

Feock Neighbourhood Development Plan

Independent Examiner's Report

December 2017

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Summary

I have been appointed by Cornwall Council to carry out an independent examination of the Feock Neighbourhood Development Plan.

The examination was carried out between September and December 2017 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 12 October 2017.

The plan is based on well researched evidence, extensive engagement with the local community and provides a distinct set of policies, relevant to the needs of local people. It also includes a comprehensive Delivery Strategy which will help ensure that the plan's objectives are delivered.

Subject to a number of modifications set out in this report, I conclude that the Feock Neighbourhood Development Plan meets the Basic Conditions and I am pleased to recommend that it should proceed to referendum.

I recommend that the referendum should be confined to the Neighbourhood Plan area.

Barbara Maksymiw

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1. Introduction

1. Neighbourhood planning is a relatively new process, introduced by the Localism Act 2011, which enables local communities to develop planning policies to guide development in their area and help to shape the places where they live and work.

2. Feock Parish is a largely rural parish, situated on the South Cornwall coast between Truro and Falmouth. It comprises a number of small villages and hamlets including Feock, Carnon Downs, Devoran, Point and Penpol. The River Fal is an important feature and the many creeks and inlets make it a very desirable place to live, with high house and land prices. Its beauty is recognised through international, national and local designations, and parts of the Parish are within the Fal and Helford Special Area of Conservation (SAC) and the South Coast Central section of the Cornwall Area of Outstanding Natural Beauty.

3. The purpose of this report is to assess whether the Feock Neighbourhood Development Plan complies with the relevant legislation and meets the Basic Conditions, which such plans are required to meet. Where necessary, the report makes recommendations about changes or modifications to the plan to ensure that it meets the legislative requirements.

4. The report also makes a recommendation about whether the Neighbourhood Development Plan should proceed to the referendum stage. If there is a positive recommendation at referendum, the Neighbourhood Development Plan can be “made” by Cornwall Council and so become part of the wider development plan and then used by Cornwall Council to determine planning applications in the plan area.

2. Appointment of the independent examiner

5. I have been appointed by Cornwall Council with the agreement of Feock Parish Council to carry out this independent examination. The Neighbourhood Planning Independent Referral Service (NPIERS) has facilitated my appointment. I am a chartered town planner with extensive planning experience in local government and therefore have the appropriate qualifications and experience to carry out this examination. I am independent of the qualifying body and have no land interest in the area that might be affected by the plan.

3. The role of the independent examiner

6. The role of the independent examiner is to ensure that the submitted Neighbourhood Development Plan meets the Basic Conditions together with a number of legal requirements.

7. In examining the Neighbourhood Development Plan I am required, under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990, to check¹ that:

- the policies in the plan related to the development and use of land for a designated neighbourhood area; and
- the policies in the plan meets the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area); and
- the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body

8. I must also consider whether the Neighbourhood Development Plan meets the Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). A plan meets the basic conditions² if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- the making of the plan contributes to the achievement of sustainable development
- the making of the neighbourhood plan is in general conformity with the strategic policies of the development plan for the area
- the making of the neighbourhood plan does not breach, and is otherwise compatible with European Union (EU) obligations

9. Regulations 32 and 33 of the Neighbourhood Planning Regulations 2012 (as amended) set out two additional basic conditions. These are:

¹ Set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act (as amended)

² Set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

- the making of the neighbourhood plan is not likely to have significant effect on a European site³ or a European offshore marine site⁴ either alone or in combination with other plans or projects and
- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as it is not about a neighbourhood development order).

10. As independent examiner, having examined the plan, I am required to make one of the following recommendations:

- that the plan as submitted can proceed to a referendum; or
- that the plan with recommended modifications can proceed to referendum; or
- that the plan does not meet the necessary legal requirements and cannot proceed to referendum

11. The independent examiner can only recommend modifications to ensure that the Neighbourhood Development Plan meets the Basic Conditions and other legislative requirements, or for the purpose of correcting errors.

12. If the plan can proceed to referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

13. Cornwall Council will consider the examiner's report and decide whether it is satisfied with the examiner's recommendations and will publicise its decision on whether the plan will be subject to referendum, with or without modifications. If a referendum is held and results in more than half of those voting in favour of the plan, the Council must "make" the neighbourhood plan a part of its development plan. The plan then becomes part of the development plan for the area and is a statutory consideration in guiding future development and determining planning applications in the area.

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007

4. Compliance with matters other than the basic conditions

14. Feock Parish Council agreed to prepare a neighbourhood development plan and made a formal submission to Cornwall Council to designate the parish as a neighbourhood area in May 2013. On 2 December 2013, Cornwall Council designated the parish of Feock as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. The designated area covers the parish of Feock and does not cover any other neighbourhood area. The qualifying body is Feock Parish Council and the Plan has been prepared by the Feock Neighbourhood Development Plan Steering Group and various Focus /Working Groups, with consultancy support from Co-design Place.

15. I am satisfied that the Neighbourhood Plan includes policies that relate to the development and use of land and does not include provision for any excluded development. The plan period to which it relates is specified as 2017-2030, which aligns with the adopted Cornwall Plan. The front cover of the plan refers to V33 of the Plan dated April 2017 and the plan period appears on page 2 of the document rather than on the front cover. I suggest the reference to the plan period is moved to the front cover of the plan for clarity and April 2017 V33 is deleted.

- **Recommendation: Add the plan period 2017-2030 to the front cover of the Neighbourhood Development Plan and delete April 2017 V33**

16. With the addition of the information regarding the plan period referred to above, the Feock Neighbourhood Development Plan therefore meets the requirements set out in para 8 above.

