



# St Mewan Neighbourhood Development Plan

Basic Conditions statement 2016

Submitted by the qualifying body - St Mewan Parish Council

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**CONTENTS PAGE**

**SECTION 1. INTRODUCTION**

**SECTION 2. THE CONCEPT OF THE ST MEWAN NEIGHBOURHOOD DEVELOPMENT PLAN**

**SECTION 3. COMPLIANCE STATEMENT**

**SECTION 4. MEETING THE BASIC CONDITIONS**

**SECTION 5. APPENDICES**

**APPENDIX 1 - DESIGNATION MAP WHICH IDENTIFIES THE AREA THAT THE PROPOSED MAP RELATES TO**

**APPENDIX 2 - CORNWALL COUNCIL DESIGNATION LETTER**

**APPENDIX 3 - DECISION LETTER FROM CORNWALL COUNCIL IN RESPONSE TO THE SCREENING REQUEST TO DETERMINE IF THE NDP REQUIRES AN SEA OR HRA**

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## SECTION 1-INTRODUCTION

1.1. This report sets out the reasons for producing the Neighbourhood Development Plan for the community of St Mewan Parish and explains how the Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (hereafter referred to as 'the Regulations'). The Basic Conditions Statement also addresses how the basic conditions of neighbourhood planning have been met as prescribed by the Town and Country Planning Act 1990 (as amended) Paragraph 8(2) of Schedule 4B.

1.2. St Mewan Parish Council are the qualifying body responsible for the preparation, consultation and submission of the Neighbourhood Development Plan (hereafter referred to as the NDP). As part of its process, assistance has been given by the Project Team, Neighbourhood Representatives, Cornwall Rural Community Charity (CRCC) and Cornwall Council. The St Mewan NDP area has been designated as the entire parish area for St Mewan by Cornwall Council (see Appendix 1 and 2).

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## SECTION 2-THE CONCEPT OF ST MEWAN NDP

2.1. The rural Parish of St Mewan is situated in the south of Cornwall which is approximately one mile to the west of St Austell. The Parish forms part of the St Austell Community Network Area and is adjacent to the following parishes: St Austell, Pentewan Valley, St Ewe, Grampound with Creed, St Stephen in Brannel, Roche and Treverbyn.

2.2. St Mewan has 541 dwellings according to the 2011 census. The Parish has a number of settlements, although the key settlements providing the self-sustaining villages of Trewoon, Polgooth with Trelowth, Sticker and Hewas Water.

2.3 The driving force behind the NDP was to ensure that the Parish grows where it should for future housing and employment whilst protecting the areas which are of value to the community.

2.4. Overall the community led NDP seeks to positively plan for the future to enable it to be more self-reliant and self-sustaining, through improving the supply of housing to meet local needs, boosting the local economy and protecting and enhancing the community. This in turn, will provide certainty to land owners and developers on the community's needs and aspirations.

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## SECTION 3-COMPLIANCE STATEMENT

3.1. The draft St Mewan NDP was made available for consultation in accordance with Section 14 of the Regulations, from the xx until the xx. Minor amendments were made to the plan that were considered necessary in light of the responses made. The Parish Council as the qualifying body agreed on the xx to submit the plan proposal to Cornwall Council as the Local Planning Authority.

3.2 This Basic Conditions Statement is submitted to Cornwall Council under regulation 15(1)(d) and regulation 22(1)(e) of the Neighbourhood Planning (General) Regulations 2012 (as amended) to demonstrate that the LNP meets the legislative basic conditions contained with the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004 (as amended) to enable the St Mewan NDP to be put to a referendum.

3.3. Regulation 15 of Part 5 of Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the requirements for the qualifying body submitting a NDP to the local planning authority as follows:-

### ***Plan proposals***

*15.—(1) Where a qualifying body submits a plan proposal to the local planning authority, it must include –*

*(a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;*

*(b) a consultation statement;*

*(c) the proposed neighbourhood development plan; and*

*(d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.*

3.4. St Mewan is the qualifying body and entitled to submit a NDP. Appendix 1 of this statement includes the map which reflects the area of land that the NDP relates to.

3.5. Regards to point b (consultation statement) and c (the proposed NDP), both documents have been prepared and will accompany this statement as part of the submission.

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3.6. Point d relates to the requirements set out within paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) which is set out below. The points set out within the paragraph will be individually addressed further in this document, however given points b and c relate to Neighbourhood Development Orders, it is not necessary to demonstrate that these points have been complied with.

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*
  - b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.*
  - c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.*
  - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*
  - e. the making of the order (or 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).*
  - f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*
  - g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*
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## SECTION 4-MEETING THE BASIC CONDITIONS

### **4.1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan)**

4.2 Throughout the preparation of the St Mewan NDP, regard has been had to national policies and advice contained in guidance issued by the Secretary of State.

4.3. Principally this has related to the policies contained within the National Planning Policy Framework (NPPF) and the Governments National Planning Practice Guidance (NPPG) which provides further up to date guidance on the application of policies in the NPPF in response to on-going advice from Central Government and relevant case law.

