

Withiel Neighbourhood Development Plan

Independent Examiner's Report

January 2018

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Summary

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

The examination was carried out in January 2018 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 11 January 2018.

The plan is based on well researched evidence, engagement with the local community and provides a distinct set of policies, relevant to the needs of local people.

Subject to a number of modifications set out in this report, I conclude that the Withiel 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 Development Plan area.

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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. Withiel Parish is a small, essentially rural parish, situated towards the centre of Cornwall and to the west of Bodmin. It comprises a number of small hamlets including Withiel, Withielgoose, Withielgoose Mills, Retire and Ruthern Bridge. Its economy is traditionally based on agriculture with tourism as a secondary activity. The Saints Way, which links Padstow to the north with Fowey to the south, passes through the Parish. The only small commercial /retail business area is to the south of the plan area at Higher Brynn Industrial Estate and Victoria Square.

3. The purpose of this report is to assess whether the Withiel 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 Withiel 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 check ¹ 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 site ³ or a European offshore marine site ⁴ 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.

4. Compliance with matters other than the basic conditions

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

14. Withiel Parish Council first considered the preparation of a neighbourhood development plan in July 2013 and agreed to proceed with a plan in October 2014. A formal submission was made to Cornwall Council to designate the parish as a neighbourhood area in February 2015. On 30 April 2015, Cornwall Council designated the parish of Withiel as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. The designated area covers the parish of Withiel and does not cover any other neighbourhood area and the qualifying body is Withiel Parish Council. Although progress was delayed by the illness and subsequent death of the chair of the parish council and informal steering group, the Withiel Neighbourhood Development Plan Steering Group was set up in early 2016 and this group has steered the rest of the plan preparation process.

15. I am satisfied that the Neighbourhood Development 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 2015-2030, which aligns with the adopted Cornwall Plan.

16. The Withiel Neighbourhood Development Plan therefore meets the requirements set out in para 7 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 Withiel 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 Cornwall Council and Withiel NDP Steering Group. 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

⁵ PPG para 004 ref id 41-004-20140306

area on 11 January 2018.

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.

23. Initial community consultation about creating a Neighbourhood Development Plan was carried out by Withiel Parish Council in May 2014. A series of public meetings, attended by between 15 and 30 local residents were held during 2015; housing policy for the parish was considered in October 2015.

24. More structured Steering Group arrangements were set up in early 2016, leading to a Community Consultation event in June 2016 to launch the draft Neighbourhood Development Plan. Pre-submission consultation on the Draft Neighbourhood Plan followed between 1st August and 16th September.

25. It is clear from the Consultation Statement that the Steering Group has gone to considerable effort to engage as widely as possible with the community, contacting statutory bodies by e mail, putting notices in the parish magazine and hand delivering letters to every household and business premises in the parish. 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 clearly stated on page 9 of the NDP:

“To maintain Withiel as predominantly a peaceful and attractive rural environment with strong community cohesion, but with a commitment to high-quality communications both physical and electronic, effective controls on industrial development, adequate provision of appropriate and good-

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

quality housing for residents, and a thriving economy using local talents and resources”

26. The representations made as a result of this consultation are set out in Appendices 21-23 of the Consultation Statement. As a result, revisions were made to the plan and the Submission version of the plan was prepared.

27. The Regulation 16 consultation on the Submission version of the Neighbourhood Development Plan was carried out by Cornwall Council between 27 September and 8 November 2017. I note that National Grid was the subject of a separate, later consultation; this should be reflected in an update to the Consultation Statement.

- **Recommendation: Update Consultation Statement to reflect consultation with National Grid at Regulation 16 stage**

Representations received

28. 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 1st August and 16th September 2016. In all, twelve representations were received, the majority of which were from statutory consultees.

29. The second consultation on the Submission Draft plan was managed by Cornwall Council and took place between 27 September and 8 November 2017. This generated 10 responses, all from statutory bodies, including Cornwall Council.

30. 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.

31. From the evidence in front of me, it is apparent that the Withiel 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. 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

31. 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.

32. I have considered the Withiel Neighbourhood Development Plan Basic Conditions Statement (January 2017) produced by the Steering Group, the updated version of the Basic Conditions Statement produced by a planning consultant in July 2017 and other supporting documentation to assist my assessment which is set out below.

National Policy

33. 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.