5. The examination process

17. The documents which I considered during the course of the examination are listed in Appendix 1.

18. The general rule⁵ is that an examination is undertaken by the consideration of written representations only. Having considered all the information before me, including the representations made to the submitted plan (the Regulation 16 responses), I was satisfied that the Feock Neighbourhood Development Plan could be examined without the need for a public hearing.

19. During the course of the examination it was necessary to clarify various factual matters with

⁵ PPG para 004 ref id 41-004-20140306

Cornwall Council and Feock Parish Council. A prompt and helpful response was received to all my requests and I am satisfied that I had all the information I required to carry out the examination.

20. As part of the Neighbourhood Plan Examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made an unaccompanied site visit to the area on 12 October 2017.

6. Consultation

Consultation process

21. Effective consultation and engagement with the local community is an essential component of a successful neighbourhood plan, bringing a sense of public ownership to its proposals and helping to achieve consensus. The policies set out in the Neighbourhood Development Plan will be used as the basis for planning decisions – both on local planning and on planning applications – and, as such, legislation requires neighbourhood plans to be supported by public consultation.

22. In line with the Neighbourhood Planning (General) Regulations 2012⁶, the Steering Group, has prepared a Consultation Statement for the Neighbourhood Development Plan (NDP) which sets out how the group approached public consultation, who was consulted and the outcomes. An updated version of this was produced and sent to me in October 2017, and this now includes sections 2-6 and Appendix 7 which were missing from the original version. I suggest that this updated version is published on the Neighbourhood Development Plan website and the relevant page of the Cornwall Council website.

- **Recommendation: Publish the updated version of the Consultation Statement (October 2017) on the Neighbourhood Plan website and the relevant page of the Cornwall Council website**

23. The Evidence Base Summary April 2017 also contains much useful information about the responses to the Youth, Business and Community Questionnaires; the Housing Need Survey; issues of concern to the community and possible projects.

24. Initial community consultation about creating a Neighbourhood Development Plan started in April

⁶ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

2012 and was carried out by Feock Parish Council in April 2012. The appointment of a consultant - Co design Place - to help facilitate and support the plan preparation process led to the establishment of a Steering Group and Focus Groups during April and May 2013. It is clear from the comprehensive evidence base and extensive consultation work that was carried out, that this has been a successful approach which has driven the plan forward and delivered a well-researched and succinct Neighbourhood Development Plan.

25. Between August and October 2013 the communications team focussed on publicising the plan, seeking views at public events and establishing the Feock NDP website, Facebook page and newsletter. A community questionnaire, housing needs survey, business questionnaire and youth questionnaire then followed in autumn 2013. A series of public exhibitions were organised in June and July 2014 to discuss key topics such as housing, community facilities, transport and education.

26. It is very clear from the extensive Consultation Statement that the Steering Group has gone to considerable effort to engage as widely as possible with the community, using a range of different approaches, including the more usual formal meetings, drop ins, mail drops as well as more innovative use of social media and Facebook. This consultation process has helped to develop the vision for the plan and ensure that the themes and objectives of the NDP have been very clearly shaped by the views and priorities of the community. The vision for the plan is very clearly summarised on page 8 of the NDP which says that the community wants to shape development so that it:

- *Meets local needs for affordable housing in ways that are in keeping with the scale and size of the existing settlements whilst retaining their unique identity in the parish;*
- *Protects, conserves and enhances our natural and historic environment;*
- *Protects our high quality rural landscapes and sea views;*
- *Creates job opportunities for local people;*
- *Addresses long standing issues of transportation*
- *Strengthens sustainable links to Truro and Falmouth and the surrounding area*
- *Provides community facilities and services to meet local needs*
- *Supports enhancements to village hearts and gateways*
- *Supports sustainable communities via sustainable, local food and energy production*

27. The way that the plan is presented means that there is a very clear link between the vision, the objectives and the policies in the NDP.

28. Consultation on the draft plan took place between 1 February and 14 March 2016. The Steering Group wrote to all residents advising them of the consultation and included with this a short summary

of the policies. Electronic copies were available on the Parish Council and Neighbourhood Development Plan website and hard copies available in the Parish Council Office. Posters were also displayed online and on lamp posts and noticeboards around the Parish and banners in each of the four main settlements to advertise the consultation as widely as possible.

29. The representations made as a result of this consultation and the Steering Group's responses are set out in Appendices 7 and 8 of the Consultation Statement. As a result, revisions were made to the plan and the Submission version of the plan was prepared.

30. The Regulation 16 consultation on the Submission version of the Neighbourhood Development Plan was carried out by Cornwall Council between 29 June until 10 August 2017.

Representations received

31. Preparing the Neighbourhood Development Plan has involved two statutory six week periods of public consultation. The first, on the Pre-Submission Regulation 14 Draft Plan, took place between 1 February and 14 March 2016. This generated 26 responses of which 19 were representations from the community and 7 were responses from other organisations including statutory bodies and Cornwall Council. The second consultation on the Submission Draft plan was managed by Cornwall Council and took place between 29 June and 10 August 2017. This generated 21 responses, 7 of which were from statutory bodies, including Cornwall Council.

32. Occasionally in this report I refer to representations and identify the organisation making that particular comment. However, I have not referred to every representation in my report. Nonetheless, I can assure everyone that each comment made has been looked at and carefully considered.

33. From the evidence in front of me, it is apparent that the Feock NDP has been subject to considerable community engagement involving much time and effort by the Steering Group and many supporting volunteers. They are to be congratulated for all their sustained efforts and achievements and for producing such a well-presented Neighbourhood Development Plan, backed up by a well-researched evidence base. I am therefore satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

7. Compliance with the basic conditions

34. In my role as independent examiner I must assess whether the Plan meets the Basic Conditions⁷ set out in the Regulations as described in para 12 above.