4.4. Turning to the sections of the NPPF for delivering sustainable development as listed below, we have taken each policy in turn and highlighted the relevant sections applicable to each of the St Mewan NDP policies and how the policy has had appropriate regard to their policy direction. The NPPF Sections are as follows:

1. Building a strong, competitive economy (paragraphs 18-22)
  2. Ensuring the vitality of town centres (paragraphs 23-27)
  3. Supporting a prosperous rural economy (paragraphs 28)
  4. Promoting sustainable transport (paragraphs 29-41)
  5. Supporting high quality communications infrastructure (paragraphs 42-46)
  6. Delivering a wide choice of high quality homes (paragraphs 47-55)
  7. Requiring good design (paragraphs 56-68)
  8. Promoting healthy communities (paragraphs 69-78)
  9. Protecting Green Belt land (paragraphs 79-92)
  10. Meeting the challenge of climate change, flooding and coastal change (paragraphs 93-108)
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11. Conserving and enhancing the natural environment (paragraphs 109-125)

12. Conserving and enhancing the historic environment (paragraphs 126-141)

13. Facilitating the sustainable use of minerals (paragraphs 142 – 149)

**TABLE 1**

<b>ST MEWAN NDP POLICY</b>	<b>REGARD TO NPPF AND NPPG</b>	<b>HOW THE POLICY HAS REGARD TO THE NATIONAL POLICY AND GUIDANCE</b>
POLICY 1 - Housing development within settlement boundaries	Promoting sustainable transport (paragraphs 29-41) Delivering a wide choice of high quality homes (paragraphs 47-55) Requiring good design (paragraphs 56-68)	The intention of the policy is to direct housing to sustainable locations whilst acknowledging the rural location of the Parish. In addition, distinguish locations which are suitable for infill development and those that would be viewed as a rural exception sites in accordance with paragraphs 34, 49, 50, 54 and 55 of the NPPF.
POLICY 2 - Housing Development outside of the settlement boundaries	Promoting sustainable transport (paragraphs 29-41) Delivering a wide choice of high quality homes – specifically paragraph 54 The National Planning Policy Framework Glossary - rural exception sites	Paragraph 54 of the NPPF sets out that <i>in rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.</i> Policy 2 of the St Mewan NDP has set out the preferred areas of development as identified within the settlement boundaries. However it is understandable that on occasions the level of housing need will trigger the need for exception sites in this rural Parish. Policy 2 of the St Mewan NDP is included to achieve an added set of criteria which echoes the Governments guidance on allowing some market housing in enabling the provision of additional affordable housing to meet local needs. Furthermore, the preamble to this policy makes it clear that exceptions site should be those that are responding to the local needs of the Parish as identified on the Housing Needs Register.

ST MEWAN NDP POLICY	REGARD TO NPPF AND NPPG	HOW THE POLICY HAS REGARD TO THE NATIONAL POLICY AND GUIDANCE
POLICY 3 - Nature Conservation	Conserving and enhancing the natural environment (paragraphs 109-125)	Policy 3 relates to landscape features and habitats of local and national flora and fauna including Cornwall Wildlife Sites within St Mewan Parish. The purpose of this is to promote where these sites are locally and to ensure that these sites are not negatively affected by future development. The policy echoes the objectives of paragraphs 117 and 118 of the NPPF by seeking to minimise impacts on wildlife designations of national, regional and local value.
POLICY 4 - Open Areas of Significance Trewoon	Promoting healthy communities (paragraphs 69-78) Conserving and enhancing the natural environment (paragraphs 109-125)	<p>The open and recreational areas have been identified as Local Green Space designations as supported through paragraph 76 which advises that:</p> <p><i>Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.</i></p> <p>Paragraph 77 continues to suggest:</p> <p><i>The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:</i></p> <ul style="list-style-type: none"> <li>• <i>where the green space is in reasonably close proximity to the community it serves;</i></li> <li>• <i>where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i></li> <li>• <i>where the green area concerned is local in character and is not an extensive tract of land.</i></li> </ul> <p>Policy 4 relates to land which is important to the community for special protection for three key reasons; the land is of valuable wildlife habitat, the land provides a spectacular viewpoint and panoramic views, and the land also acts as a buffer between Trewoon and St Austell which retains the individual local character of a rural parish and a large town. Whilst the land in question is within reasonable proximity to the community, the land is not considered to be required for housing or economic use given that these themes have been explored and established through Policy 1, 2 and 7 of the St Mewan NDP. Policy 4 is considered to meet the provisions of paragraph 76 and 77 of the NPPF, as set out above.</p>

