

# **Mevagissey Neighbourhood Development Plan**

## **Basic Conditions Statement 2017 - 2032**

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## Introduction

Only a neighbourhood plan that meets each of the 'basic conditions' and other legal tests can be put to a referendum and, if successful, be used as the basis for determining planning applications.

This document shows how the Mevagissey Neighbourhood Plan meets the requirements of each legal test.

There are five basic conditions that are relevant to a neighbourhood plan. These are:

1. The plan must have regard to **national policies** and **guidance** issued by the Secretary of State; this includes the NPPF, Ministerial Statements and other government guidance and legislation
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 Cornwall Local Plan Strategic Policies
4. the 'making' of the neighbourhood plan does not breach , and is otherwise **compatible with EU obligations**
5. **prescribed conditions are met** in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

## Statement of General legal Compliance

The draft Plan is submitted by Mevagissey Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by the Mevagissey Neighbourhood Development Plan Group, which is led by Mevagissey Parish Council.

The whole parish of Mevagissey has been formally designated as a Neighbourhood Area through an application made on 22 January 2014 under the Neighbourhood Planning Regulations 2012 (part2 S6) and approved by Cornwall Council on 14 April 2014. A copy of the formal notice of designation is included at Appendix 1.

The draft Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

The draft Plan identifies the period to which it relates as 2017 - 2032. The draft Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

The draft Plan relates only to the parish of Mevagissey as shown on the map in Appendix 2. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

## **Contribution to the Achievement of Sustainable Development**

There are three elements to sustainable development: economic, social and environmental. These require the planning system to ensure that development performs a number of roles:

- an economic role - contributing to building a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

The Mevagissey Neighbourhood Development Plan has an overarching aim which seeks to conserve the unspoiled nature of this iconic Cornish parish, whilst satisfying the local housing need and sustaining the community for residents and visitors alike.

The strategic goals of the Mevagissey Neighbourhood Plan are to:

- Improve infrastructure for the fishing industry and underpin tourist, agriculture and service industries by protecting the Area of Outstanding Natural Beauty (AONB) and maintaining and enhancing the distinctive character of the Village and its surroundings. The whole area of this NDP is AONB.
- Positive management of new development to minimise the impact on the landscape and on the cherished Conservation Area and harbour.
- Provision of housing to meet local need.
- Ensure a balanced approach to carbon reduction and energy provision.
- Support for the retention of the existing services valued by the community.

To meet these strategic goals, 10 key policy areas have been identified.

1. Sustainability of the fishing industry which provides Mevagissey with its year-round vitality
2. Support and enhance agricultural activities without which the essential character of the Parish would not be sustained
3. Sensitive sustainability of tourism; the most significant provider of employment and prosperity for the Parish
4. Sensitive maintenance and development of the Conservation Area and the built environment which is the physical portrayal of village heritage; this incorporates housing policy and the provision of truly affordable housing for local people
5. Preservation of the landscape; the natural context of Mevagissey
6. Sensitive development of harbour and marine infrastructure, which provides for the special status of Mevagissey
7. Sustain and enhance local services, the life-blood of our community
8. Encourage the further development of an arts and cultural environment to enrich the lifestyle of Mevagissey
9. Encourage businesses to grow and support new businesses to create employment opportunities for the residents of the Parish to maintain and improve economic well-being
10. Provide for sustainable energy provision and use to protect the health and comfort of residents

The intention of the Plan and the policies within is to ensure that Mevagissey continues to thrive as a place to live, as a place to work and as a place to visit. The section below details how Mevagissey meets the sustainability criteria for an economic, a social and an environmental role.

### **An Economic Role**

The Overall Strategy – for the Mevagissey Neighbourhood Development Plan (NDP) is to underpin the local economy and its key sectors of fishing, agriculture, tourism and services through the positive management of economic development, including the re-use of brownfield sites and redundant buildings, the building of new housing appropriate to need and support for the development of relevant energy producing and carbon reducing technologies.

Policy Area EE (Economy and Employment) recognises that the quality and sustainable management of the landscape is a key factor in the location and viability of industries that form the backbone of the local economy i.e. fishing, agriculture, tourism and their supporting services.