35. I have considered the Feock Neighbourhood Development Plan Basic Conditions Statement (April 2017) produced by the Steering Group and other supporting documentation to assist my assessment which is set out below.

National Policy

36. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Included in the twelve core principles of the NPPF⁸ is a requirement for neighbourhood plans which provide a practical framework within which decisions on planning applications can be made in a confident and consistent manner. Policies also should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.

37. The Basic Conditions Statement, in Section 6, sets out a composite assessment of how the NDP addresses the core planning principles of the NPPF. In addition, at the end of each policy a blue text box lists each objective of the NPPF which is relevant to that particular policy. The NDP therefore satisfies the basic condition that it has regard to the national policies and advice.

Sustainable development

38. The qualifying body has to demonstrate how a neighbourhood plan contributes to the achievement

⁷ Para 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

⁸ NPPF para 16 and 17

of sustainable development as set out in the NPPF⁹.

39. Section 7 of the Basic Conditions Statement explains in a general statement how the NDP contributes to sustainable development, so this basic condition is also met.

Development Plan

40. The Neighbourhood Development Plan has been prepared in the context of the Cornwall Local Plan which was adopted in November 2016 and this has provided a clear framework of strategic policies to guide the NDP.

41. The Parish is located in the wider Truro and Roseland Community Network Area (CNA) and Policy 2a provides details about the quantum of growth to be accommodated in the wider CNA. Section PP6 in the Community Network Areas Section of the Cornwall Local Plan also provides further detail.

42. Feock parish and the settlements within it are identified under Policy 3 as locations outside the main towns where 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*

43. Section 9 of the Basic Conditions Statement lists all the NDP policies and how they are considered to conform with the relevant policies in the adopted Cornwall Local Plan. Appendix 2 also sets out a helpful summary of the NDP policies and how they are aligned with both the objectives of the NPPF and the

⁹ NPPF para 18-219

Cornwall Local Plan policies.

44. Aside from the Basic Conditions Statement, the NDP includes a blue text box at the end of each policy which lists all the Cornwall Local Plan, relevant Supplementary Planning Documents, other relevant documents and the NPPF, which are relevant to that particular policy. This is a very useful device to demonstrate that the relevant policy guidance has been at the forefront of the Steering Group's minds when preparing the NDP and I commend the Group for their transparent, well-presented approach.

45. I note, however, that all the references to the Cornwall Local Plan in the Basic Conditions Statement are to earlier versions of the policies in the Cornwall Local Plan, rather than the policies which are contained in the Local Plan which was adopted in November 2016. I suggest that this is corrected and the Basic Conditions Statement updated accordingly. This is also an issue for the NDP Submission document and the Evidence Base Summary Report.

- **Recommendation – Update all references in the Basic Conditions Statement, the Evidence Base Summary and the Submission Feock NDP to refer to the relevant adopted policies in the Cornwall Local Plan dated November 2016**

46. In my assessment of the policies in the NDP in Section 8 below, I have made my assessment in relation to the policies in the adopted Local Plan and, where necessary, made recommendations to ensure compliance with the strategic policies.

47. Cornwall Council has provided comments on the plan as it has proceeded through the preparation process and it is evident from the Consultation Statement that the plan policies have evolved in response to comments made by Cornwall Council.

48. In conclusion, Section 8, Section 9 and Appendix 2 of the Basic Conditions Statement sets out a high-level assessment of how the NDP complies with the NPPF, and the strategic policies of the Local Plan.

49. From my assessment of the plan's policies in the rest of my report, it is evident that the strategic policies of the Local Plan have generally been carried through to the Neighbourhood Development Plan. Therefore, subject to the recommended changes set out in Section 8 below, I conclude that the NDP is in general conformity with the strategic policies of the development plan and therefore this basic condition is met.

Basic Conditions – conclusions

50. I have considered the Basic Conditions Statement, the supporting evidence and representations made to the Feock Neighbourhood Development Plan and I am satisfied that the Plan as submitted follows the general principles set out in national planning policy and contributes to the achievement of sustainable development. It sets out a positive vision for the parish and sets out policies to protect its distinctive character while accommodating development needs.

51. At a practical level, however, a number of the policies in the Submission NDP are not expressed as concisely and precisely as required and I have therefore suggested a number of modifications in Section 8 below to help ensure that the plan accords with national and strategic guidance.

European obligations and Human Rights Requirements

Strategic Environmental Assessment (SEA)

52. The Strategic Environmental Assessment Directive aims to provide a high level of protection to the environment by ensuring that environmental considerations are included in the process of preparing plans and programmes. Cornwall Council screened the Feock NDP for SEA and HRA in September 2014 and concluded that the plan, whilst proposing development, this would not result in significant effects and would therefore not require the undertaking of a Strategic Environmental Assessment or Appropriate Assessment. This view was not supported by Natural England, based on the potential impacts on the AONB. Cornwall Council commissioned a further opinion from AECOM in May 2015. This revised opinion concluded that the NDP is not subject to requirements of the SEA Directive and regulations. In its response to the Pre Submission consultation on the NDP in March 2016, Natural England commented that if any new sites were to be allocated for housing or employment development then these would need to be screened for any impact on designated sites of European Importance (i.e. the Fal and Helford SAC). Natural England has subsequently confirmed that “on the basis of the conclusions drawn regarding site allocations... it concurs with the conclusions drawn in the screening opinion that the Plan is not likely to have significant effects on the environment and that a full SEA or HRA is not required.”

53. The updated statement in Appendix 3 of the Basic Conditions Statement on the need for SEA and HRA of the NDP, therefore concludes that the potential effects on the Fal and Helford SAC, the Upper Fal

and Woods SSSI, the Cornwall and West Devon Mining Landscape World Heritage Site and the Cornwall AONB, will be limited since:

- The NDP does not propose housing allocations
- The location, nature and scale of the proposed employment allocations
- The provisions of the NPPF and the Cornwall Plan strategic policies
- The vision, objectives and policy approaches of the NDP

54. It concludes that the NDP will not give rise to Likely Significant Effects and that an HRA or full SEA is not required.