ST MEWAN NDP POLICY	REGARD TO NPPF AND NPPG	HOW THE POLICY HAS REGARD TO THE NATIONAL POLICY AND GUIDANCE
POLICY 5 - Open Areas of Significance Polgooth	Promoting healthy communities (paragraphs 69-78) Conserving and enhancing the natural environment (paragraphs 109-125)	<p>The open and recreational areas have been identified as Local Green Space designations as supported through paragraph 76 which advises that:</p> <p><i>Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.</i></p> <p><i>Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.</i></p> <p>Paragraph 77 continues to suggest:</p> <p><i>The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:</i></p> <ul style="list-style-type: none"> <li>• <i>where the green space is in reasonably close proximity to the community it serves;</i></li> <li>• <i>where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i></li> <li>• <i>where the green area concerned is local in character and is not an extensive tract of land.</i></li> </ul> <p>Policy 5 relates to land which is important to the community for special protection for historic significance due to the land being an area of ancient common land and mining land. Whilst the land in question is within reasonable proximity to the community, the land is not considered to be required for housing or economic use given that these themes have been explored and established through Policy 1, 2 and 7 of the St Mewan NDP. Policy 4 is considered to meet the provisions of paragraph 76 and 77 of the NPPF, as set out above.</p>
POLICY 6A - Heritage (Polgooth Mine)	Conserving and enhancing the historic environment (paragraphs 126-141)	<p>The Parish contains a number of designated and non-designated heritage assets which are safeguarded at commensurate levels to their status within Section 12 of the NPPF. Policy 6A relates specifically to Polgooth Mine which is a Grade II Heritage Asset. The purpose of the policy is to support development subject to the value and the setting of the asset being respected. The policy objectives accords with these principles set out within paragraphs 126-141 but policy 6A adds local level detail by focussing on this particular asset.</p>

ST MEWAN NDP POLICY	REGARD TO NPPF AND NPPG	HOW THE POLICY HAS REGARD TO THE NATIONAL POLICY AND GUIDANCE
POLICY 6B - Heritage (Archaeological Potential)	Conserving and enhancing the historic environment (paragraphs 126-141)	<p>Paragraph 139 explains that <i>Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.</i></p> <p>Paragraph 140 continues to state that <i>Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.</i></p> <p>Paragraph 141 concludes that <i>Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.</i></p> <p>Policy 6B is considered to reinforce the objectives set out within paragraphs 139-141 of the NPPF. Archaeology is an important asset of St Mewan, given the mining history of the settlement. It is therefore important to conserve the historic character of the landscape and the value, character and setting of the remains.</p>
POLICY 7A - Economic (Expanding an existing employment premises)	Building a strong, competitive economy (paragraphs 18-22) Supporting a prosperous rural economy (paragraphs 28) Promoting sustainable transport (paragraphs 29-41)	Acknowledging the rural location of the Parish, Policy 7A seeks to support existing employment premises expanding. This in turn will support economic development in established sustainable locations.
POLICY 7B - Economic (Redundant Clay Processing Buildings)	Building a strong, competitive economy (paragraphs 18-22) Supporting a prosperous rural economy (paragraphs 28) Promoting sustainable transport (paragraphs 29-41)	Within St Mewan there are a number of previously developed buildings on the Clay Pits which could be regenerated for employment uses and as such, Policy 7B has been included to help build a strong competitive economy and support a prosperous rural economy in line with aims and intentions of paragraphs 18-22 and 28 of the NPPF.

ST MEWAN NDP POLICY	REGARD TO NPPF AND NPPG	HOW THE POLICY HAS REGARD TO THE NATIONAL POLICY AND GUIDANCE
POLICY 7C - Economic (Hewas Water)	Building a strong, competitive economy (paragraphs 18-22) Supporting a prosperous rural economy (paragraphs 28) Promoting sustainable transport (paragraphs 29-41)	Hewas Water is a key area for economic development within St Mewan Parish and plays an important role in creating a strong, competitive economy whilst supporting this prosperous rural economy. Furthermore given that there are residential properties within its vicinity, increasing sustainable transport can be supported. Policy 7C has been written to promote the economic value of He was Water whilst militating against its future loss.
POLICY 8A Infrastructure (Trewoon Transportation )	Promoting sustainable transport (paragraphs 29-41)	Policy 8A has been written in line with paragraph 30 of the NPPF which seeks to alleviate traffic through Trewoon.
POLICY 8B Infrastructure (To support future growth)	Requiring good design (paragraphs 56-68) Ensuring viability and deliverability (paragraph 175)	Paragraph 58 states that <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:</i> <i>Bullet point 3 specifically states that development should optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i> Policy 8B has been written to ensure that the contributions sought through the Community Infrastructure Levy and S106 obligations are used on infrastructure needs as set out within the Infrastructure Needs Assessment. This policy is considered to support the objectives of paragraph 58 of the NPPF.
POLICY 8C Infrastructure (Medical Facilities)	Supporting a prosperous rural economy (paragraph 28) Promoting healthy communities (paragraphs 69-78) Promoting sustainable transport (paragraphs 29-41)	Policy 8C reacts to the current situation across St Mewan Parish where there are current medical facilities. In order to support a prosperous rural economy, promote health communities and promote sustainable transport, the offer of medical facilities will contribute to meeting the aims and intentions of paragraphs 28, 69-78 and 29-41 of the NPPF.
POLICY 8D Infrastructure (Public Rights of ay)	Promoting healthy communities (paragraphs 69-78) Promoting sustainable transport (paragraphs 29-41)	Policy 8D relates to the Public Rights of Way across St Mewan, the intention of this policy is to support improved and continued use, along with provision of new Public Rights of Way.