Policy Area HO (Housing) seek to find suitable locations for fulfilling the need for affordable housing as well as the establishment of new, and the expansion and re-location of existing businesses.

Policy Area D offers support for sensitive and accessible design for buildings and utilities.

## **A Social Role**

The role of the community of Mevagissey in supporting and encouraging social integration and well-being was identified as being of prime importance in the consultation process. It is reflected in the Plan in the overall strategy, the housing strategy and policies for the support, growth and protection of services and facilities.

The overall strategy for the Mevagissey Neighbourhood Development Plan (NDP) prioritises new housing to meet social need and re-defines the concept of affordable housing to reflect the relative disparity between local income and the rise in house prices driven by second home owners. The strategy also addresses the desirability of restricting open market housing to permanent residents thereby supporting the services and facilities in the village and limiting any further expansion in second homes and holiday lets. It supports the retention of existing local services for the benefit of the local community.

Policy Area CA (Community Facilities and Amenities) addresses the provision of recreational activities, the maintenance of community facilities and traffic management.

## **An Environmental Role**

Throughout the community consultation the conservation of the environment is balanced with the encouragement and support for the economic and social development of the local plan area. Support for future development has always been qualified by the need to protect the environment from inappropriate and poorly located development.

The Overall Strategy for the plan and its policies reflect this qualification.

Policy Area HC (Heritage and Culture) contains provisions to conserve the character of the area and to enhance and sustain the cultural and creative aspects of community endeavours.

Policy Area EG (Environment and Green Spaces) aims to sustain coastal and landscape features and character; provide for flood protection and the provision of adequate open spaces.

Policy Area D (Design) supports the development of innovative and appropriate carbon reduction technologies.

The Mevagissey Neighbourhood Development Plan has been prepared with a central understanding that these three key areas are addressed and that they are all closely linked together while focusing on viability and costs to ensure that the plans are deliverable. The plan contributes to the achievement of sustainable development by: -

- Planning positively for the housing growth required to meet the housing needs of current and future generations up to the year 2030

- Positively contributing to the development of a strong, diverse and competitive economy by including policies to influence the location and form of land for new employment to meet anticipated need;
- Planning for good settlement area design and the creation of safe and well connected places;
- Prioritising the development of brown field sites suitable for re-development opportunities;
- Setting criteria for development to ensure that sites meet the overall objectives of the plan and help to create sustainable communities;
- Providing for improved transport links;
- Protecting locally important open spaces and landscape features;
- Protecting and enhancing the natural, built and historic environment of Mevagissey
- With regard to future infrastructure requirements, this is being addressed at Cornwall wide level through work being undertaken in association with the Cornwall Local Plan, such as the Strategic Housing Market Assessment (SHMA) and Infrastructure Delivery Plan (IDP). This will in turn influence the Community Infrastructure Levy (CIL) which will facilitate the delivery of critical infrastructure requirements.

The table below indicates how each of the policies in the Plan help to achieve sustainable development.

Policy	Economic implications	Social implications	Environmental implications
EE1 - Support for fishing and marine industries	Support for the fishing industry ensures that there is diversity in employment options within the parish.	Ensuring that the harbour retains its primary function as a working port and not simply a tourist destination; supports diversity of employment within the community.	The policy requires that any harbour development is not detrimental to the character of the village or its environment.
EE2 – Development to support existing agricultural businesses	Support for existing businesses ensures that they are able to expand, supporting the local economy.	Supports the viability of traditional farms.	The policy requires that there is effective management of farm waste, noise and recycling.
EE3 – Agricultural diversification	Enabling existing farms to diversify into other activities supports the local economy	Supports the viability of traditional farms.	Policy requires that new buildings must respect the landscape and reflect existing built design.