55. I have considered all the relevant background material and I am therefore satisfied that the submitted Feock Neighbourhood Development Plan meets the requirements set out in the SEA Directive, so this basic condition is met.

Human rights requirements

56. The Steering Group has prepared a comprehensive Equalities Impact Assessment which examined the impact of the Feock NDP on groups with protected characteristics. It concludes that that the plan strategy and associated policies will result in positive benefits for parts of the local community with protected characteristics, notably young people and older people, disabled people and those with limited mobility.

57. In light of this assessment, para 10.15 of the Basic Conditions Statement confirms that it is considered that the NDP is compatible with the requirements of EU obligations in relation to human rights and no evidence has been submitted to me to suggest otherwise. I am satisfied, then, that the Plan does not breach the European Convention on Human Rights obligations.

Other Directives

58. I am not aware of any other European Directives that would apply to this Neighbourhood Development Plan, and in the absence of any evidence to the contrary, I am satisfied that the plan is compatible with EU obligations.

8. Neighbourhood Development Plan policies

59. This section of my report considers the policies set out in the Neighbourhood Development Plan against the basic conditions.

60. The Plan is clearly written and presented and the Steering Group are to be congratulated on producing such a succinct and very well-illustrated plan. All of the policies relate to the development and use of land and none cover excluded development, such as minerals and waste, so the statutory requirements and guidance set out in Planning Practice Guidance¹⁰ are met.

61. The Plan is structured in sections linked to the plan's objectives. The supporting text is set out first followed by the policy wording but insufficient distinction is made between them. To assist future decision-takers, I therefore suggest that paragraph numbers are added to the supporting text and the policy wording is distinguished from the rest of the plan by the use of coloured boxes and bold text. The underlining used in some policies is then superfluous. So, for example, the first paragraph in Section 3.1 commencing "The Plan will safeguard..." would be numbered 3.1.1, the second paragraph commencing "our policies meet the aims..." would be numbered 3.1.2 and so on. Consideration could also be given to whether it was really necessary to highlight the Sustainability and Relevant Planning Policies wording at the end of each policy section in differently coloured boxes.

- **Recommendation: Add paragraph numbers to the supporting text to each policy; distinguish policy wording by the use of bold text and a coloured box; review the use of the different coloured boxes to denote the text relating to Sustainability and Relevant Planning Policies**

62. The maps which accompany an NDP should be clear and unambiguous and be an aid to future decision-makers. However, while there are a great number of plans included in the Submission Plan these are not pulled together into one composite Policies Plan. Figure 2 goes some way towards achieving this, but does not show the whole plan area. The Policies Map should denote the Neighbourhood Development Plan Area, the settlement boundaries and all the NDP policies which can be mapped. This would include the employment allocations and areas designated as Local Green Space; ideally, the boundaries of the Conservation Area, World Heritage Site, AONB and SAC should also be shown. Mapping should be of a suitable scale so that it is legible - I would suggest at least at an A4 scale.

¹⁰ Planning Practice Guidance PPG para 004

- **Recommendation: Prepare and insert a composite Policies Map to replace Figure 2**

63. As part of this examination, my report includes a series of recommended modifications to ensure that the policies are expressed concisely and precisely in order to comply with the basic conditions. Where I have suggested modifications, these are identified in **bold text**. The recommended modifications relate mainly to issues of clarity and precision, and are designed to ensure that the plan fully accords with national and strategic policies. I have considered the policies in the order they appear in the Plan, by section and comment on all of the policies, whether I have suggested modifications or not.

1. Introduction

64. This first section explains why the plan is needed and provides a useful context to the neighbourhood plan making process. It also provides a summary of all the background information which has been collated and analysed to provide a clear rationale for the objectives and policies in the plan. The Evidence Base Summary document is particularly comprehensive and the Steering Group is to be congratulated for all the effort that has gone into pulling this information together.

65. On a point of detail, the first paragraph under the heading Legal Requirement refers to the Cornwall Local Plan Strategic Policy Document March 2014. The Cornwall Local Plan has now been adopted and as it sets out the strategic policy context for the NDP, the reference should be updated to the adopted plan.

- **Recommendation: Update the reference under paragraph 1.3 to the Cornwall Local Plan to “Cornwall Local Plan Strategic Policies 2010-2030: Adopted November 2016”**

2. Vision and delivery of the Plan

66. This section introduces the vision for the plan, the key themes and policies and sets out how the plan will be delivered.

3. Objectives and policies

67. This section is clearly presented and sets out each of the key objectives of the plan and the planning policies which flow from each objective.

Objective 1: Natural Environment (biodiversity- flora and fauna)

68. This suite of policies seeks to protect and enhance the quality of the local natural environment and local biodiversity, habitats, flora and fauna from inappropriate development. Given that the parish contains sites of international and national importance there is inevitably potentially some overlap with national and local policy guidance on such matters. I note that the Cornwall AONB is not listed as a national designation in the second bullet point of the third paragraph on page 11. I suggest that this is added.

Recommendation: Add Cornwall AONB to the second bullet point of the third paragraph on page 11

BIO1 Safeguard and enhance the natural environment

69. This policy sets out a hierarchy of protection for different designations as set out in the NPPF and Cornwall Local Plan.

70. The underlining of three sub policy sections seems sensible; however, as mentioned in para 61 above, the underlining of other policy wording is confusing and should be removed

Recommendation: Delete underlining of text below “Sites of local importance” in Policy BIO1 on page 12

BIO2 Tree and hedgerow protection and management

71. The reference to “be aware of relevant Hedgerow Regulations” is imprecise and would be better expressed in terms of reflecting the relevant legislation.