34. The updated Basic Conditions Statement, in Table 1, sets out a straightforward assessment of how the policies in the NDP addresses the core planning principles of the NPPF and NPPG. The NDP therefore satisfies the basic condition that it has regard to national policies and advice.

Sustainable development

35. The qualifying body has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF⁹.

36. Paragraph 4d of the Basic Conditions Statement explains how the NDP contributes to sustainable development, so this requirement is met.

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

⁸ NPPF para 16 and 17

⁹ NPPF para 18-219

Development Plan

37. 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. The updated Basic Conditions Statement, produced in July 2017, provides a comprehensive assessment, in Table 2, which demonstrates that the NDP is consistent with the adopted Cornwall Local Plan.

38. The Parish is located in the wider Bodmin Community Network Area (CNA) defined in the Cornwall Local Plan and Policy 2a provides details about the quantum of growth to be accommodated in the wider CNA. Section PP11 in the Community Network Areas Section of the Cornwall Local Plan also provides further detail.

39. Withiel 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*

40. 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.

41. 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.

42. 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

43. I have considered the Basic Conditions Statement, the supporting evidence and representations made to the Withiel 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.

44. 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)

45. 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 Withiel NDP to assess whether it required Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA) in January 2017. It concluded that the plan is unlikely to have significant effects and therefore the undertaking of a Strategic Environmental Assessment or Appropriate Assessment would not be required. This view was confirmed by the relevant statutory bodies – namely, Natural England, Historic England and the Environment Agency.

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

Human rights requirements

47. The Basic Conditions Statement, at para 4.8, explains that consultation on the Withiel NDP has been wide ranging and confirms that it is considered that the NDP is compatible with the requirements of EU obligations in relation to human rights. 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

48. 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

49. This section of my report considers the text of the NDP and assesses the policies set out in the Neighbourhood Development Plan against the basic conditions.

50. The Plan is clearly written and presented and the Steering Group are to be congratulated on producing such a succinct 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.

51. The introductory paragraphs before each policy generally provide suitable justification for the policies which follow. Where I consider they may need amendment to support the plan policy, I have included comments to that effect. The plan's policies are grouped in topic based sections with a description of the relevant features of the parish, followed by the land use policies and then any relevant community actions. As I am only examining the land use planning aspects of the Neighbourhood Development Plan, I have not considered the community actions section in any detail. I have simply checked that they do not overlap or otherwise impact on the plan policies. I have also not considered the Withiel Parish Design Guide as this is presented as a separate, supplementary document to the Neighbourhood Development Plan.

52. As a general comment and to assist future decision-takers, it would be helpful if section numbers

¹⁰ Planning Practice Guidance PPG para 004

could be included after Section 5 and paragraph numbers could be added to the whole plan.

- **Recommendation: Add section numbers beyond Section 5 and add paragraph numbers to the whole plan**

53. The maps in the NDP are all well presented and the areas to which the various policies apply are all very clear. My only suggestion would be to consider whether it might be helpful to include a general locational plan which shows where Withiel Parish is located in relation to surrounding settlements such as Wadebridge, Bodmin and Roche and the main road routes, such as the A30 and A39.

- **Recommendation: Consider adding a general locational plan to the NDP to show the context of Withiel Parish within the wider Cornwall area**

54. 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. Description of the parish

55. This section describes the parish and its characteristics and I have no comments to make.

2. Neighbourhood planning: national and local

56. This section summarises the national and local planning policy context and requires some updating, notably in the second bullet point, with regard to the NPPF changes which have now taken place. On page 6 the references to earlier stages of the preparation of the Cornwall Local Plan in bullet points 4, 5 and 6 are no longer needed and can be deleted as the Cornwall Local Plan has now been adopted. Reference is made in bullet point 9 to the housing requirement for the Bodmin Community Network Area and the parish's share and, as this has a bearing on the housing policies in the NDP, this bullet point should be updated to reflect the guidance in the adopted Cornwall Local Plan.

- **Recommendation: On page 6 update bullet point 2 to refer to the updated NPPF; update bullet point 9 to refer to the adopted Cornwall Local Plan and delete bullet points 4, 5 and 6**

3. Plan period

57. This section confirms that the NDP plan period is 2015-2030, which aligns with the plan period for the adopted Cornwall Local Plan which is 2010-2030. I therefore have no comments to make.