ST MEWAN NDP POLICY	REGARD TO NPPF AND NPPG	HOW THE POLICY HAS REGARD TO THE NATIONAL POLICY AND GUIDANCE
<p>POLICY 9A (Extending community buildings), POLICY 9B (Community buildings to non-community use) and POLICY 9C (Blackpool Quarry and Surrounding Area)</p>	<p>Promoting healthy communities (paragraphs 69-78)</p>	<p>Policies 9A, 9B and 9C seek to support the expansion of community buildings, along with supporting the use of Blackpool Quarry and its surrounding area for accessible leisure and recreation use. Policy 9B permits community buildings to non-community use where alternative appropriate provision is provided. The core objective of these policies support social interaction that creates the healthy, inclusive communities as referred to under paragraph 69 of the NPPF. Safeguarding existing facilities for community uses as described in policy 9A accords with paragraph 70 of the NPPF.</p>

ST MEWAN NDP POLICY	REGARD TO NPPF AND NPPG	HOW THE POLICY HAS REGARD TO THE NATIONAL POLICY AND GUIDANCE
POLICY 10 - Open Spaces	Promoting healthy communities (paragraphs 69-78)	<p>Policy 10 of the St Mewan NDP has identified existing open space areas which is supported through paragraph 76 that states: <i>Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.</i> Paragraph 77 continues to say: <i>The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:</i></p> <ul style="list-style-type: none"> <li>• <i>where the green space is in reasonably close proximity to the community it serves;</i></li> <li>• <i>where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i></li> <li>• <i>where the green area concerned is local in character and is not an extensive tract of land.</i></li> </ul> <p>Policies 10 of the St Mewan NDP has identified six open space areas within St Mewan Parish for special protection because they are of importance to the community for recreational / community / sport value. All identified areas are considered to be within close proximity to the communities that they serve. Given that the settlement boundaries have capacity to deliver the housing target of the local plan over the plan period, in addition to land surrounding the settlement being capable in delivering appropriate exception sites, the sites identified are not needed for housing or employment and therefore are capable of enduring beyond the end of the plan period. For the reasons justified, Policy 10 is considered to meet the provisions of paragraph 76 and 77 of the NPPF, as set out above.</p>
POLICY 11 - Landscape Character Areas	Conserving and enhancing the natural environment (paragraphs 109-125)	The entire Parish is considered to be a valued landscape as referred to under paragraph 109 of the NPPF. The policies objectives accords with the principles of these paragraphs by seeking development to demonstrate how it responds to local character.

*NB. A number of the sections in the NPPF are not applicable to the St Mewan NDP or do not have a directly relevant policy within the document as the relevant planning policy considerations are already consider to be adequately managed through policies in the NPPF and/ or the Cornwall Local Plan.*

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#### **4.5. The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.**

4.6. From its starting point the St Mewan NDP has been prepared with a clear understanding of the requirement for achieving sustainable development as outlined in paragraphs 6- 17 of the NPPF.

4.7. Table 2 on the preceding pages demonstrates how the St Mewan NDP has had regard to the policies in the NPPF which deliver sustainable development. In addition table on pages outlines how the St Mewan NDP demonstrates conformity with the Cornwall Local Plan.

4.8. The St Mewan NDP as a result clearly contributes to achieving sustainable development by seeking to protect and enhance what is valuable to the community whilst allowing for development that contributes to supporting strong, vibrant and healthy Parish and building a strong, responsive and competitive economy.

4.9. Thereby the St Mewan NDP policies seek to achieve sustainable development by seeking jointly and simultaneously the three mutually dependent roles of sustainable development - economic, social and environmental – and the interplay between them.

#### **4.10. The making of the order (or 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).**

4.11. The single development plan for the area is the Cornwall Local Plan (CLP). The CLP was adopted by Cornwall Council on the XXXXXXXXXX

The CLP contains the following strategic policies:

Policy 1 - Presumption in favour of sustainable development

Policy 2 - Spatial strategy

Policy 2a - Key targets

Policy 3 - Role and function of places

Policy 4 - Shopping, services and community facilities

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- Policy 5 - Jobs and skills
  - Policy 6 - Housing mix
  - Policy 7 - Housing in the countryside
  - Policy 8 - Affordable housing
  - Policy 9 - Rural Exception Schemes
  - Policy 11 - Managing viability
  - Policy 12 - Gypsies, Travellers and Travelling Showpeople
  - Policy 13 - Design
  - Policy 14 Development standards
  - Policy 15 - Renewable and low carbon energy
  - Policy 16 - Safeguarding renewable energy
  - Policy 17 - Health and wellbeing
  - Policy 18 - Minerals – general principles
  - Policy 19 - Minerals safeguarding
  - Policy 20 - Strategic waste management principles
  - Policy 21 - Managing the provision of waste management facilities
  - Policy 22 - Best use of land and existing buildings
  - Policy 23 - Natural environment
  - Policy 24 - Historic environment
  - Policy 25 - Green infrastructure
  - Policy 26 - Flood risk management and coastal change
  - Policy 27 - Transport and accessibility
  - Policy 28 - Infrastructure

4.12. Table 2 overleaf provides a summary of how each of the St Mewan NDP policies align with the applicable policies in the CLP to demonstrate the 'general conformity' of the St Mewan NDP with the strategic policies for the area, being those in the CLP.

