setting of the AONB or Heritage Coast.”**

**Correct the typographical error in criterion f) to delete “use”.**

**Delete the following from the Background text: “and fully address any community concerns regarding the potential panning impacts”.**

**Update reference to the Cornwall Renewable Energy SPD to it being adopted.**

**Revise the title and key of Map 14 to read “Map of Potential Sites for Wind Energy”. Delete the areas within the AONB and the Heritage Coast from the potential areas shown on the Map.**

**GGPP12b - Solar PV**

- 4.120 Policy 12b seeks to ensure that future solar development is located in the landscape character areas capable of such development and taking account of a number of criteria.
- 4.121 Local Plan Policy 14 on Renewable and Low Carbon Energy requires that in the case of solar development, noise, glint and glare is mitigated adequately. The Cornwall Renewable Energy SPD sets out guidance on the choice of sites for solar PV and other matters of design guidance. Annex 3 includes guidance on undertaking Cumulative Impact Assessment for Solar Farms.
- 4.122 It is considered that the policy is in in general conformity with the strategic local policy. The recommendations are made to correct typographical errors and to include reference to the Annex 3 of the SPD.

**Recommendation 15: Revise Policy 12b as follows:**

**Correct typographical error in criterion c) by deleting “can be”.**

**Correct typographical error in criterion f) by deleting “use”.**

**Include reference to Annex 3 of the Cornwall Renewable Energy SPD in criterion e).**

## **Environment**

### **GGPP13 - Towans Area**

- 4.123 Policy 13 seeks to safeguard the coastal area that is designated as either SSSI or a County Wildlife Site.
- 4.124 It is considered that the policy is in accordance with paragraph 114 of the NPPF. Local Plan Policy 23 on the Natural Environment provides the local strategic policy for safeguarding various types of designated landscapes including SSSI and local sites. Policy GGP 13 repeats the relevant aspects of the strategic policy. It is considered that it is in general conformity.
- 4.125 The policy identifies the important coastal areas that are designated as SSSI and County Wildlife Sites. For the sake of completeness, it would have been helpful to have included reference to the areas of Heritage Coast and AONB in the plan area in the background text and commented that they are safeguarded by policies in the Local Plan.
- 4.126 Map 7 on the Environment includes Common Land in the key. This is not an environmental designation and is not addressed in the policy. It should be deleted from the map.
- 4.127 Subject to the modifications the Policy will meet the Basic Conditions.

**Recommendation 16: revise the second sentence of the Intention section of the justification to Policy 13 to read:**

***“The policy is in conformity with Policy 23 of the Cornwall Local Plan.”***

***Delete the area of Common Land from Map 7.***

## **Transport**

### **GGPP14 - Transport**

- 4.128 The PPG advises that it is appropriate for neighbourhood plans to consider the infrastructure that will be needed to support the future development of the area so that it can grow in a sustainable way. Policy 28 of the Local Plan on Infrastructure states that *“Developer contributions will be sought to ensure*

*that the necessary physical, social, economic and green infrastructure is in place to deliver development”.*

- 4.129 The Neighbourhood Plan is underpinned by a Parish based Infrastructure Needs Assessment (INA) which has been prepared following the model of the County and Community Network Areas Needs Assessment. This sets out an extensive list of infrastructure needs for the parish and prioritises them as to whether they are critical, necessary or desirable.
- 4.130 Although the subheading above the first paragraph of Policy 14 is “Encourage better planning of public transport”, the policy states that development proposals will be supported that provide or contribute to the increased usage of public transport, cycling and walking in line with the parish Infrastructure Needs Assessment.
- 4.131 The proposals for public transport are all categorised in the INA as desirable. There are a number of proposals for pedestrian and highway safety which range from critical to desirable. There are no proposals for a community bus scheme in the INA. The Qualifying Body has confirmed that the community bus scheme is an aspiration that may come through the Parish Plan. To avoid ambiguity, it is recommended that the text and policies of the Neighbourhood Plan should be consistent with the priorities set out in the INA.
- 4.132 The Settlement Boundary policies of the Neighbourhood Plan include a criterion that seeks contributions or on site provision to assist in the delivery of the Infrastructure Needs Assessment projects.
- 4.133 It is considered that the first part of Policy 14 does not reflect the priorities set out in the Infrastructure Needs Assessment and is superfluous in view of the requirements to make contributions or on site provision set out in other policies of the plan.
- 4.134 The second part of the policy supports the reopening of the Gwinear Road Train Station provided that a suitable assessment of the impacts of the proposal in the local road network has been undertaken. However, no evidence has been provided as to whether this project is feasible or deliverable and it is recommended that the policy should be revised to include reference to the requirement to demonstrate its feasibility.
- 4.135 Subject to the modifications the Policy will meet the Basic Conditions.