4. Description of development plan process so far

58. This section provides a useful summary of the NDP plan preparation process to date. For completeness, it would be helpful to add a further paragraph to cover the Regulation 16 Consultation in autumn 2017.

- **Recommendation: Add a further paragraph to Section 4 to explain the Regulation 16 Consultation process which took place in autumn 2017**

5. Procedure for submission, examination, referendum, adoption

59. This is a straightforward description of the latter stages of plan preparation and would need to be updated in light of any changes made in line with paragraph 58 above.

- **Recommendation: Update Section 5 in light of any changes made in line with paragraph 58 above**

The Vision

60. This section sets out the vision for the NDP, which has clearly been informed by the views of residents of the parish. I have no comments to make.

Policies

A - Economic Development

Policy A1 - Superfast Broadband

61. My only comment on this policy is that the word “the” seems to be missing between “within” and “neighbourhood”.

- **Recommendation: Add “the” between “within” and “neighbourhood” in Policy A1**

Policy A2 - Agricultural development

62. This policy refers to the Bodmin community network area being designated as a focus for development of agri-food enterprise in the Cornwall Local Plan. However, this reference seems to be to an earlier version of the Cornwall Local Plan which has now been superseded, so policy A2 needs to be amended accordingly. The policy also needs to include some reference to any development to be appropriate in scale to its location to align with policy 5.1(c) of the Cornwall Local Plan which deals with business and tourism in the countryside and smaller rural settlements.

- **Recommendation: Reword Policy A2 to read “Proposals to expand existing or develop new specialised agri-pastoral farming activities will be supported, provided the development is appropriate to its scale and location and complies with other relevant policies in the NDP and Cornwall Local Plan.”**

Policy - A3 Victoria Square

63. The supporting text on page 10 explains the issues with the business premises at Victoria Square and I saw on my site visit that these are indeed rather rundown and somewhat derelict in appearance. Given its sustainable location next to the new Victoria Services and the adjacent area on the Roche side of the parish boundary which is earmarked for regeneration, I agree that every encouragement should be given through the NDP policies for regeneration of the Victoria Square site. The policy as drafted puts a deadline for “satisfactory level of regeneration ...by 2020”, but I am concerned that it may be difficult to define what “satisfactory” means in practice and also that the 2020 deadline may be unrealistic – given that date is just two years hence. These issues, along with concerns about the uncertainties about the proposed A30- St Austell Link Road, were also raised by Roche Parish Council in their comments on the NDP. I also have some concerns about this being a suitable location for affordable housing if regeneration efforts failed to materialise, as it is not located within an existing settlement nor could it be considered as a rural exception site on the edge of a settlement. I therefore suggest that Policy A3 is redrafted to be less prescriptive about timescales for regeneration and alternative land uses and also so that it is aligned more closely with Cornwall Local Plan Policy 5.2 which deals with the potential loss of business space.

- **Recommendation: Reword Policy A3 as follows: “Development proposals for commercial and employment use to promote the regeneration of the site known as Victoria Square (identified on Map A2) will be supported in principle. Any proposals for the loss of business space should:**
 - **demonstrate that there is no market demand through active and continued marketing for at least 9 months and**
 - **result in the provision of better quality employment space allowing for mixed use and the regeneration of existing uses or**
 - **be necessary to meet a clear need for community facilities or rural affordable housing**

Any development proposals should be subject to early engagement and consultation with the Parish Council and seek to provide safe pedestrian and cycle access to the facilities at Victoria. Any significant development should be subject to traffic impact assessment and consultation with the Highways Agency.”

B. Housing

B1 General Development Principles

64. Withiel Parish is not an area planned for growth in the Cornwall Local Plan so the plan does not propose any housing allocations. Any residential development will be limited to infilling within settlement boundaries or rural housing exception sites. The last sentence of the first paragraph on page 16 therefore needs to be updated to more accurately reflect the strategic guidance in the Cornwall Local Plan.

- **Recommendation: Delete last sentence of first paragraph on page 16 and substitute: “The parish is defined as part of the Bodmin CNA where residential development will be limited to infilling within existing settlement boundaries and rural exception sites.”**

65. Withiel is the only settlement in the NDP area which has a defined settlement boundary which was inherited from the North Cornwall Local Plan 1999. Through a query I raised with the Steering Group, it has been confirmed that this boundary should be formalised through the NDP. The wording of Policy B1(a) also needs to be amended to make clear that it refers to only residential development and accords more closely with the wording of Cornwall Local Plan policy.