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**TABLE 2**

ST MEWAN NDP POLICY	REGARD TO CLP	HOW THE POLICY IS IN GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN
<p>POLICY 1 - Housing development within settlement boundaries</p>	<p>Policy 1 Presumption in favour of sustainable development            Policy 2 Spatial strategy            Policy 2a Key targets            Policy 3 Role and function of places            Policy 6 Housing mix            Policy 8 Affordable housing            Policy 13 Design            Policy 14 Development standards            Policy 23 Natural environment            Policy 24 Historic environment            Policy 25 Green infrastructure            Policy 26 Flood risk management and coastal change            Policy 27 Transport and accessibility</p>	<p>Policy 1 of the St Mewan NDP responds to the minimum housing number for the Community Network Area (CNA) as outlined in Policy 2A and 3 of the CLP.            Policy 2A of the CLP seeks to <i>provide homes in a proportionate manner where they can best meet need</i> and identifies a housing apportionment target for the St Austell CNA residual in which St Mewan Parish is located.            Table 1 to Policy 2A of the CLP explains that for the St Austell CNA residual, of the 300 home apportionment, 209 homes have been completed between 2010-2016 and a further 98 have planning permission. Cornwall Council have advised that the remaining housing requirement for a CNA should be pro rata distribution based upon households amongst the CNA parishes.            Point 5 of paragraph 1.31 of the supporting text to Policy 3 of the CLP states that <i>the 'majority of parishes that do not have a town or village named in Policy 3 can meet the remaining housing requirement through the following:</i>  <ol style="list-style-type: none"> <li>1. Existing sites with planning permission;</li> <li>2. Infill;</li> <li>3. Small scale rounding off;</li> <li>4. The development of previously developed land within or adjoining settlements;</li> <li>5. Rural exception sites'.</li> </ol>           St Mewan is not named in policy 3.            Policy 3 itself states that:  <i>Outside of 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;</i>  <ul style="list-style-type: none"> <li>• identification of sites where required through Neighbourhood Plans</li> <li>• rounding off of settlements and use of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;</li> <li>• 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;</li> <li>• rural exception sites under Policy 9'</li> </ul> </p>

ST MEWAN NDP POLICY	REGARD TO CLP	HOW THE POLICY IS IN GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN
		<p>St Mewan Parish alone has 137 completions and commitments over the past 6 years. Given the past delivery rate and predicted delivery of approximately 20 dwellings per year, the proposed settlement boundaries are considered to accommodate future housing development for the remainder of the plan period. As a result, the approach to delivering the housing apportionment outlined in Policy 1, it is considered to accord with the CLP and in particular Policy 3 as outlined below:</p> <ul style="list-style-type: none"> <li>• <i>identification of sites where required through Neighbourhood Plans</i></li> </ul> <p>No sites have been identified in the Neighbourhood Plan because of the expected delivery of the CNA housing apportionment over the lifetime of the plan period based upon the past build rates/ commitments it is not considered such an approach is required .</p> <ul style="list-style-type: none"> <li>• <i>rounding off of settlements and use of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;</i></li> </ul> <p>The Policy is accompanied by 4 plans with defined settlement boundaries which aligns with the CLP definition of rounding off and previously developed land. To make clear where this policy approach in the Local Plan applies too, the following text is of relevance:</p> <ul style="list-style-type: none"> <li>• <i>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;</i></li> </ul> <p>The Policy is accompanied by 4 plans with a defined settlement boundaries which aligns with the Local Plan definition of infill.</p> <ul style="list-style-type: none"> <li>• <i>rural exception sites under Policy 9</i></li> </ul> <p>The defined settlement boundaries makes it clear where the infill/ rounding off ends and therefore where rural exceptions sites as supported under the provisions of Policy 9 of the CLP and proposed Policy 2 of the St Mewan NDP. Thereafter policy 7 of the CLP – housing in the countryside will apply.</p>

