

INDEPENDENT EXAMINER'S REPORT OF THE MEVAGISSEY NEIGHBOURHOOD DEVELOPMENT PLAN

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SECTION 2

Summary

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

- 1. I find the Mevagissey 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 Mevagissey Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Mevagissey 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 Mevagissey 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 Mevagissey 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 Mevagissey Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Mevagissey 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 Mevagissey 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 Mevagissey 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 Mevagissey Neighbourhood Development Plan with the agreement of Mevagissey Parish Council.

2. Qualifying body

I am satisfied that Mevagissey Parish Council is the Qualifying Body.

3. Neighbourhood Plan Area

The designated Mevagissey Neighbourhood Area covers the parish of Mevagissey.

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

4. Plan Period

It is intended that the Mevagissey Neighbourhood Development Plan will cover the period 2017-2032.

5. Cornwall Council initial assessment of the Plan.

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

6. *Site Visit*

I made an unaccompanied site visit on the 13th of December 2017 to familiarise myself with the Parish and the relevant policies.

7. The Consultation Process

The Mevagissey 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 Mevagissey Neighbourhood Development Plan out for consultation under Regulation 16 from the 13th of September 2017 to the 1st of November 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 Mevagissey 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 Mevagissey 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 Mevagissey Neighbourhood Development Plan:*

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

I have examined the Mevagissey 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

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

I have considered the Strategic policies of the Development Plan and the Policies of the Mevagissey 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.

The Mevagissey NDP Steering Group requested that Cornwall Council screen the Neighbourhood Plan for Strategic Environmental Assessment and Habitat Regulations Assessment on the 17th of November 2015. A screening opinion was sought as required from the following organisations during the formal consultation period:

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

The screening opinion concluded that an SEA and HRA was not required for the Neighbourhood Plan.

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 Mevagissey Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

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

The issues raised by Mevagissey Neighbourhood Development Policy HO1 in relation to Human Rights is

considered in detail under comments on this policy.

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

11.3 Excluded development

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

11.5 The Neighbourhood Plan Strategic Aims and Policies

The Mevagissey Neighbourhood Development Plan does not contain an explicit vision but it has through community consultation identified and prioritised the themes for policy development as:

- ***Economy and Employment***
- ***Heritage and Culture***
- ***Housing***
- ***Design***
- ***Environment and Green Spaces***
- ***Community Facilities and Amenities***

I am satisfied that these themes were developed as a result of the community consultation and the policies developed reflect those themes.

12. Mevagissey Neighbourhood Development Plan Policies

Economy and Employment (EE) Policies

Policy EE1 Support for fishing and marine industries

Maintaining a thriving fishing industry featured as a key issue in the residents' survey - second only to conserving the character of the village, its old buildings and the harbour.

The following developments will be supported in suitable locations appropriate to commercial maritime activities and where there is no conflict with other policies in this plan:

1. Developments which support the fishing industry in Mevagissey

2. Developments which sustain or enhance other maritime industries Harbour Development

Development to provide for or enhance the provision of cranes, slipways, breakwaters, etc. will be supported provided such developments conform to policies elsewhere in this document.

Developments which provide for new harbour gates, marinas, tidal power, or other major infrastructure will be sympathetically assessed for suitability according to the following criteria:

- a) that they do not harm the fishing industry or the viability of the harbour
- b) that they can be sensitively designed and installed so as to preserve or enhance the traditional environment of the harbour and Conservation Area
- c) that they are unlikely to lead to a major detrimental transformation in the character of the village or its environment

Proposals for non-port/harbour related development in existing port/harbour areas, or in areas identified for future port/harbour related use will only be permitted where there is no present or foreseeable future need to retain land for port/harbour related use.

COMMENT

The National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in AONB but does not preclude development altogether. However, this policy does not mention the AONB or include any differential on how different scales of development will be considered and on that basis I do not consider it meets the Basic Conditions. The policy should be modified as follows:

Policy EE1 Support for fishing and marine industries

Maintaining a thriving fishing industry featured as a key issue in the residents' survey - second only to conserving the character of the village, its old buildings and the harbour. The following developments will be supported in suitable locations appropriate to commercial maritime activities and where there is no conflict with other policies in this plan. Proposals for development within the AONB, must be in accordance with the great weight afforded to their landscape and scenic beauty in national policy and the aims and objectives of the Cornwall AONB Management Plan. Major development in the AONB will be refused subject to the tests of exceptional circumstances and where it can be demonstrated that the development is in the public interest as set out in national policy.

1. Developments which support the fishing industry in Mevagissey

2. Developments which sustain or enhance other maritime industries Harbour Development

Development to provide for or enhance the provision of cranes, slipways, breakwaters, etc. will be supported provided such developments conform to policies elsewhere in this document.