- **Recommendation: Delete “be aware of” in the second line of Policy BIO2 and replace with “reflect the”**

BIO3 Improving wildlife areas and green spaces

72. The second part of this policy provides guidance about development proposals and how they should take account of the community’s desire to improve wildlife areas and green spaces; however, the first bullet point seems to suggest that in avoiding non-designated sites, development should go to designated sites which would be contrary to the Cornwall Local Plan and the NPPF. Simply changing the

reference from non-designated to designated would address this. The second bullet point is rather vague and is covered by the guidance in policy BIO2 and Cornwall Local Plan Policy 23 on the Natural Environment so can therefore be deleted. The third bullet point could be strengthened to give clearer policy guidance.

- **Recommendation: In the second paragraph of policy BIO3, first bullet point, change “non-designated” to “designated”. In the same paragraph, delete the second bullet point. Delete wording of third bullet point and replace with “seek to protect large areas of semi-natural habitat in non-designated areas”**

Objective 2: Historic environment (heritage)

HE1 Safeguard and conserve the historic environment

73. The Neighbourhood Plan area is very rich in heritage assets, including an internationally recognised World Heritage site and the nationally listed Trelissick Gardens and Park, as well as a wide range of local assets. The community has gone to considerable effort identify all these local assets which are listed in Appendix 3 to the Neighbourhood Plan. I note that in their comments in the draft Plan in March 2016, Historic England say that “The Plan demonstrates an impressive understanding of the heritage which defines the special character of the area The Local Heritage List is a particularly notable initiative”.

74. There is potentially significant overlap between these policies and the much more comprehensive and prescriptive guidance on development which could affect heritage assets which is set out in the Cornwall Local Plan. On balance, therefore, I think it would be best rely on the Cornwall Local Plan policies on development affecting Sites of International and National importance, then leaving HE1 to deal with Sites of Local Importance. The first line of the policy should also be in black rather than blue text, as it is part of the policy, not of the policy title.

Recommendation: Change the first line of the policy from blue to black text. Add new sentence after “the historic environment” to read” Development affecting sites of international importance and sites of national importance will be considered against the guidance set out in Cornwall Local Plan Policy 24.

Delete underlining of text below “Sites of local importance” in Policy HE1. Delete “having “and substitute “should not have” and delete “will not normally be permitted “at the end of the sentence.

And add a new sentence to read “Any such proposals will also be considered against the guidance in Cornwall Local Plan Policy 24”

Objective 3: Landscape and seascape (including creeks and coast)

LS1 Protecting and enhancing seascape

LS2 Protecting and enhancing the landscape

75. Section 3.3 is rather confusing as it includes a considerable amount of text which is duplicated, which means that there is not sufficient clarity to guide future decision-makers. I suggest that it is simplified considerably and that there is only one sub heading in the supporting text – Landscape and seascapes policy – reasons.

- **Recommendation: Add “- reasons” at the end of the heading “Landscape and seascapes (including creeks and seascapes) policy”. Delete the heading “Seascapes (including creeks and coasts) policy – reasons.”.**

76. In the second line of the first paragraph at the top of page 17, reference is made to the “Eastern part of the parish is undesignated”. However, looking at Figures 8 and 9 which show the designated areas, this reference should be to the western part of the parish rather than the eastern part. The sentence which follows which reads “The national and local designations that protect the eastern and southern half of the parish “is superfluous as this statement is repeated in the final sentence of the paragraph. The paragraph below which starts “The community of Feock Parish rates” repeats the first paragraph below 3.3 on page 16 and should be deleted. The words “which are recognised through international, national and local designations” should be added at the end of the second sentence of the paragraph below 3.3 on page 16. The introductory sentence of the paragraph below the “seascapes” heading is superfluous and should be deleted.

- **Recommendation: Add “which are recognised through international, national and local designations” to the end of the second sentence of the paragraph below 3.3 on page 16. Substitute “western” for “eastern” in the second sentence of the paragraph at the top of page 17. Delete the third sentence. Delete second paragraph on page 17. Delete first and last sentences of paragraph below “Seascapes....” heading**

77. The second and third paragraphs on page 18 make reference to taking a precautionary approach to recreational and other development which could affect the Fal and Helford SAC, but no reference is made to Policy 22 of the Cornwall Local Plan European Protected Sites – mitigation of recreational impacts from development. I therefore suggest that an additional clause is added to policy LS1 to ensure compliance with the Local Plan policy and to strengthen the guidance in Policy LS1. Reference also should be added to Policy 22 in the list of relevant Cornwall Local Plan policies in the blue box at the top of page 19.

- **Recommendation: Add a third bullet point to policy LS1 to read:” development complies with Cornwall Local Plan Policy 22. Add Policy 22 European Protected Sites – mitigation of recreational impacts from development to the blue box at the top of page 19**

78. Policy LS2 is a landscape protection policy and, as such, there is considerable overlap with Cornwall Local Plan Policy 23 and, as with Policy BIO1, the NDP policy is less precise than the Local Plan policy. The policy also refers to “the most typical or important views within to, or from settlements “and although some of these are noted on some of the constraints and opportunities, there is limited evidence to explain how these have been assessed on a consistent basis. On balance therefore, I conclude that, as around 35% of the plan area is designated as AONB, it seems best to retain that part of the policy, but to delete the remainder.

- **Recommendation: Delete “and the wider undesignated rural landscape of Feock Parish including the most typical or important views within, to or from settlements” from the end of Policy LS2**

Objective 4: Green and open spaces

G1 Local green spaces

79. Local green spaces are important designations and, as the paragraph at the foot of page 19 recognises, the NPPF states in para 77 that:

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. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- 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
- where the green area concerned is local in character and is not an extensive tract of land.”