ST MEWAN NDP POLICY	REGARD TO CLP	HOW THE POLICY IS IN GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN
POLICY 2 - Housing Development outside of the settlement boundaries	Policy 1 Presumption in favour of sustainable development Policy 2 Spatial strategy Policy 2a Key targets Policy 3 Role and function of places Policy 6 Housing mix Policy 9 Affordable housing led schemes Policy 13 Design Policy 14 Development standards Policy 23 Natural environment Policy 24 Historic environment Policy 25 Green infrastructure Policy 26 Flood risk management and coastal change Policy 27 Transport and accessibility	<p>Policy 9 of the CLP states that:  <i>Development proposals on sites outside of but adjacent to the existing built up areas in of smaller towns, villages and hamlets, whose primary purpose is to provide affordable housing to meet local needs will be supported where they are clearly affordable housing led and would be well related to the physical form of the settlement and appropriate in scale, character and appearance.</i>  <i>The number, type, size and tenure of dwellings should reflect identified local needs as evidenced through the Cornwall housing register or any specific local surveys completed using an approved methodology.</i>  <i>The purpose of such developments must be primarily to provide affordable housing. The inclusion of market housing in such proposals will only be supported where; the Council is satisfied it is essential for the successful delivery of the development based on detailed financial appraisal (For example to fund abnormal development costs or to deliver a balanced, sustainable community).</i>  <i>Market housing must not represent more than 50% of the homes or 50% of the land take, excluding infrastructure and services.</i>  <i>The Council will secure the first and future occupation of the affordable homes to those with a housing need and local connection to the settlement or parish in line with the Council's adopted local connection policies.</i></p> <p>Policy 2 of the St Mewan NDP has been written with Policy 9 in mind which seeks to add an additional level of criteria that is specific to the Parish of St Mewan. It is considered that the criteria will help inform the preparation of such exception scheme.</p>
POLICY 3A - Nature Conservation and	Policy 23 Natural environment	<p>Policy 23. 3 of the CLP requires that <i>development should conserve, protect and where possible enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance</i></p> <p>The policy approach in the NDP relates to landscape features and habitats of local and national flora and fauna including localised mapping undertaken by Cornwall Wildlife Trust and seeks to resist development which would significantly harm any of the nature conservation sites and require appropriate mitigation if such harm is identified.</p>

ST MEWAN NDP POLICY	REGARD TO CLP	HOW THE POLICY IS IN GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN
POLICY 4 - Open Areas of Significance Trewoon	Policy 25 Green infrastructure	<p>Policy 25.5 of the CLP seeks to provide <i>accessible and good quality open space and where applicable improved access to coastal space</i>. Policy 25.7 Outlines that <i>in exceptional circumstances where retention of the most important green infrastructure assets and connections is outweighed by the benefits arising from the development proposals and they cannot be retained on site, the loss resulting from the proposed development should be replaced by equivalent or better provision in terms of quantity and quality and ecological or open space value that enhances the provision of ecosystem services in a suitable location</i>.</p> <p>The Local Green space designation contained in this policy responds directly to paragraph 76 – 78 of the NPPF by safeguarding recreational areas and green spaces that meet the criteria contained in paragraph 77 of the NPPF. In turn, Policy 4 seeks to protect the most important green infrastructure assets to the local community in accordance with the Local Plan policy 25.</p>
POLICY 5 - Open Areas of Significance Polgooth	Policy 25 Green infrastructure	<p>Policy 25.5 of the CLP seeks to provide <i>accessible and good quality open space and where applicable improved access to coastal space</i>. Policy 25.7 Outlines that <i>in exceptional circumstances where retention of the most important green infrastructure assets and connections is outweighed by the benefits arising from the development proposals and they cannot be retained on site, the loss resulting from the proposed development should be replaced by equivalent or better provision in terms of quantity and quality and ecological or open space value that enhances the provision of ecosystem services in a suitable location</i>.</p> <p>The Local Green space designation contained in this policy responds directly to paragraph 76 – 78 of the NPPF by safeguarding recreational areas and green spaces that meet the criteria contained in paragraph 77 of the NPPF. In turn, Policy 5 seeks to protect the most important green infrastructure assets to the local community in accordance with the Local Plan policy 25.</p>
POLICY 6A - Heritage (Polgooth Mine)	Policy 24 Historic environment	<p>Policy 24 of the CLP supports development proposals that <i>sustain the cultural distinctiveness and significance of Cornwall's historic rural, urban and coastal environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated assets and their settings</i>.</p> <p>The principles of the NDP policy which require development proposals to respect intrinsic architectural and historical value, design and distinct physical features; and its setting and contribution to the local scene of undesignated and designated heritage assets is in accordance with the policy approach outlined above.</p>

ST MEWAN NDP POLICY	REGARD TO CLP	HOW THE POLICY IS IN GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN
POLICY 6B - Heritage (Archaeological Potential)	Policy 24 Historic environment	<p>Policy 24 of the CLP, supports development proposals that <i>sustain the cultural distinctiveness and significance of Cornwall's historic rural, urban and coastal environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated assets and their settings.</i></p> <p>Paragraphs 5-7 state that <i>great weight will be given to the conservation of Cornwall's heritage assets. Where development is proposed that would lead to substantial harm to assets of the highest significance, including un-designated archaeology of national importance, this will only be justified in wholly exceptional circumstances, and substantial harm to all other nationally designated assets will only be justified in exceptional circumstances.</i></p> <p><i>Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals causing harm will be weighed against the substantial public, not private, benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset in line with national policy; and whether the works proposed are the minimum required to secure the long term use of the asset.</i></p> <p><i>In those exceptional circumstances where harm to any heritage assets can be fully justified, and development would result in the partial or total loss of the asset and/or its setting, the applicant will be required to secure a programme of recording and analysis of that asset, and archaeological excavation where relevant, and ensure the publication of that record to an appropriate standard in a public archive.</i></p> <p>Policy 6B has been written to echo the intentions of policy 24 of the CLP and promotes the archaeological potential within St Mewan parish.</p>

