

Independent Examiner's
Report of the St Mewan
Neighbourhood
Development Plan

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SECTION 1

SECTION 1

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SECTION 2

Summary

As the Independent Examiner appointed by Cornwall Council to examine the St Mewan Neighbourhood Development Plan, I can summarise my findings as follows:

- 1. I find the St Mewan Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the St Mewan Neighbourhood Development Plan go to Referendum.*
- 3. I have read the St Mewan Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the St Mewan Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. At the time of my examination the adopted local plan was the Cornwall Local Plan 2016.*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the St Mewan Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted St Mewan Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the St Mewan Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The St Mewan Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did require clarification on a number of issues. These points were dealt with by written representations in a question and answer format. This additional information is publicly available on the Cornwall Council website.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body*
- Has been prepared for an area that has been properly designated for such plan preparation*
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that*
- Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following

recommendations:

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*
- 3. The Plan does not meet the legal requirements and cannot proceed to a Referendum*

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the St Mewan Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- Contributes to the achievement of sustainable development; and*
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Cornwall Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Unitary Authority must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

Cornwall Council appointed me as the Independent Examiner for the St Mewan Neighbourhood Development Plan with the agreement of St Mewan Parish Council.

2. Qualifying body

I am satisfied that St Mewan Parish Council is the Qualifying Body.

3. Neighbourhood Plan Area

The designated St Mewan Neighbourhood Area covers the Parish of St Mewan

The Basic Conditions Statement submitted with the St Mewan Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the St Mewan Neighbourhood Development Plan.

4. Plan Period

It is intended that the St Mewan Neighbourhood Development Plan will cover the period 2016-2030.

5. Cornwall Council initial assessment of the Plan.

St Mewan Parish Council, the Qualifying Body for preparing the St Mewan Neighbourhood Development Plan, submitted it to Cornwall Council for consideration. Cornwall Council has made an initial assessment of the submitted St Mewan Neighbourhood Development Plan and the supporting documents under Regulation 15 and is satisfied that these comply with the specified criteria.

6. Site Visit

I carried out an unaccompanied site visit on the 13th December 2017 to familiarise myself with the Plan area.

7. The Consultation Process

The St Mewan Neighbourhood Development Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012:

(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

8.Regulation 16 consultation by Cornwall Council and record of responses.

The Unitary Authority placed the St Mewan Neighbourhood Development Plan out for consultation under Regulation 16 from the 25th October 2017 to 6th of December 2017.

A number of representations were received during the consultation period and these were supplied by the Unitary Authority as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.

9. Compliance with the Basic Conditions

The St Mewan Neighbourhood Development Plan working Group produced a Basic Conditions Statement. The purpose of this statement is for the Neighbourhood Development Plan Working Group to set out in some detail why they believe the Neighbourhood Development Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the St Mewan Neighbourhood Development Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

Documents brought to my attention by the Unitary Authority for my examination include:

(a) The St Mewan Neighbourhood Development Plan with associated maps:

This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement:

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the St Mewan Neighbourhood Development Plan and is supported by an evidence base which arose from the consultation.

(c) Basic Conditions Statement.

This is a statement setting out how St Mewan Neighbourhood Development Plan Working Group consider that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitat Regulations Assessment.

(d) Evidence Base Summary

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the St Mewan Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

The St Mewan Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the St Mewan Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan does meet the Basic Conditions in this respect.

10.2. Local Planning Policy- The Development Plan

St Mewan is within the area covered by Cornwall Council. The relevant development plan is Cornwall Local Plan 2016.

I am satisfied from examining the plan and the evidence supporting it that the policies in the plan, subject to modification are in general conformity to the Strategic Policies of the appropriate Development Plan.

I have considered the Strategic policies of the Development Plan and the Policies of the St Mewan Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Cornwall Local Plan 2016.

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:

- *Natural England*
- *Historic England*
- *Environment Agency*
- *Cornwall Council*

Based on the scale and location of development proposed, Cornwall Council 's opinion was that the St Mewan neighbourhood plan is unlikely to have significant effects on the environment or on European Sites and that SEA and HRA is therefore not required.