EE4 – Development to support tourism and facilities	As the biggest economic driver, proposals to support and enhance Mevagissey's attractiveness to visitors are key to the town's prosperity.	Enhances the vibrancy of the town.	The policy requires that any building or signage is sensitive to the historic environment.
HC1 – Conservation Area	Preservation of commercial uses within the town centre	Maintenance of vibrant commercial centre with a range of facilities	Preservation of the appearance of the historic core.
HC2 – Area of special character	Maintenance of the character of the town will preserve tourist business.	Ensures the continued attractiveness of Mevagissey as a place to live.	Preservation of character areas
HC3 – Arts and Culture	Festivals and events underpin tourism activity	Community spirit is fostered with regular events	Preserves and encourages the tradition of festivals and makes good use of community space.
HO1 – Open market homes for principal residence	Supports the community by ensuring that new houses are lived in permanently, thus supporting the services, facilities and businesses in the town.	Fosters a sense of community by helping to ensure that the people buying property in the town will live there and not simply leave the property empty.	Ensures that the types of property being developed are created for people to live in, not as holiday homes.
HO2 – Affordable Homes	Ensures the people who live and work in the parish can find somewhere affordable to live, ensuring a supply of labour.	Local people can continue to live in their home town.	By ensuring that there are choices of homes within the parish, the need to travel for work will be reduced.
D1 – Design and Context	Good design enhances the sense of place, encouraging visitors.	Good design enhances the sense of place	Good design should incorporate sustainable measures.
D2 – Accessible Design	Providing accessible homes close to facilities	Caters for the needs of elderly or less able bodied	Reduced need for car travel

	will support those facilities	residents.	
D3 – Design for Commercial Premises	-	Protects the community from negative impacts of commercial operations.	Protects the AONB from unsightly development.
D4 - Utilities	-	-	Reduces the impact of new development on the countryside
D5 – Design Checklist	-	Good design enhances the sense of place	Seeks to ensure that new development is sympathetic to the surrounding countryside.
D6 – Sustainable Energy Usage	Reduced energy consumption.	-	Promotes a reduction in carbon.
EG1 – Coastal and Landscape Protection	The AONB and open space is a key part of Mevagissey's attraction to visitors. Protection means that this will continue to be so.	Protection for recreational space.	Protection for valued landscapes and local spaces.
EG2 – Potential Flood Risk			
EG3 – Landscape Features			
EG4 – Open Spaces			
EG5 – Coast and Seascape			
CA1 – Development for Recreation	-	Encourages greater recreational facilities for the town.	-
CA2 Change of Use within the conservation area	-	Protects existing facilities.	-
CA3 – Traffic	-	Promotes road safety.	Encourages the use of public transport.
CA4 - Schools	-	Supports the ongoing provision of nursery and schooling in the town.	-

## **Having regard to national policies and guidance**

All of the policies in this neighbourhood plan have been drafted with consideration of the national planning policies set out in the NPPF and associated guidance.

The detailed consideration of the Mevagissey Neighbourhood Plan policies in Appendix 4 lists all of the policies, showing in more detail how each is in conformity with National Planning Policy and guidance.

## **General conformity with the strategic policies of the development plan(s) for the area**

All of the policies in this neighbourhood plan have been drafted with consideration of the national planning policies set out in the Cornwall Local Plan and associated guidance.

The detailed consideration of the Mevagissey Neighbourhood Plan policies in Appendix 4 lists all of the policies, showing in more detail how each is in conformity with Local Planning Policy and guidance.

## **Compatibility with EU Regulations**

The Mevagissey NDP Steering Group requested that Cornwall Council screen the Neighbourhood Plan for Strategic Environmental Assessment and Habitat Regulations Assessment on 17 Nov 2015 (email to Sarah Arden, Principal Planning Policy Officer, Strategic Policy Team, Cornwall Council). Natural England, the Environment Agency and Historic England were consulted as part of the screening process. The screening opinion concluded that an SEA and HRA is not required for the Neighbourhood Plan. A copy of the screening opinion is included at Appendix 4.

## **Prescribed conditions and prescribed matters.**

There are no relevant prescribed matters that this Plan needs to take into account.

## **Comprehensive Impact Assessment Implications**

The Equality Act 2010 places a duty on all public authorities to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a “protected characteristic” and those who do not. The protected characteristics are Age, Disability, Gender Re-assignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex, Sexual Orientation and in Cornwall an additional characteristic, Cornish Status

The Mevagissey NDP has been developed to be in general conformity with the Cornwall Local Plan, which was subject to Examination in Public and found to be sound. The Cornwall Local Plan provides for objectively assessed need, to meet the needs of all groups in the community.