**Recommendation 17: revise Policy 14 as follows:**

**Delete 14.1 and the following paragraph.**

**Revise the second paragraph as follows: “.....or intermodal transportation *provided that it is demonstrated to be feasible and a suitable assessment of the impacts.....*”**

## Leisure & Recreation

### GGPP15 - Leisure & Recreation

- 4.136 Policy 15 is supported by a survey of open spaces in the parish and a strategy for their future provision and enhancement which has been undertaken according to the same methodology as the Open Spaces Strategy for the urban areas of Cornwall prepared by Cornwall Council. The proposals for new and enhanced blue and green space are included in the Infrastructure Needs Assessment.
- 4.137 The policy safeguards the sites shown on Map 10 and sets out three specific types of development that would be permitted on them. Point c) contains a typographical error. It is recommended that the two maps (north and south) for Map 10 in the Appendices are numbered for the sake of clarity.
- 4.138 A representation has been received for the Council's Public Space Officer that the Plan should identify any aspirations, proposals or projects relating to sports pitches in the parish which might be type 3 or type 8 open space to assist in securing S106 contributions towards them.
- 4.139 It would be helpful for the Neighbourhood Plan to identify any aspirations for future open space development. However it is not obliged to do so if they have not been identified as a local priority.
- 4.140 It is considered that the policy meet the Basic Conditions. The modifications recommended are to correct typographical errors.

#### **Recommendation 18: revise Policy 15 as follows:**

**Revise point c) to read “.....will in principle be supported....”**

**Number the maps in the Appendices relating to Open Space as Map 10 North and Map 10 South.**

## Business & Jobs

### GGPP16 - Business & Jobs

- 4.141 Policy 16 supports the redevelopment, upgrading or improvement of existing key business, industrial sites and buildings shown on Map 9 primarily for employment uses. Map 9 shows 68 locations covering a wide range of uses including farms, pubs, cafes, retail, transport, education, caravan sites and other tourist facilities, care homes and business uses.
- 4.142 NPPF paragraph 28 supports economic growth in rural areas through the sustainable growth and expansion of all types of business and enterprise, both through conversion of existing buildings and well designed new buildings.

- 4.143 Policy 5 of the Local Plan sets out the strategic policy for the provision of new employment provision. This states that in the countryside and smaller rural settlements new provision should be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location such as farm diversification; or be an extension to an existing business where re-location would be impractical or not viable. The policy also sets out the approach to be undertaken for the conversion of employment premises that would result in the loss of the employment use.
- 4.144 It is considered that the first part of the policy is in general conformity with the national and local strategic policy. Policy 16 does not address the loss of employment premises to non employment uses. However, these proposals would be considered against Local Policy 5.
- 4.145 The second part of the policy sets out design standards and guidelines to be applied to new industrial and commercial development, including agricultural development and the extension of existing employment areas.
- 4.146 Criterion b) refers to waste and refuse being properly screened. To improve the clarity of this guideline it is recommended that this criterion should refer to “waste and refuse storage areas or bins should be adequately screened.”
- 4.147 Criterion g) requires connections to existing pedestrian and cycle routes to be made and on site infrastructure to be provided to support sustainable modes of travel with larger businesses to put on place travel plans for employees.
- 4.148 Cornwall Council has set out guidance and thresholds for work based travel plans and this will be applicable to relevant businesses. It is considered that in view of the rural nature of the area and the small scale of most businesses in the parish, the requirements of this criterion would not be practical or deliverable. It is recommended therefore that it should be deleted.
- 4.149 The third section of the policy relates to proposals for small scale home based businesses being “permitted” subject to a number of safeguards. Paragraph 3.17 above explains that the Neighbourhood Plan policies cannot indicate whether planning permission should be granted for a particular form of development. It is recommended that this should be revised to read that such “Proposals for small scale home based businesses should not have a detrimental effect on ....”.
- 4.150 The fourth section give general support to the aspiration to provide work hubs in existing and proposed employment sites.
- 4.151 A representation has been made requesting that Penbroath Cornish Cottages should be included in the list of businesses and shown on Map 9.
- 4.152 In response to my question on this representation, the Qualifying Body has commented that it is the intention that the policy should apply to all businesses in the plan area. They have requested that the Map 9 be deleted from the Plan as it is recognised that it will become out of date over time and

the word “key” is deleted from the first paragraph of the policy. I concur with this is request to avoid the policy becoming out of date.