11.2 Sustainable development

The Basic Conditions Statement sets out how the Neighbourhood Plan Steering Group considered the achievement of sustainable development, the conclusion of this process was that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies. My assessment of the Basic Conditions Statement and the Neighbourhood Plan and its policies satisfy me that the plan will, subject to modification contribute to Sustainable Development. I am satisfied having regard to these documents and other relevant documents, policies and legislation that the St Mewan Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

I am satisfied that the St Mewan Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the St Mewan Neighbourhood Development Plan has done so.

The issues raised by St Mewan Neighbourhood Development Policy RNDP 1 in relation to Human Rights is considered in detail under comments on this policy.

I am therefore satisfied that the St Mewan Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the St Mewan Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the St Mewan Neighbourhood Development Plan covers development and land use matters.

11.5 The Neighbourhood Plan Strategic Aims and Policies

The St Mewan Neighbourhood Development Plan Vision:

“To maintain and enhance St Mewan Parish as a thriving and popular rural community with varied businesses and interests”

The St Mewan Neighbourhood Development Plan sets the objectives to be covered in the plan as:

- **Housing: Ensure all development is small scale, sensitive, in keeping with the character and within the boundaries of the individual villages, utilising brownfield and in-fill sites wherever possible and encouraging affordable housing for local people.**
- **Environment: To protect and enhance the natural rural environment, green areas, open spaces, historical heritage and maintain separate identities of the villages.**
- **Heritage: To protect the heritage of the China Clay Industry and Tin Mining operations which express the history of the current and past industries and represent part of the context for the Cornwall World Heritage site.**
- **Economic: To support small-scale business growth that will provide employment and economic benefit to the area. This must be sympathetically tailored to the local environment - primarily local shops, small workshops, office space and small industrial units on brownfield sites.**
- **Infrastructure: To ensure transport and road networks (including road safety, drainage, parking and footpaths) are improved and considered as part of any housing and business development.**
- **Community facilities: Enhance the wellbeing of Parish residents by providing and improving**

community facilities and opportunities for social and leisure activities, bringing together the communications of the St Mewan Parish for community events.

- *Open Spaces: To protect St Mewan Parish's most important "green assets" whilst improving the provision of open space and green links for the existing and expanding population.*
- *Landscape Character Areas: Ensure that development respects the distinctive landscape settings.*

I consider that the policies, subject to modification follow the stated objectives and are consistent with achieving those stated objectives.

12. St Mewan Neighbourhood Development Plan Policies

POLICY 1 - Housing development within settlement boundaries

In the settlements of Trewoon, Polgooth with Trelowth, Sticker and Hewas Water outlined in black on Appendices 1, 2, 3 and 4, residential development including the construction, replacement and conversion schemes will be supported subject to all the following criteria being met:

(a) proposals are designed to respect the surrounding area in terms of scale, height, materials, alignment and density;

(b) proposals in Polgooth must respond to Section 4 'Current Character' contained within the Cornwall Industrial Settlements Initiative (CISI) report for Polgooth;

(c) where there is a net gain of 10 or more units, 30% affordable housing provision is provided on-site or through a financial contribution;

(d) a maximum of two dwellings are provided on a typically sized building plot of 0.03-0.04 hectares;

(e) existing boundary walls and hedges that are found to be valuable following appropriate assessment are retained on site;

(f) the provision 2 off road parking spaces are made for up to 2 bed units and the minimum of 3 off road parking spaces are made for 3+ bed units;

(g) development does not have a negative impact on the heritage assets identified on Appendices 1, 2, 3 and 4, and any other relevant assets;

(h) development would not worsen flood risk to both existing and proposed properties, highway or land;

(i) Where a tree or trees are not diseased, dying or dangerous, development would not be supported in designated Tree Preservation Areas or Orders as identified on Appendices 1, 2, 3, & 4.

(j) Consideration of the need to design out crime, disorder and anti-social behaviour to ensure ongoing community safety and cohesion.

COMMENT

This policy seeks to control a number aspects of housing development, whilst I am satisfied that most of these meet the Basic Conditions I consider that paragraphs (d) should be deleted, I have not been provided with adequate evidence to impose this restriction and the issue of density is covered in paragraph (a).

I consider that the parking requirements of (f) are overly restrictive and not justified on the basis of the evidence supplied. This paragraph should be modified as follows:

(f) where possible the provision 2 off road parking spaces for up to 2 bed units and the minimum of 3 off road parking spaces for 3+ bed units will be supported.