80. From my site visit I saw that the sites listed in the NDP are well used green spaces, conveniently located in relation to the communities which use them and have clearly defined boundaries. It is evident that they are valued local assets which are regularly used by the community. I am therefore satisfied that the local green spaces identified in the plan meet the requirements of the NPPF and should be designated as Local Green Space in the NDP.

81.A representation pointed out that there were inconsistencies in the naming of the sites between Figure 11 and Figure 15, Cornwall Council has confirmed that the list in Figure 11 is correct, so changes are required to the key to Figure 14 with respect to Carnon Yard (which should be Carnon Mine) and Trolver Croft Quay (which should be Carnon Yard). In figure 14a the green dot for Carnon Downs Play Park (Item 11) needs to be added. The location of the red dots 2, 3 and 4 should also be checked.

- **Recommendation: Amend key to Figure 15 to change Carnon Yard to Carnon Mine and Trolver Croft Quay to Carnon Yard. Add a green dot to denote Carnon Downs Play Park (Item 11) and check the location of the red dots in 2,3 and 4**

Objective 5: Quality of design

D1 Design quality

82. High quality design is clearly a priority for the community and it is good to see that there is both Cornwall wide and local design guidance available. In light of this, the second bullet point could be more positively phrased so that the requirement is for proposals to move beyond simply encouraging the use of design guidance to a more positive statement about following the relevant guidance. There are a number of strands to the policy and they would be more clearly expressed if they were listed as three separate bullet points.

- **Recommendation: Reword the second bullet point of Policy D1 to read “Follow the design guidance set out in county wide and other relevant local design guides. Add a new bullet point**

to read “encourage the use of professional design services and local craftsmen” and start a new bullet point from “Provide garden amenity spaces.... open space”

Objective 6: Housing

83. The background to the four housing policies in the NDP is set out on pages 24 to 27 and provides much supporting detail as well as a very helpful justification for each policy.

84. In the first paragraph below the heading 3.6 Objective 6: Housing, the remaining housing requirement for the NDP area is confirmed as 80 dwellings up to 2030. This is derived from the parish’s share of the Truro and Roseland CNA requirement of 108 dwellings, less recent consents at Point Road and Quenchwell Road in Carnon Downs. I understand from checking with Cornwall Council that the number assigned to the Community Network Area by the Cornwall Local Plan has been divided amongst the constituent parishes (excluding those entirely covered by AONB or having their only settlements in the AONB) using a pro-rata formula using the number of dwellings in each relevant parish to divide the number of dwellings remaining at the time of calculation (i.e. excluding any that have already been permitted or constructed since 2010). I think it would be helpful for future decision takers if this was briefly explained in the NP.

Recommendation: Add after Cornwall Local Plan in the second sentence at the start of first paragraph on page 24 as follows: “is based on a pro rata formula based on the number of dwellings in each parish to divide the number of dwellings remaining at the time of calculation and”

85. The third paragraph on page 25 states that on average 6 houses per year have been approved on windfall sites between mid 2009 and April 2017, so this requirement can be met.

86. Most development will take place on infill sites within settlement boundaries and paragraph 1.4 of Section 1.0 Introduction to the NDP explains that as part of the neighbourhood planning process, the settlement boundaries which were defined in the former Carrick District Wide Local Plan (adopted in 1998) have been assessed and two minor adjustments have been made at Carnon Downs and Penpol Point. I have considered whether this introductory text would be better located in the housing section but, on reflection, I have concluded that it is best in the Introduction as it potentially is relevant to other land uses, not only housing. I do, however, feel that the first bullet point of the second paragraph on page 24 does not quite reflect the work that has been done through the NDP in reviewing the former

settlement boundaries which were set out in the Carrick District Wide Local Plan and so some minor rewording is needed.

87. Two representations have commented about the settlement boundaries, suggesting amendments to the northern settlement boundary of Restronguet Point at Harcourt and at the south-eastern corner of Penpol Point.

88. In relation to the Restronguet Point boundary, it has been suggested that the boundary should be extended to include all of the gardens of Roanoke and Market Slip down to the foreshore. Such an extension would bring a significant area of land into the settlement boundary, contrary to the criteria to be used to define settlement boundaries set out in the second bullet point on page 5 of the NDP—namely that the curtilage of dwellings are included “unless... they would provide significant capacity to extend the built form of the settlement”; it would also not be consistent with the review of the boundary at the north-eastern end of the settlement, which does not extend the boundary to the foreshore. An extension would also extend the settlement into the AONB and no exceptional circumstances have been put forward, so an extension would be contrary to the NPPF. Therefore, the proposed settlement boundary amendment at Harcourt is not appropriate.

89. In relation to the Penpol Point boundary it has been suggested that this should be extended to the east, to include orchard land to the east of “Penolva” and “Spindrift”. The orchard land is functionally separate from the dwellings, so again the criteria set out in the NDP for settlement boundary review are not met. An extension would also extend the settlement into the AONB and no exceptional circumstances have been put forward so an extension would be contrary to the NPPF. Therefore, the proposed settlement boundary amendment at Penpol Point is not appropriate.

- **Recommendation: Reword first two sentences of the second bullet point of the second paragraph on page 24 to read “Identifying, confirming and where necessary reviewing, the settlement boundaries and identifying those edges that are critical or...”**

90. As the new settlement boundaries will be confirmed on the adoption of the Neighbourhood Development Plan, Figures 1 and 2 should be deleted and replaced by a new plan (Figure 1) showing the final settlement boundaries and Figures 3b and 7b retitled to make clear that they depict the final settlement boundaries. For clarity, it would also be sensible to remove the words “no change” from the titles of Figure 4b, 5b and 6b.