**Recommendation 19: revise Policy 16 as follows:**

**Revise the first paragraph to delete “key” and “identified on Map 9 of the Proposals Map Insets and listed within Appendix 1”.**

**Delete Map 9 and the adjacent list of businesses.**

**Revise criterion b) to read “Waste and refuse *storage areas or bins* should be adequately screened.”**

**Delete criterion g).**

**Revise paragraph 16.3 to read “Proposals for small scale home based businesses should not have a detrimental effect on .....**”

## 5.0 Referendum

- 5.1 The Gwinear-Gwithian Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contributes to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained in the Development Plan for the area;
  - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to Cornwall Council that the Gwinear-Gwithian Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Cornwall Council on 2 July 2013.

## 6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- Gwinear-Gwithian Neighbourhood Plan Submission Draft Version
- Gwinear-Gwithian Neighbourhood Plan Basic Conditions Statement
- Gwinear-Gwithian Neighbourhood Plan Consultation Statement
- Gwinear-Gwithian Neighbourhood Plan SEA and HRA Screening Reports
- Gwinear-Gwithian Neighbourhood Plan Evidence Report 2014
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Cornwall Local Plan 2016
- Natural England South West Region Map of Agricultural Land Classification
- Natural England Technical Information Note TIN049, Agricultural Land Classification: protecting the best and most versatile agricultural land, 2012.
- Cornwall Renewable Energy Planning Advice SPD March 2016.

## 7.0 Summary of Recommendations

**Recommendation 1:** include a clear map to show the boundary of the Neighbourhood Plan area within the context of the local area.

**Recommendation 2:** revise the second sentence of the final paragraph of section 1.4 to read: *“The Cornwall Local Plan (2016) sets out the local strategic policies for the Neighbourhood Plan. Policy CC5 of the Penwith Local Plan has been saved.”* Update references to the draft Cornwall Local Plan throughout the Plan to the “adopted Local Plan” and revise relevant policy numbers. Delete references to those policies in the Penwith Local Plan that have been replaced.

**Recommendation 3:** include the following in the introductory section of the Plan under the heading Sustainable Development:

*“The Gwinear-Gwithian Neighbourhood Plan has been developed to ensure that future growth and development is shaped to protect the unique character of the parish which has both rural and coastal communities and ensures that any further development will contribute towards creating a stable and more sustainable community.*

*“The Plan focuses on different areas of interest within the overall remit of sustainable development for the Neighbourhood Area – people and housing, education, renewable energy, environment, transport, leisure and recreation and business and jobs.*

*“By developing clear settlement boundaries which can accommodate the planned growth, our plan helps our community shape the future of the parish in a sustainable way.”*

**Recommendation 4:** Include a Proposals Map that shows the boundary of the Plan area together with Inset Maps that show the settlement boundaries and other designations referred to in the policies. The maps should be sufficiently clear to enable the boundaries of sites and areas to be identified.

**Recommendation 5:** Improve the contextual material on Gwinear-Gwithian by including a summary of the key data for the plan area; describe the location and importance of the AONB, SSSI and Heritage Coast; and include a summary of the strategic planning context for the plan area from the Core Strategy.

**Recommendation 6:** Include a new section in the Neighbourhood Plan setting out the pro-rata baseline housing requirement, the number of housing completions, commitments and the potential capacity of sites in the settlement boundaries to demonstrate that there is sufficient capacity within the settlement boundaries to deliver an acceptable apportionment

of the housing requirement. A background evidence report should set out full details of the site information.

**Recommendation 7: revise Policy GGP Policies 1, 3, 5, 6 and 7 as follows:**

Add “where feasible” at the end of criterion e) in Policies 1, 3, 6 and 7 and criterion f) in Policy 5.

Delete criterion f) in Policies 1, 3 and 6 and criterion g) in Policies 5 and 7.

Revise the settlement boundary of Connor Downs on GGP Map 1 to include the land at 41 Turnpike Road, Connor Downs that has planning permission for 5 dwellings.