The Cornwall Local Plan has been subject to Comprehensive Impact Assessment. This concluded that the current and future businesses and residents of, and visitors to, Cornwall will be affected by the land use policies in terms of provision of jobs, homes, infrastructure, access to services and the protection of the environment. The strategic policy objectives to 2030 are to plan for the needs of the whole community now and in the future. In addition, where evidence demonstrates a need, a number of protected characteristic groups are positively planned for with specific provision made for older people and the disabled.

In particular the economic strategy, overall housing target and affordable housing targets aim to ensure appropriate jobs and housing is available to meet local needs. Failing to provide sufficient housing will impact most on disadvantaged groups.

The NDP provides a strategy for the development of the neighbourhood area, and a range of policies, which will result in positive benefits for the local community. The key positive impacts are promoting sustainable development, protecting the built and natural environment, providing employment and housing to meet local need and promoting community engagement and involvement in planning. The policies contained within the plan do not disadvantage any minority group or group with protected characteristics.

## **Conclusion**

The Mevagissey Neighbourhood Development Plan has regard to National Planning Policy and is in general conformity with the strategic policies of the Cornwall Local Plan. This Plan is compatible with EU obligations and promotes sustainable development.

It is considered that the Basic Conditions as set out in Schedule 4B to the Town and County Planning Act 1990 (as amended) have been met by the Mevagissey Parish Neighbourhood Development Plan. The Plan complies with Paragraph 8(1)(a) of Schedule 4B to the Act and should proceed to Referendum.

## Appendix 1 - Designation of Neighbourhood Area

Include a copy of the confirmation of designation letter received from Cornwall Council, confirming that the area has been designated.

**DECISION OF THE PORTFOLIO HOLDER FOR ENVIRONMENT,  
HERITAGE AND PLANNING**

In respect of attached report for and on behalf of Chloe Pitt

**Subject Matter:**

Decision regarding designation of Neighbourhood Plan Area for Mevagissey Neighbourhood Plan.

**Decision:**

That the Mevagissey Neighbourhood Area is designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

**Reason for the Decision:**

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

**Alternative options considered:**

None other than contained in the report.