- **Recommendation: Reword Policy B1(a) to read: “Proposals for single dwellings or very small scale residential development on infilling plots within defined settlement boundaries will be permitted”. Amend Title of Map B1 to denote the boundary shown in black as “Withiel settlement boundary”. Delete Note below Map B1**

66. Policy B1(b) deals with development outside development boundaries and is linked directly to relevant policies in the adopted Cornwall Local Plan, so I have no comments to make.

67. Policy B1(c) deals with the design of new development and I have no comments to make, beyond suggesting that a more specific reference is made to the Withiel Design Guide.

- **Recommendation: Add “Withiel” between “the” and “parish” in the first sentence of Policy B1(c)**

68. Policy B1(d) deals with replacement dwellings and I have no comments to make.

69. Policy B1(e) deals with the replacement of residential caravans with permanent dwellings and I have no comments to make.

70. Policy B2 deals with affordable housing but has no title to introduce it, so I suggest one is added.

The policy as drafted is not compliant with the NPPF or the Cornwall Local Plan. These state that affordable housing contributions can only be sought on sites of over five homes and on sites of between 6 and 10 homes and the development will only be required to contribute in the form of s106 contributions. On sites of over 10 dwellings and where the combined floorspace exceeds 1,000 square metres, the Cornwall Plan says that 50% affordable housing should be provided in the Bodmin CNA. The only exceptions are rural exception sites where 100% affordable housing is generally expected, but this is already covered by the guidance in Policy B1(b) which makes a direct reference to Cornwall Local Plan Policy 9 – Rural Exception Sites. Policy B2 therefore needs to be redrafted. To avoid a lengthy rewording, I suggest a simple cross reference to Cornwall Local Plan Policy 8 – Affordable Housing – is made; this would also be consistent with the approach taken in policy B1(b).

- **Recommendation: Reword Policy B2 as follows: “Proposals for the development of affordable housing will be permitted in accordance with Cornwall Local Plan Policy 8 – Affordable Housing, provided there is no significant adverse impact on the landscape or historic environment. Such proposals must be located near to existing services and facilities and**

should be well connected to the local transport network.” Add a title to Policy B2 - Affordable Housing

C. Environment and Community Facilities

71. Policy C1 deals with the environment and community facilities and would benefit from strengthening to make a more direct link with development proposals. I note that the Community Infrastructure Levy is not yet in place in Cornwall, so I suggest that a more generic reference to developer contributions would be more appropriate.

- **Recommendation: Reword Policy C1 to read as follows: “To maintain and conserve the character and attractiveness of the plan area and to facilitate access to it for residents and visitors alike, developer contributions will be sought, where appropriate, to enhance existing or provide new community facilities”.**

D. Heritage and Tourism

D1 General Principles

72. Policy D1 deals with the General Principles of development and its impact on heritage and is linked to Policy B1. To avoid potential confusion with Policy B1, I suggest that the title of the policy is amended to Heritage – general principles and the reference to Policy B1 is deleted.

- **Recommendation: Change title of policy D1 to “Heritage – General Principles”. Delete “Further to Policy B1, above” at the beginning of the policy**

D2 Protection of historic infrastructure

73. While supporting the principle behind policy D2 which is to protect historic infrastructure, I consider that it would benefit from some tightening up to ensure clarity for future decision-makers and compliance with the NPPF and strategic policies in the Cornwall Local Plan.

- **Recommendation: Reword Policy D2 to read “Repairs of and alterations to existing historic buildings or structures, including guide posts, way markers and post boxes, should accord with Cornwall Local Plan Policy 24 – Historic Environment”**

D3 Development of Tourism

74. The encouragement of tourism related development is supported by this policy, but the second sentence of the policy could be taken to mean that larger commercial developments would be acceptable in all circumstances. Such an approach would not align with the strategic policies (Policy 5 of the Cornwall Local Plan, in particular) so I suggest that the policy is reworded to refer to developments being of an appropriate scale to their location and being accessible by a range of transport modes.