Include appropriate headings and introductions to the Development Proposals Document and the Character Area Guidance for the settlements to explain the status of the documents that they supplemental guidance to the policies in the Neighbourhood Plan and should be used in interpreting the Neighbourhood Plan policies in determining planning applications.

Revise the Affordable Homes section of the Development Proposals Document as follows:

Paragraph 1 – delete “preferably”.

Paragraph 3 – delete “where practically possible”.

Delete paragraphs 8, 9, 12 – 14.

Revise paragraph 10 to read: *“A financial or other contribution will be sought by the local authority from proposals to remove occupancy conditions on developments of more than 5 dwellings.”*

**Recommendation 8: rename Policies GGP 2 and GGP 4 [SETTLEMENT NAME] - Rural Exceptions Housing Sites**

Delete the second paragraph of the background text of Policy 2 and the first paragraph of the background text of Policy 4. Replace with the following: *“This policy sets out the factors to be considered in the delivery of Rural Exceptions Sites adjacent to the village of [settlement] under Policy 9 of the Cornwall Local Plan and the Cornwall Affordable Housing SPD. Clear evidence would be needed to show there was a local housing need for affordable housing demonstrated through a Local Housing Needs Survey and the Homechoice Register to justify the release of a Rural Exception Site under Policy 2 (or 4).”*

Include Policies 9 and 28 of the Cornwall Local Plan in the Intention Box

Revise the first paragraph of the policies to read: *“Housing development on sites outside of but adjacent to the settlement boundaries of Connor*

Downs / Carnhell Green, Reawla and Wall will be supported where the development would meet the following criteria:"

Move criterion j) of Policy 2 and criterion i) of Policy 4 to become the first criterion in the policy and renumber the criteria. Revise the criterion to read: ***"The proposed development satisfies Policy 9 of the Cornwall Local Plan as a Rural Exceptions Site and the guidance in the Cornwall SPD on Affordable Housing; the number, type, tenure and size of dwellings should help deliver local housing needs in accordance with the Local Connections Policy and as evidenced by an up to date Housing Needs Survey and the Homechoice Register;"***

Revise criterion a) to read: ***"There is a demonstrated local housing need for affordable homes;"***

Revise criterion b) to read: ***"There is evidence that the need cannot be met by development within the settlement boundaries of communities in the plan area or adjacent parishes;"***

Delete criteria d), e), h) and i).

Add the following informative text to the background section to explain how other exceptional forms of housing outside the settlement boundaries will be considered: ***"Exceptionally new housing will be supported elsewhere in the countryside outside the settlement boundaries where it accords with NPPF paragraph 55 and Cornwall Local Plan Policy 7."***

**Recommendation 9: delete GGP Policy 2a.**

**Recommendation 10: Revise Policy 8 as follows:**

Revise the title of the Policy to ***"Gwithian Towans Holiday Chalet Village***

Replace the policy text with the following: ***"Within the boundary of Gwithian Towans as shown on Map 6, the development of replacement chalets and the extension of existing chalets should take account of the Gwithian Towans Design Guide."***

Delete criteria a) to g).

In the Background section add the following text: ***"Gwithian Towans is located adjacent to the [name] SSSI, Local Nature Reserve and Heritage Coast where the conservation and safeguarding of the natural assets and landscape character is of particular importance under Policy 23 of the Cornwall Local Plan."***

Add Local Plan Policies 5, 7 and 23 to the Intention Box.

Include appropriate headings and introductions to the Gwithian Towans Design Guide to explain the status of the document that it is supplemental guidance to the policies in the Neighbourhood Plan and

should be used in interpreting the Neighbourhood Plan policies in determining planning applications.

Revise the key to Map 6 to delete “settlement boundary” and replace with “area applicable to Policy 8”. For the avoidance of doubt, no change is recommended to the boundary line.