**Conflicts of interest declared:**

None

**Dispensations granted in respect of a conflict of interest:**

N/A

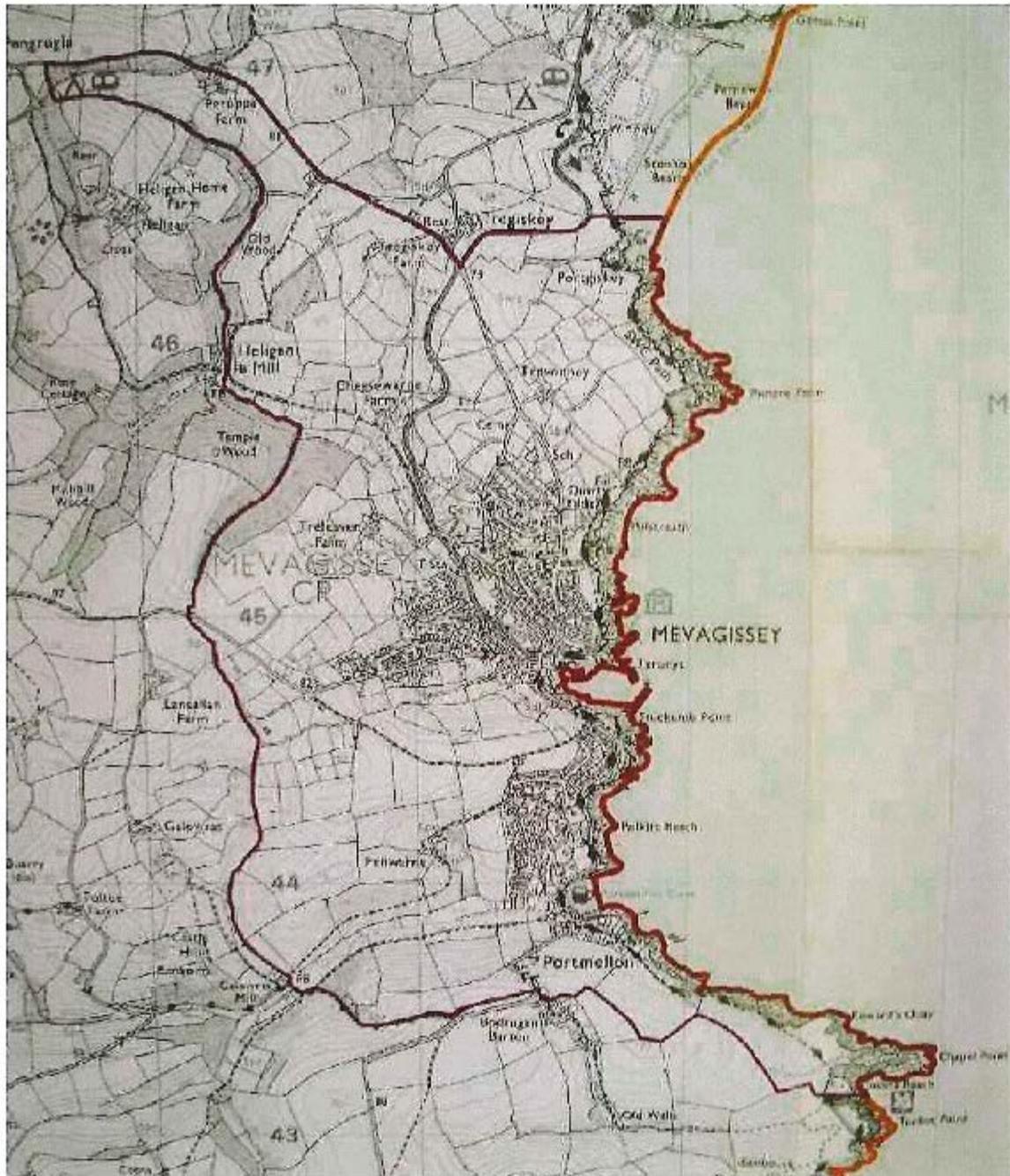
Dated ..... 14th April 2014 .....

Signed ..... Edmia Hannaford .....

Portfolio Holder for Environment, Heritage and Planning

Implementation Date..... 25 April 2014 .....

## Appendix 2 – Mevagissey Parish Map



## Appendix 3 – Screening Opinion



Mr. Garth Shephard  
Mevagissey NDP Steering Group chair  
Penlee  
School Hill  
Mevagissey  
PL26 6TH

**Date:** 21<sup>st</sup> December 2015

Dear Mr Shephard,

### **Mevagissey Parish Neighbourhood Development Plan – SEA and HRA Screening**

As requested I have screened the Mevagissey Parish Neighbourhood Development Plan (draft 0.8.3) to see whether the plan requires Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA.)

As required by the SEA regulations I produced a screening opinion for the neighbourhood plan and consulted the statutory bodies, Natural England, Historic England and the Environment Agency. I also asked Natural England to confirm whether or not HRA was required under the HRA directive.

Based on the scale and location of development proposed, Cornwall Council is of the opinion that the Mevagissey Parish Neighbourhood Development Plan is unlikely to have significant effects on the environment or on European Sites and that SEA and HRA are therefore not required.

This view is confirmed by the consultation bodies and the full screening opinion and the responses from the consultation bodies are attached. If significant changes or additions are made to your plan I would advise you to have it rescreened.

Yours sincerely,

Sarah Arden  
Principal Development Officer  
Strategic Planning Policy  
Tel: 01872 224294  
Email: sarden@cornwall.gov.uk



**Konsel Kernow**  
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## Appendix 4 – Policy analysis

### DETAILED CONSIDERATION OF MEVAGISSEY PARISH NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

This table sets out how each policy reflects the aims of local and national policy and supports the achievement of sustainable development.