- **Recommendation: Add “provided they are of an appropriate scale to their location and accessible by a range of transport modes” after “larger commercial developments” in the second sentence of Policy D3**

E. Green Assets and Sustainable Development

75. The supporting text to this group of policies, on page 26 of the plan, summarises the various European and national assets which have been designated in recognition of their biodiversity. Natural England suggest that these areas are specified in more detail, that reference is made to priority habitats and that the River Camel Special Area of Conservation (SAC) is added to map E1; I agree with these suggestions. Areas of Great Scientific Value (AGSV) were originally identified in the Cornwall Structure Plan and carried through to the North Cornwall Local Plan, but have not been included or formalised in the more recently adopted Cornwall Local Plan so the depiction of these former designations on Map E1 is no longer appropriate and should be deleted. The sentence in the supporting text relating to AGSV should also be deleted.

- **Recommendation: In the first sentence of the second paragraph on page 26, delete “One is” and insert “The River Camel and Tributaries SSSI lies...”. In the second last sentence of the same paragraph delete “this” and insert “the Retire Common site”. Delete the sentence “An AGSV is defined by Cornwall Council plan as an area acting as a ‘buffer’ around the most important and sensitive nature conservation sites” from the third paragraph on page 26. Add as a new sentence after “protected by legislation” in the first paragraph on page 27 “The plan area contains a number of ‘priority habitats’ including upland heathland, semi-improved grassland, lowland heathland and purple moor grass and rush pastures.” Delete Area of Great Scientific Value notation from Map E1 and add River Camel SAC**

E1

76. Policy E1 deals with development in designated SSSI's and overlaps with guidance in the NPPF and the Cornwall Local Plan so it is not necessary to include such a policy in an NDP. If one is included, it should more accurately reflect the guidance in the NPPF, which states:

Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- **Recommendation: Reword Policy E1 to read “Development proposals within or outside the designated Sites of Special Scientific Interest which would be likely to adversely affect the site (either individually or in combination with other developments) will not be permitted unless the benefits of the development, clearly outweigh both the adverse impacts on the site and any adverse impacts on the wider network of SSSI’s”. Add a title to Policy E1 – “Sites of Special Scientific Interest”.**

E2

77. Policy E2 deals with development in the Area of Great Landscape Value (AGLV) and overlaps with guidance in the Cornwall Local Plan. The policy would benefit from some streamlining and more precise wording which is aligned to the guidance in strategic policy 2(b).

Recommendation: In policy E2 delete “Given the territorial extent.....locally designated landscape, however” and insert “Development within the Area of Great Landscape Value should maintain its character and distinctive landscape qualities. Any such development must be undertaken....”. Add a title to Policy E2 “Area of Great Landscape Value”

E3

78. Policy E3 is a general policy about the protection and enhancement of landscape, geodiversity and biodiversity. My only comment is that the reference to new areas of public space is rather unclear as there are no firm proposals for any such areas included in the plan; some rewording would ensure that the policy referred more generally to opportunities to create new areas of public space.

Recommendation: Delete “in” between “landscape” and “new” and insert “creating” in the second sentence of policy E3. Add a title to Policy E3 “Landscape character, geodiversity and biodiversity”

9. Conclusions and Recommendations

79. I have examined the Withiel 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.

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

81. I am also required to consider whether the referendum area should be extended beyond the Withiel 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 2015.

Appendix 1 Background Documents

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

- Submission Withiel Neighbourhood Development Plan 2015-2030: July 2017
- Submission Withiel Neighbourhood Development Plan: Consultation Statement: January 2017
- Submission Withiel Neighbourhood Development Plan: Basic Conditions Statement: January 2017
- Submission Withiel Neighbourhood Development Plan : Basic Conditions Statement : July 2017: James Evans – Independent Planning Consultant
- Submission Withiel Neighbourhood Development Plan: Strategic Environmental Assessment and Habitat Regulations Screening Report: December 2016
- Withiel Neighbourhood Development Plan Parish Design Guide: July 2017

- Withiel Neighbourhood Development Plan – Legal Compliance and Examination Stage: Cornwall Council: August 2017
- Representations made to the Withiel Neighbourhood Development Plan (Reg 16): 27 September to 8 November 2017
- Cornwall Local Plan Strategic Policies 2010-2030: Adopted November 2016
- Cornwall Local Plan Strategic Policies 2010-2030 – Community Network Area Sections: Adopted November 2016
- Roche Neighbourhood Development Plan – made June 2017
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance March 2014 and subsequent updates