Policy 2 – Rural Exception Sites.

The development of sites outside of the settlement boundaries identified in black on Appendices 1, 2, 3 and 4 may only be considered if the requirements of the Rural Exception Sites (Policy 9) of the Cornwall Local Plan have been met and:

(a) the development proposal is for up to 20 dwellings;

(b) where there is existing built development forming part of a drawn settlement boundary on at least one side of the development proposal;

(c) the development proposal is for affordable housing led schemes (i.e. deliver the maximum viable amount as informed by the housing need register for the Parish of St Mewan only);

(d) 2 off road parking spaces are provided up to 2 bed units and the minimum of 3 off road parking spaces are provided for 3+ bed units;

(e) development will not be supported within the buffer zone between Trewoon and St Austell as shown in the St Austell Town Framework and the Trewoon Settlement Boundary Character Assessments;

(f) development proposals adjoining Trewoon are responsive to the Settlement Boundary Character Assessment;

(g) Development would not worsen flood risk to both existing and proposed properties, highways or land;

(h) Where a tree or trees are not diseased, dying or dangerous, development would not be supported in designated Tree Preservation Areas or Orders as identified on Appendices 1, 2, 3 & 4.

(i) Consideration of the need to design out crime, disorder and anti-social behaviour to ensure ongoing community safety and cohesion.

COMMENT

This policy seeks to control a number aspects of the development of Exception Sites, I am satisfied that these meet the Basic Conditions with the exception of the parking requirements of paragraph (d) which is overly restrictive and not justified on the basis of the evidence supplied and could impact on the viability of the deliverability affordable housing. This paragraph should be modified as follows:

(d) where possible provide 2 off road parking spaces for up to 2 bed units and the minimum of 3 off road parking spaces for 3+ bed units

Policy 3 - Nature Conservation

Development proposals, which have no adverse effect on the integrity or continuity of landscape features and habitats of local and national flora and fauna as identified on Appendix 5, will be supported where the proposal complies with the provisions of Policy 23 of the Cornwall Local Plan.

Proposals, which incorporate conservation and, or appropriate habitat enhancement to improve biodiversity, will be supported subject to compliance with Policy 23 of the Cornwall Local Plan.

COMMENT

I have no comment on this policy

Policy 4 - Environment - Open Areas of Significance Trewoon

Development, which visually closes the gap between Trewoon and St Austell identified on Appendix 1 will not be supported.

COMMENT

I have no comment on this policy

Policy 5 - Environment - Open Areas of Significance Polgooth

Proposals for development which would result in the loss of, or have a significant adverse effect on, the open spaces identified on Appendix 3 as "Open Areas of Significance" which contribute to the character, local amenity or environmental quality of their surroundings will not be permitted.

COMMENT

The use of the term "significant" is problematic without any mechanism for measuring the effect and should be deleted.

“Permitted” should be replaced with “supported”.

Policy 6A - Polgooth Mine

Proposals for development that would directly or indirectly affect the Grade II heritage asset of Polgooth Mine will not be permitted unless they respect:

- (a) Its intrinsic architectural and historical value; (b) its design and distinct physical features; and**
- (c) its setting and contribution to the local scene.**

Policy 6B - Archaeological Potential

Proposals for development that affect archaeological remains of St Mewan Parish importance will not be permitted where it would harm:

- the historic character of the landscape; or**
- the value, character or setting of the remains.**

COMMENT

National and Local policy and guidance already exists which directs how planning applications should be considered and determined in relation to Heritage and it is not necessary for Neighbourhood Plans to repeat that policy. If a Neighbourhood Plan does want to include reference to Heritage Policy, it is important that it accurately reflects existing policy and guidance. If this policy is to be retained it should be modified as follows:

Policy 6A - Polgooth Mine

Proposals for development that would directly or indirectly affect the Grade II heritage asset of Polgooth Mine must be accompanied by an assessment which describes its significance including any contribution made by its setting and the potential harm of the proposal.

Where the proposed development would lead to substantial harm to or total loss of significance consent will be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and**
- no viable use can be found in the medium term through appropriate marketing that will enable its conservation; and**
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and**

- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

Policy 6B - Archaeological Potential

Proposals for development that would directly or indirectly affect archaeological remains of St Mewan Parish must be accompanied by an appropriate desk based assessment and where necessary a field evaluation.