- **Recommendation: Deleted Figures 1 and 2. Add a new Figure 1 showing the new settlement boundaries. Retitle Figures 3b and 7b to make clear that they depict the final settlement boundaries. Remove the words “no change” from the titles of Figure 4b, 5b and 6b.**

H1 Small-scale “infill and rounding off” housing development considerations

91. The wording of this policy is based on an old version of Policy 3 Role and Function of places in the Cornwall Local Plan. It therefore needs to be updated to reflect the definitions of infill and rounding off included in the adopted Local Plan.

- **Recommendation: Delete word “considerations” from the policy title. Reword policy H1 as follows:**

“Small scale infill or rounding off development within the settlement boundaries (as defined in Figures 1 ,3, 4, 5,6, and 7 in Appendix 1) or within other small rural hamlets will be approved where the development:

- **is an infill scheme which fills a small gap in an otherwise continuous built frontage and does 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;**
- **is a rounding off scheme which involves the rounding off of a settlement and does not visually extend building into the open countryside**
- **involves development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;**
- **conserves and enhances the settlement’s special historic, architectural and landscape character – in particular within or adjacent to the AONB, the World Heritage Site and the Devoran Conservation Area**
- **does not a cause detriment to the residential amenity of any existing or neighbouring dwellings (eg through loss of privacy) or to the character of the locality and it provides a safe means of access.”**

H2 Small scale affordable rural exception schemes

92. The final paragraph on page 25 and policy H2 both make reference to small scale rural exception sites to “be dispersed throughout the parish” which is potentially misleading, as the fourth bullet point of policy H2 states that such sites will only be acceptable if they are adjacent to or well related to the existing settlement boundaries. Some rewording of the both the policy and the supporting text is therefore required. A more consistent reference to settlement boundaries is also required in the same bullet point. I note also that the Appendices 4 and 5 which cover Policies 9 and 10 of the Cornwall Local Plan are now out of date, as they have been replaced by the adopted Local Plan policies. This also needs to be addressed.

Recommendation: Reword second sentence of last paragraph on page 25 to read “Such small-scale, affordable housing-led schemes should be located on small-scale rural exceptions sites adjacent to existing settlements throughout Feock Parish and will need to comply with Policy 9 of the Cornwall Local Plan”. In the fourth bullet point, add “settlement” between “Existing “and “boundaries “and delete “of the built-up area”. Delete Appendices 4 and 5 and replace with wording for Policies 9 and 10 in the adopted Cornwall Local Plan.

H3 Housing mix

93. I have no comments to make on this policy.

H4 Replacement housing

94. The fifth paragraph on page 26 explains the background to this policy, but refers to out of date guidance from the Cornwall Local Plan Policy 7. This needs to be corrected. I also note that Policy H4 mixes guidance for replacement dwellings within settlement boundaries and in the open countryside which results in a lack of clarity. A representation has also commented on this. I consider that there is sufficient guidance on development within settlement boundaries in NDP Policy H1, as redrafted above, and that replacement dwellings in the open countryside are more than adequately covered by Local Plan Policy 7 and a cross reference in the supporting text to the Cornwall Local Plan policy in the NDP is all

that is required. As a result, Policy H4 is not required and should be deleted. The second last paragraph on page 26 is also superfluous and should be deleted.

- **Recommendation: Reword fifth paragraph on page 26 as follows:**

“Proposals for housing development outside existing settlement boundaries in the open countryside will be strictly controlled. Policy 7 of the Cornwall Local Plan states that:

The development of new homes in the open countryside will only be permitted where there are special circumstances. New dwellings will be restricted to:

1. Replacement dwellings broadly comparable to the size, scale and bulk of the dwelling being replaced and of an appropriate scale and character to their location; or

2. The subdivision of existing residential dwellings; or

3. 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; or

4 Temporary accommodation for workers (including seasonal migrant workers), to support established and viable rural businesses where there is an essential need for a presence on the holding, but no other suitable accommodation is available and it would be of a construction suitable for its purpose and duration; or

5 Full time agricultural and forestry and other rural occupation workers where there is up to date evidence of an essential need of the business for the occupier to live in that specific location.”

- **Delete Policy H4 and the second last paragraph on page 26**

Objective 7: Economy and jobs

ECON1 Protection and enhancement of existing employment land/sites and creation of new employment opportunities

95. This policy provides guidance to support new employment opportunities and to safeguard existing employment sites. It is a site-specific policy and the locations referred to in the policy are shown in Appendix 2 – Figure 13. This is titled “Existing Business areas and ‘Business Start-up’ areas proposals/options map”, but as these are now firmed up allocations, the reference to proposals/options should be removed. There also needs to be a clearer link between the policy wording and the sites which are named and numbered in Policy ECON1. This will ensure that there is sufficient precision and certainty in the NDP to guide and inform future decision-makers.

- **Recommendation: Delete “proposals/options “from the title of Appendix 2 - Figure 13**
- **Add “defined in Appendix 13 as Sites 1,2,3 and 4” between “employment sites “and “by retaining” in the first bullet point of Policy ECON1**

Objective 8: Getting around

96. This section provides a useful introduction background to the three transport policies which follow. The NDP is perhaps in a unique position of benefitting from a local ferry service which is well used all year round and it is good to see policy GA1 seeking to ensure that development proposals in the plan area recognise and support this important asset. My only comment is that the word “peninsula” seems to be missing from the final sentence of the sixth paragraph on page 33.

Recommendation: Add “peninsula” after “Roseland “in the last sentence of the sixth paragraph on page 33.

GA1 Public transport protection

97. I have no comments on this policy.

GA2 Improve pedestrian and cycle routes (public rights of way access) within the parish

98. The title seems unnecessarily complex and is not consistent with the way that other policies in the NDP are titled. I suggest, therefore, that it is reworded.