Policy	Promoting Sustainable Development			Commentary	NPPF	Cornwall Local Plan
	Social	Economic	Environmental			
EE1 - Support for fishing and marine industries	+	++	+	Supports traditional industries, securing local jobs.	Building a strong, competitive economy Ensuring the vitality of town centres  Supporting a prosperous rural economy	These policies support the aims of Policy 5 which confirms that employment land should be well-related to existing settlements or as an extension to an existing employment site; Policy 2, Spatial Strategy; providing homes and businesses to benefit the community.
EE2 – Development to support existing agricultural businesses	+	++	+			
EE3 – Agricultural diversification	+	++	+			
EE4 – Development to support tourism and facilities	+	++	-			
HC1 – Conservation Area	+	-	+	By seeking to preserve the historic environment, Mevagissey will remain attractive to residents	Conserving and enhancing the historic environment	Policy 24 protects the historic environment
HC2 – Area of special character	+	-	-			

				and visitors		
HC3 – Arts and Culture	+	+	-	Increasing events will appeal to residents and visitors.	Promoting healthy communities	Policy 16 health and well-being
HO1 – Open market homes for principal residence	++	-	-	Reducing the number of homes that are largely unoccupied will ensure that the resident community continues to thrive.	Promoting healthy communities	Supports policy 6 which requires that local evidence is used in determining housing mix and addressing imbalances.
HO2 – Affordable Homes	++	+	-	Ensuring that local people can continue to live in the village is key to ensuring a sustainable future.	Promoting healthy communities Delivering a wide choice of high quality homes	Supports policies 6, 8, 9
HO3 – Development Boundary	+	-	+	Protects the most valued landscape.	Conserving and enhancing the natural environment.	Policy 7 allows settlements to define development boundaries.  Policy 23 protects the natural environment.
D1 – Design and Context	+	+	+	Good design means that new development should fit better with the existing built environment.	Requiring good design Promoting healthy communities Conserving and enhancing the historic environment	Complements Policy 12  Complements policy 13 which requires accessible homes.
D2 – Accessible Design	++	-	-	Homes that are accessible for elderly people mean that residents have more options to stay in their communities as they		

				age		
D3 – Design for Commercial Premises	+	+	+	Ensures that commercial activities do not detract from residential amenity.		
D4 - Utilities	+	X	+	Minimises the impact of infrastructure on the historic and natural environments. There may be some associated cost for developers	Requiring Good design Conserving and enhancing the historic environment Conserving and enhancing the natural environment.	Policy 23 Natural Environment
D5 – Design Checklist	+	X	+	Gives a detailed understanding of the impact of new development to ensure that it complements the existing built environment. May be additional cost for developers in doing this.	Requiring Good design	Policy 12 - Design
D6 – Sustainable Energy Usage	+	-	+	Reduces dependence on fossil fuels.	Meeting the challenge of climate change, flooding and coastal change	Complements policy 14 – renewable and low carbon energy
EG1 – Coastal and Landscape Protection	-	+	+	These policies aim to protect and conserve the landscape and reduce flooding.	Conserving and enhancing the natural environment Meeting the challenge of climate change, flooding and coastal change	Policy 23 Natural Environment and Policy 26 Flood risk management and coastal change
EG2 – Potential Flood Risk	+	+	+			
EG3 – Landscape Features	+	-	++			
EG4 – Open	++	=	+			

Spaces				community green spaces.		
EG5 – Coast and Seascape	+	+	+			
CA1 – Development for Recreation	+	-	-	Supports sport and leisure development which will benefit the local community.	Promoting healthy communities	Policy 16 – Heath and Wellbeing
CA2 Change of Use within the conservation area	+	X	-	Seeks to preserve valued community services and amenities for use by the community.	Ensuring the vitality of town centres  Supporting a prosperous rural economy	reflects the aims of Policy 4 which only allows change of use within primary shopping areas where the overall vitality of the town centre would not be affected.
CA3 – Traffic	+	-	+		Promoting sustainable transport	Reflects the aims of policy 27
CA4 - Schools	+	-	-	Encouraging the provision of facilities for children may help to encourage a more demographically diverse community.	Promoting healthy communities	

Building a strong, competitive economy	6
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13. Facilitating the sustainable use of minerals	32