Policy 7A - Expanding existing employment premises

Development proposals for the conversion of existing buildings for employment will be permitted provided that the proposal does not have an adverse impact on the character of the building or its surroundings and this should be established through appropriate assessment.

Proposals for the expansion of established employment premises will be supported where the following criteria are met:

- (a) generation of additional employment opportunities or an improvement in the efficient operation of an existing local firm;*
- (b) the scale of development is relevant to the employment needs of the locality; and*
- (c) the proposal will not harm the living environment of any surrounding residents.*
- (d) Consideration of the need to design out crime, disorder and anti-social behaviour to ensure ongoing community safety and cohesion.*

COMMENT

For clarity the policy should be reworded as follows:

Policy 7A - Expanding existing employment premises

Where planning permission is required, development proposals for the conversion of existing buildings for employment will be supported provided that the proposal does not have an adverse impact on the character of the building or its surroundings and this should be established through appropriate assessment.

Where planning permission is required proposals for the expansion of established employment premises will be supported where the following criteria are met:

- (a) the scale of development is relevant to the employment needs of the locality; and*
- (b) the proposal will not harm the residential amenity of surrounding residents.*

(c) Consideration of the need to design out crime, disorder and anti-social behaviour to ensure ongoing community safety and cohesion.

Policy 7B - Redundant Clay Processing buildings

Using previously developed clay processing buildings for employment uses relating to light industrial uses will be supported provided that:

- (a) the change of use respects the building's high environmental or historic value,*
- (b) the use is appropriate to its location; and*
- (c) where no planning restrictions apply in relation to its removal.*

COMMENT

I have no comment on this policy

Policy 7C - Hewas Water

Proposals for the redevelopment or change of use of land or buildings at Hewas Water identified in black on Appendix 4 for employment or service trade use as identified in classes A1, A2, A3, A4, A5, B1, B2 and B8 of the Town and Country Planning (use classes) Order 1987 (as amended) to non-employment uses will not be permitted.

COMMENT

Paragraph 22 of the National Planning Policy Framework states:

“22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

In order to meet the Basic Conditions, the policy should be modified as follows:

Policy 7C - Hewas Water

Where planning permission is required proposals for the redevelopment or change of use of land or buildings at Hewas Water identified in black on Appendix 4 for employment or service trade use as identified in classes A1, A2, A3, A4, A5, B1, B2 and B8 of the Town and Country Planning (use classes) Order 1987 (as amended) to non-employment uses will not be supported unless there is no reasonable prospect of the sites identified being used for the allocated employment use in the longer

term. Proposals that would result in the loss of business space must:

- *demonstrate there is no market demand through active and continued marketing for at least a period of 9 months; or*
- *result in the provision of better quality employment space allowing for mixed use; or*
- *be necessary to meet a clear need for community facilities;*

or

- *be unsuitable to continue as business use due to environmental considerations.*

Policy 8A - Trewoon Transportation

Development proposals for the alleviation of traffic problems through Trewoon will be supported.

COMMENT

I have no comment on this policy

Policy 8B - Infrastructure to Support Future Growth

Developer contributions gained through the Community Infrastructure Levy (CIL) will be used to deliver the identified infrastructure needs to support future generations up to 2030, which is the duration of the Neighbourhood Development Plan and where this does not duplicate or conflict with Section 106 pooling contributions.

COMMENT

This is not a policy and should be removed to a separate section of the plan.

Policy 8C- Medical Facilities

Proposals for medical facilities including Doctors, Dentists, or Opticians will be supported within the settlement boundaries identified in black on Appendices 1, 2, 3 and 4 for Trewoon, Polgooth with Trelowth, Sticker and Hewas Water.

COMMENT

I have no comment on this policy

Policy 8D - Public Rights of Way

Proposals for the improvement of the existing Public Rights of Way as identified on Appendix 5, or

creation of new public rights of way will be supported.