ST MEWAN NDP POLICY	REGARD TO CLP	HOW THE POLICY IS IN GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN
POLICY 7A - Economic (Expanding an existing employment premises)	Policy 2a Key targets Policy 3 Role and function of places Policy 4 Shopping, services and community facilities Policy 5 Jobs and skills Policy 22 Best use of land and existing buildings	<p>Policy 2 of the CLP outlines employment figures to be provided for in the St Austell CNA but does not sub divide this between the main towns and the residual CNA – therefore there is one overall target. Policy 2. 3. B. seeks to provide ‘homes and jobs in a proportionate manner’.</p> <p>Policy 5: Business and Tourism of the Local Plan calls for employment sites to be located <i>well integrated to our city, towns and villages</i> (policy 5. 1. A.) and <i>in the countryside and smaller rural settlements be of a scale appropriate to tis location or demonstrate an overriding locational and business need to be in that location such as farm diversification</i> (policy 5 . 1. C.).</p> <p>Policy 22.a supports previously developed land and buildings provided that they are not of high environmental or historic value.</p> <p>The policy wording seeks to encourage appropriate development to existing employment premises that responds to local circumstances. In turn, supporting the employment levels for the Community Network Area for St Austell; meeting the intention of policy 5 through businesses in this smaller rural settlement being of an appropriate scale and by supporting the continued use of a previously used building.</p>
POLICY 7B - Economic (Redundant Clay Processing Buildings)	Policy 2a Key targets Policy 3 Role and function of places Policy 4 Shopping, services and community facilities Policy 5 Jobs and skills Policy 22 Best use of land and existing buildings	<p>Policy 2 of the CLP outlines employment figures to be provided for in the St Austell CNA but does not sub divide this between the main towns and the residual CNA. Therefore there is one overall target. Policy 2. 3. B. seeks to provide <i>homes and jobs in a proportionate manner</i>.</p> <p>Policy 5: Business and Tourism of the CLP calls for employment sites to be <i>well integrated to our city, towns and villages</i> (policy 5. 1. A.) and <i>in the countryside and smaller rural settlements be of a scale appropriate to tis location or demonstrate an overriding locational and business need to be in that location such as farm diversification</i> (policy 5 . 1. C.).</p> <p>Policy 22.a supports previously developed land and buildings provided that they are not of high environmental or historic value. Policy 22.b supports the use of despoiled, degraded, derelict and contaminated land provided that it is not of high environmental or historic value.</p> <p>Policy 7b supports the re-use of redundant clay processing buildings that is specific to St Mewan. The policy is considered to support the delivery of additional employment as set out within policy 2 of the CLP; deliver employment that is appropriate to its location and encourage the use of Clay Processing buildings which are not of environmental or historic value.</p>

ST MEWAN NDP POLICY	REGARD TO CLP	HOW THE POLICY IS IN GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN
POLICY 7C - Economic (Hewas Water)	Policy 3 Role and function of places Policy 4 Shopping, services and community facilities Policy 5 Jobs and skills Policy 22 Best use of land and existing buildings	<p>Policy 2 of the CLP outlines employment figures to be provided for in the Cornwall Gateway CNA but does not sub divide this between the main towns and the residual CNA – therefore there is one overall target. Policy 2. 3. B. seeks to provide ‘homes and jobs in a proportionate manner’.</p> <p>Policy 5: Business and Tourism of the Local Plan calls for employment sites to be <i>well integrated to our city, towns and villages</i>’ (policy 5. 1. A.) and ‘<i>in the countryside and smaller rural settlements 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</i> (policy 5 . 1. C.).</p> <p>Policy 22.a supports previously developed land and buildings provided that they are not of high environmental or historic value. Policy 22.b supports the use of despoiled, degraded, derelict and contaminated land provided that it is not of high environmental or historic value.</p> <p>Policy 7C supports sustaining the employment figures and helps to ensure that existing provision is not lost and therefore supports the spatial strategy for St Austell CNA. The existing businesses at Hewas Water and there expansion are covered within Policy 7A which has a presumption in favour of expanding existing employment sites. As such, the essence of Policy 5 of the CLP is being met. In terms of Policy 22, the purpose of this policy is to prevent the existing buildings and land used for employment uses from becoming redundant.</p>
POLICY 8A Infrastructure (Trewoon Transportation )	Policy 13 Design	<p>Policy 13.1.d. of the CLP seeks to create <i>a network of safe well connected routes which are easy to read and navigate by the use of landmarks, spaces, views and intersection.</i></p> <p>The objective of the NDP policy is to achieve improved navigation along the existing highway running through Trewoon which at present has a number of congestion problems. Seeking measures to improve the present situation in principle will be supported.</p>
POLICY 8B Infrastructure (To support future growth)	Policy 28 Infrastructure	<p>Policy 28 of the CLP seeks to secure developer contributions to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Contributions will be used to provide or enhance local infrastructure that is adversely affected by the development of a site but which will not be delivered on that site.</p> <p>Policy 8B is specific to St Mewan and has been written to support Policy 28 of the CLP to ensure that local infrastructure is provided as part of future development where applicable.</p>