- **Recommendation: Reword title of GA2 as “Pedestrian and cycle routes”**

99. A number of representations on the NDP state that there are inconsistencies between the Suggested Projects mapping (Figure 27, page 23 of Document 3 – Evidence base Summary Part 1) and Appendix 12 of the NDP Document, entitled Feock Parish existing and proposed routes map. The inconsistency concerns a proposed cycleway running from Harcourt through Trolver Croft to Penpol which is shown in the former document but not in the NDP in Figure 12. I understand that the NDP document is correct, so an amendment to page 23 of the Evidence Base Document is needed.

- **Recommendation: Delete the Proposed cycleway from Harcourt through Trolver Croft to Penpol from Figure 27 on page 23 of the Evidence Base Document**

GA3 Provision of adequate parking

100. I have no comments on this policy.

Objective 9: Village hearts and gateways

VHG1 Support enhancements to village hearts and gateways

101. This policy seeks to support develop proposals which enhance the gateways and centres of Carnon Downs and Devoran. The areas to which the policy relates are clearly defined in Figures 3a and 3b, so I have no comments to make.

Objective 10: Community health and well-being (facilities and services)

C1: Protect existing and support new community and cultural facilities and services to meet local needs

102. The NDP area has a limited number of community and cultural facilities and I understand the community's desire to protect existing facilities and support new ones. Combined with Policy 4 in the Cornwall Local Plan Policy 4: Shopping, services and community facilities, Policy C1 is an appropriate approach and I have no comments to make.

Objective 11: Sustainability and climate change

103. The introductory text on page 40 provides the background to policies SC1 on pollution and flood risk and SC2 Support small scale renewables. The fifth and final paragraph explains that there is

community support for new allotments in the parish, but there is no associated policy. However, I note that this issue is already covered in the final paragraph of Policy G1 Local Green Spaces. I therefore suggest that the fifth paragraph under 3.11 is moved to become additional supporting text for Policy G1.

- **Recommendation: Move the fifth paragraph on page 40 to become a new paragraph immediately preceding Policy G1 Local Green Spaces on page 20**

104. I note that policies SC1 and SC2 are in a blue box on pages 40/41. As mentioned in para 61 above, there should be a consistent approach to the presentation of policies in the NDP.

- **Recommendation: Review the presentation of policies SC1 and SC2 in blue text boxes to ensure consistency with the presentation of other land use policies in the NDP**

SC1 Pollution and flood risk

105. This policy seeks to complement national guidance on flood risk and pollution and the more local guidance in the Cornwall Local Plan. I am concerned that in specifying Flood risk zone 3 in line 2, the policy risks being unduly prescriptive so I suggest it is deleted. The supporting text would benefit from a cross reference to Cornwall Local Plan Policy 26 - Flood risk management and coastal change being added at the end of the third paragraph on page 40.

- **Recommendation: Reword second sentence of Policy SC1 to read “Development is not supported in areas identified vulnerable to flooding in accordance with the NPPF and as identified by the Environment Agency”. Add “Cornwall Local Plan Policy 26 - Flood risk management and coastal change also provides detailed guidance which is relevant.”**

SC2 Support small scale renewables

106. The reference to the Cornwall Renewable Energy Supplementary Planning Document Consultation Draft 2015 is now out of date as the relevant guidance is now the Cornwall Renewable Energy Planning Advice which was adopted in March 2016. The policy therefore needs to be amended

- **Recommendation: Delete “Cornwall Renewable Energy Supplementary Planning Document Consultation Draft 2015” from Policy SC2 and substitute “Cornwall Renewable Energy Planning Advice adopted March 2016”**

Delivery Strategy

107. This document provides a very clear explanation of how each policy in the Neighbourhood Development Plan will be secured, monitored and actions required: who the key delivery partners are and then sections to monitor progress and timescales. It is a very clear approach and the Steering Group are to be commended for their forward thinking about plan delivery. My only comment would be that the text box in blue at the top of each should be updated with the policy wording from the finally adopted version of the Neighbourhood Development Plan policies.

- **Recommendation: Update the Delivery Strategy with the final adopted version of the Neighbourhood Development Plan policies**

9. Conclusions and Recommendations

108. I have examined the Feock Neighbourhood Development Plan and I have concluded that, subject to the modifications set out in my report, it meets the basic conditions and other statutory requirements.

109. I am therefore pleased to recommend to Cornwall Council that, subject to the modifications set out in my report, the Feock Neighbourhood Development Plan should proceed to referendum.

110. I am also required to consider whether the referendum area should be extended beyond the Feock Neighbourhood Development Plan area. I see no reason why it would be necessary to alter or extend the plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area approved by Cornwall Council in 2013.

Appendix 1 Background Documents

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

- Submission Feock Neighbourhood Development Plan April 2017 V33
- Submission Feock Neighbourhood Development Plan Evidence Base: Summary April 2017
- Submission Feock Neighbourhood Development Plan: Consultation Statement April 2017
- Submission Feock Neighbourhood Development Plan: Basic Conditions Statement April 2017
- Submission Feock Neighbourhood Development Plan: Delivery Strategy April 2017
- Submission Feock Neighbourhood Development Plan: Equalities Impact Assessment: April 2017
- Feock Neighbourhood Development Plan – Legal Compliance and Examination Stage: Cornwall Council: June 2017
- Feock Neighbourhood Development Plan Legal Compliance Check: Cornwall Council: June 2017
- Submission Feock Neighbourhood Development Plan: Strategic Environmental Assessment Screening Report: Further Revision July 2016
- Representations made to the Feock Neighbourhood Development Plan (Reg16) 29 June - 10 August 2017
- Cornwall Local Plan 2010-2030 Adopted November 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance March 2014 and subsequent updates