COMMENT

I have no comment on this policy

POLICY 9: COMMUNITY FACILITIES

Policy 9A- Extending community buildings

Proposals to extend or improve community buildings identified on Appendices 1, 2 and 3 as 'Continued community uses' will be permitted providing that:

- (a) the scale and design of the buildings are in keeping with the character of the settlement;*
- (b) the proposal continues to support the use of a community facility;*
- (c) the proposal is not likely to result in noise and disturbance which would detrimentally affect the amenity of nearby residential properties; and*
- (d) they do not cause traffic or road safety problems.*

COMMENT

I have no comment on this policy

Policy 9B - Community buildings to a non-community use

The change of use or redevelopment of a community building identified on Appendices 1, 2 and 3, as "Community Buildings" to a non-community use will only be permitted where the community facility is:

- (a) incorporated or replaced i.e. of the same quality and quantity or better provision within the new development; or*
- (b) relocated to a more appropriate building or to a location which improves its accessibility to potential users; or*
- (c) is no longer required because there are easily accessible alternatives in the locality which can offer the same facilities*

COMMENT

I have no comment on this policy

Policy 9C- Blackpool Quarry Area

Development proposals relating to established brown field Clay sites will be supported where the development brings accessible leisure and recreation uses.

COMMENT

I have no comment on this policy

Policy 10 - Open spaces

Polgooth Playing Field and Recreational Area, The Goffin, Sticker Playing Field and Dog Field, Sticker Football Club, St Mewan Park, Trelowth, used by Charlestown Football Club and Trewoon Recreation Ground identified on Appendices 1, 2 and 3 are designated open spaces. Development proposals affecting these designated spaces will be permitted where:

- (a) the development would enhance the use of the playing field by providing play or sports equipment;**
or
- (b) the development would provide a building with community facilities such as a clubhouse or changing rooms, subject to the scale, siting and design of the proposal; and**
- (c) it can be shown that the area of open space affected is surplus to requirements; or**
- (d) the loss resulting from the development would be replaced by equivalent or better provision in a suitable location.**

COMMENT

Following clarification from the Neighbourhood Plan Steering Group I understand that it is the intention that this policy will designate Local Green Spaces as described in Paragraphs 76 and 77 of the National Planning Policy Framework and should be reworded as follows (noting the change in name of Sticker Playing Field and Dog Field as requested by the NPG):

Policy 10 – Local Green Spaces

The following open spaces (identified in Appendices 1, 2 and 3) are designated as Local Green Spaces in accordance with paragraph 77 of the National Planning Policy Framework:

- **Polgooth Playing Field and Recreational Area**
- **The Goffin**
- **Sticker Upper Playing Field and adjacent dog field**
- **Sticker Football Club**
- **St Mewan Park**
- **Trelowth, used by Charlestown Football Club and Trewoon Recreation Ground**

Development proposals affecting these designated spaces will only be supported where:

*(a) the development would enhance the use of the playing field by providing play or sports equipment;
or*

(b) the development would provide a building with community facilities such as a clubhouse or changing rooms, subject to the scale, siting and design of the proposal; and

(c) it can be shown that the area of open space affected is surplus to requirements; or

(d) the loss resulting from the development would be replaced by equivalent or better provision in a suitable location.

Policy 11 - Landscape Character Areas

Subject to the requirements of other policies in this plan, proposals for development will be supported where they have demonstrated that they respond to local character and reflect the identity of the local surroundings based on the St Mewan Parish Local Landscape Character Assessment and using Cornwall Council's 'judging landscapes sensitivity and capacity - a development management toolkit'.

Where development is proposed which will detract from or have an adverse impact on characteristics that have been identified by the community and are shown in the St Mewan Parish Local Landscape Character Assessment (found within the Evidence Report) as important to the character of the local area, it will be refused.

COMMENT

In order to meet the Basic Conditions, the last paragraph of this policy should be modified as follows:

Development which will detract from or have an adverse impact on characteristics that have been identified by the community and are shown in the St Mewan Parish Local Landscape Character Assessment (found within the Evidence Report) as important to the character of the local area, will not be supported.

SECTION 5

Conclusion and Recommendations

- 1. I find that the St Mewan Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
- 2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 3. The St Mewan Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 4. The Strategic Environmental and Habitats Regulations Assessment screening, meet the EU Obligation.*
- 5. The policies and plans in the St Mewan Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Cornwall Local Plan 2016.*
- 6. I therefore consider that the St Mewan Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

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26th January 2018