ST MEWAN NDP POLICY	REGARD TO CLP	HOW THE POLICY IS IN GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN
POLICY 8C Infrastructure (Medical Facilities)	Policy 17 Health and wellbeing	Policy 17 of the CLP seeks to improve the health and wellbeing of Cornwall's communities, residents, workers and visitors.. Policy 8C reacts to the current situation across St Mewan Parish where there are current medical facilities.
POLICY 8D Infrastructure (Public Rights of ay)	Policy 17 Health and wellbeing	Policy 17 of the CLP seeks to improve the health and wellbeing of Cornwall's communities, residents, workers and visitors, development should: Point 3 of Policy 17 states to maximise the opportunity for physical activity through the use of open space, indoor and outdoor sports and leisure facilities and providing or enhancing active travel networks that support and encourage walking, riding and cycling. Policy 8D seeks to promote Public Rights of Way and this will be achieved through physical activities such as walking, riding and cycling in line with the intentions of Policy 17 of the CLP.
POLICY 9A (Extending community buildings), POLICY 9B (Community buildings to non-community use) and POLICY 9C (Blackpool Quarry and Surrounding Area)	Policy 4 Shopping, services and community facilities	Policy 4. 4. Outlines that <i>community facilities and village shops should, wherever possible, be retained and new ones supported. Loss of provision will only be acceptable where the proposal shows:</i> <i>a. No need for the facility or service;</i> <i>b. It is not viable; or</i> <i>c. Adequate facilities or services exist or the service can be re-provided in locations that are similarly accessible by walking, cycling or public transport.</i> Policies 9A, 9B and 9C in the St Mewan NDP seeks to provide the local dimension to Policy 4 of the CLP.
POLICY 10 - Open Spaces	Policy 25 Green infrastructure	Policy 25.5 of the CLP seeks to provide <i>accessible and good quality open space and where applicable improved access to coastal space.</i> Policy 25.7 Outlines that <i>in exceptional circumstances where retention of the most important green infrastructure assets and connections is outweighed by the benefits arising from the development proposals and they cannot be retained on site, the loss resulting from the proposed development should be replaced by equivalent or better provision in terms of quantity and quality and ecological or open space value that enhances the provision of ecosystem services in a suitable location.</i> The Local Green space designation contained in this policy responds directly to paragraph 76 – 78 of the NPPF by safeguarding recreational areas and green spaces that meet the criteria contained in paragraph 77 of the NPPF. In turn, Policy 4 seeks to protect the most important green infrastructure assets to the local community in accordance with the Policy 25 of the CLP.

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ST MEWAN NDP POLICY	REGARD TO CLP	HOW THE POLICY IS IN GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN
POLICY 11 - Landscape Character Areas	Policy 23 Natural environment	Policy 23. 1. of the CLP outlines that <i>development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance.</i> Policy 10 of the St Mewan NDP seeks to respond to the local landscape character and reflect the identity of the local surroundings and outlines that development.

*NB. A number of the policies in the CLP are not applicable to the St Mewan NDP area or do not have a directly relevant policy within the document as the relevant planning policy considerations are already considered to be adequately managed through policies in the NPPF and/ or the CLP.*

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#### **4.13. The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.**

4.14 In this regard the National Planning Practice Guidance explains that there are four directives that may be of particular relevance to neighbourhood planning:

- *Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).*
- *Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).*
- *Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively).*

4.15. In the case of Directive 2001/42/EC the LNP a screening opinion was obtained from Cornwall Council in terms of the need for Strategic Environmental Assessment (SEA) whereby it was concluded that a SEA was not required. See decision letter at Appendix 3).

4.16. With regard to Directive 2011/92/EU the LNP does not in itself propose any projects that are likely to have significant environmental effects. Compliance with this directive is more relevant the Neighbourhood Development Orders.

4.17. Turning to Directive 92/43/EEC and Directive 2009/147/EC these seek to protect and improve Europe's most important habitats and species. As part of the screening request for the SEA a Habitat Regulation Assessment Screening request was also submitted and it was concluded that not HRA was required. Thereby it has been concluded that the LNP is compatible with the above Directives.

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**4.18. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).**

4.19. Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being 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) in relation to the examination of neighbourhood development plans.)

4. 20. Through the Submission of the Screening request for the SEA and the HRA it has been established that the St Mewan NDP is not likely to have a significant effect on a European site or a European offshore marine site.

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