**Recommendation 11: revise Policy 9 as follows:**

**The reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting *will be supported for residential or commercial use provided that residential developments outside settlement boundaries satisfy Local Plan Policy 7 and all uses satisfy the following criteria: (renumber criteria)***

**a) Reports of surveys conducted by appropriately qualified and experienced people shall be submitted with the planning application demonstrating that:**

- **protected species and their habitats will not be harmed during or as a result of the reconstruction and reuse of the building. Any future potential impact on those species or their habitat will be required to be satisfactorily mitigated or compensatory measures provided for any acceptable loss; and**
- **proposals affecting a heritage asset should assess in a proportionate manner the local or national importance of the historic fabric, features and setting of any building or site, using as a minimum the HERs and where necessary recorded in accordance with a scheme of works agreed with the local planning authority before planning permission is granted for reconstruction;**

**Retain criteria b), c), d), g) (with “cartilage” corrected to “curtilage”), h) and i).**

**The demolition and reconstruction of existing derelict, abandoned and dilapidated buildings outside of the settlement boundaries identified on the Proposals Map will be *supported for commercial or tourism uses* where they are permanent structures and of a suitable size to meet the building’s proposed future use *without the enlargement of the volume of the building, subject to satisfying all of the above criteria and:***

**j) Reports of surveys conducted by appropriately qualified and experienced people shall be submitted with the planning application demonstrating that the buildings to be demolished are structurally unsafe and that they cannot safely and economically be brought back into beneficial use through conversion;**

**Retain criteria e) and f).**

This policy will not apply to the demolition and reconstruction of buildings termed as temporary such as caravans, chalets, sheds or *large portal frame agricultural buildings or similar commercial buildings* or to the demolition and reconstruction of temporary buildings or structures.

**Recommendation 12: revise Policy 10 as follows:**

Revise the first paragraph to read “*Proposals for new holiday accommodation should demonstrate that there is a need....*”

Revise the second paragraph to read “*Outside the settlement boundaries, proposals for the conversion of tourist accommodation to permanent residential use will only be permitted exceptionally where it can be shown that .....*”

Delete criteria c), e) and g).

Delete the final sentence of the Background text. Add the following “*Buildings should have been erected and used for the purpose for which they had a lawful use for at least ten years before they will be considered for conversion in line with this policy. This is to avoid deliberate circumvention of policies designed to limit new housing in the countryside. For the avoidance of doubt, Gwithian Towans will be treated as being outside of settlement boundaries.*”

Add Cornwall Local Plan Policy 7 to the Intention Box.

**Recommendation 13: delete the brackets from criterion a) of Policy 12.**

**Recommendation 14: revise Policy 12a as follows:**

Revise the first paragraph to read: “*Proposals for wind turbine development should be located in an area identified as suitable for wind energy development in Map 14: Map of Potential Sites for Wind Energy. Wind turbine proposals should address the planning impacts of the scheme in accordance with guidance in the Cornwall Renewable Energy SPD and ensure that the potential harmful impacts on the following are appropriately avoided or mitigated:....*”

Revise criterion d) to read: “*Within the setting of the AONB and Heritage Coast, turbines should be no higher than 25m to tip height and should be located so as not to affect the setting of the AONB or Heritage Coast.*”

Correct the typographical error in criterion f) to delete “use”.

Delete the following from the Background text: “and fully address any community concerns regarding the potential panning impacts”.

Update reference to the Cornwall Renewable Energy SPD to it being adopted.

Revise the title and key of Map 14 to read “Map of Potential Sites for Wind Energy”. Delete the areas within the AONB and the Heritage Coast from the potential areas shown on the Map.

**Recommendation 15: Revise Policy 12b as follows:**

Correct typographical error in criterion c) by deleting “can be”.

Correct typographical error in criterion f) by deleting “use”.

Include reference to Annex 3 of the Cornwall Renewable Energy SPD in criterion e.)

**Recommendation 16: revise the second sentence of the Intention section of the justification to Policy 13 to read:**

*“The policy is in conformity with Policy 23 of the Cornwall Local Plan.”*

*Delete the area of Common Land from Map 7.*

**Recommendation 17: revise Policy 14 as follows:**

Delete 14.1 and the following paragraph.

Revise the second paragraph as follows: “.....or intermodal transportation *provided that it is demonstrated to be feasible and a suitable assessment of the impacts.....*”

**Recommendation 18: revise Policy 15 as follows:**

Revise point c) to read “.....will in principle be supported....”

Number the maps in the Appendices relating to Open Space as Map 10 North and Map 10 South.

**Recommendation 19: revise Policy 16 as follows:**

Revise the first paragraph to delete “key” and “identified on Map 9 of the Proposals Map Insets and listed within Appendix 1”.

Delete Map 9 and the adjacent list of businesses.

Revise criterion b) to read “Waste and refuse *storage areas or bins* should be adequately screened.”

Delete criterion g).

Revise paragraph 16.3 to read “Proposals for small scale home based businesses should not have a detrimental effect on .....”