Developments which provide for new harbour gates, marinas, tidal power, or other major infrastructure will be sympathetically assessed for suitability according to the following criteria:

- a) that they do not harm the fishing industry or the viability of the harbour
- b) that they can be sensitively designed and installed so as to preserve or enhance the traditional environment of the harbour and Conservation Area
- c) that they are unlikely to lead to a major detrimental transformation in the character of the village or its environment

Proposals for non-port/harbour related development in existing port/harbour areas, or in areas identified for future port/harbour related use will only be permitted where there is no present or foreseeable future need to retain land for port/harbour related use.

Policy EE2 Development to support existing agricultural businesses

Development to support existing agricultural businesses within the AONB will be permitted where such proposals show how they support:

1. the productivity of the land
2. economic viability for farming, including equipment storage, livestock holding areas and arable material storage
3. the mixed use of buildings
4. The effective management and storage of farm waste and recycling to minimise odours
5. Noise minimisation measures where appropriate

COMMENT

The National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in AONB but does not preclude development altogether. However, this policy does not include any differential on how different scales of development will be considered and on that basis I do not consider it meet the Basic Conditions. The policy should be modified as follows:

Policy EE2 Development to support existing agricultural businesses

Development to support existing agricultural businesses within the AONB will be permitted where such proposals demonstrate how they are in accordance with the great weight afforded to their landscape and scenic beauty in national policy and the aims and objectives of the Cornwall AONB Management Plan and where it supports:

- 1. the productivity of the land*
- 2. economic viability for farming, including equipment storage, livestock holding*
 - 1. areas and arable material storage*
 - 2. the mixed use of buildings*
- 3. The effective management and storage of farm waste and recycling to*
- 4. minimise odours*
- 5. Noise minimisation measures where appropriate*

Major development in the AONB will be refused subject to the tests of exceptional circumstances and where it can be demonstrated that the development is in the public interest as set out in national policy.

Policy EE3 Agricultural Diversification

Proposals for farm diversification on sites within existing farm holdings will be supported where

- (1) Existing buildings are reused where possible
- (2) New buildings are sensitively sited within or adjacent to existing farm buildings unless operationally necessary to be sited elsewhere
- (3) New building design should reflect the design and scale of existing buildings and respect landscape features

COMMENT

The National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in AONB but does not preclude development altogether. However, this policy does not mention the AONB or include any differential on how different scales of development will be considered and on that basis I do not consider it meets the Basic Conditions. The policy should be modified as follows:

Policy EE3 Agricultural Diversification

Where planning permission is required proposals for farm diversification within existing farm holdings will be supported where such proposals demonstrate how they are in accordance with the great weight afforded to their landscape and scenic beauty in national policy and the aims and

objectives of the Cornwall AONB Management Plan and where:

(1) Existing buildings are reused where possible

(2) New buildings are sensitively sited within or adjacent to existing farm buildings unless operationally necessary to be sited elsewhere

(3) New building design reflect the design and scale of existing buildings and respect landscape features.

Major development in the AONB will be refused subject to the tests of exceptional circumstances and where it can be demonstrated that the development is in the public interest as set out in national policy.

Policy EE4 Development to support Tourism and facilities

Developments which enhance the historic built environment and encourage tourism and leisure activities related to the built, natural or maritime environments will be supported where they

- *Provide for sensitive building design*
- *Use signage that does not detract from the historic environment*
- *Do not significantly increase car traffic into Mevagissey*
- *Support the provision of visitor accommodation and restaurants*
- *Retain or enhance existing shops and attractions*
- *Enhance or improve the scope of tourist interest*

COMMENT

The National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in AONB but does not preclude development altogether. However, this policy does not mention the AONB or include any differential on how different scales of development will be considered and on that basis I do not consider it meets the Basic Conditions. The policy should be modified as follows:

Policy EE4 Development to support Tourism and facilities

Developments which enhance the historic built environment and encourage tourism and leisure activities related to the built, natural or maritime environments will be supported where such proposals demonstrate how they are in accordance with the great weight afforded to their landscape and scenic beauty in national policy and the aims and objectives of the Cornwall AONB Management Plan and where they:

- *Provide for sensitive building design*
- *Use signage that does not detract from the historic environment*

- *Demonstrate how any increase in car traffic into Mevagissey will be managed*
- *Support the provision of visitor accommodation and restaurants*
- *Retain or enhance existing shops and attractions*
- *Enhance or improve the scope of tourist interest*

Major development in the AONB will be refused subject to the tests of exceptional circumstances and where it can be demonstrated that the development is in the public interest as set out in national policy.

Heritage and Culture (HC) Policies

Policy HC1 Conservation Area

- (1) Development in Conservation Areas will be permitted where it preserves or enhances the historic character and appearance.
- (2) Demolition or partial demolition of buildings in a Conservation Area will only be permitted where a building is beyond repair or it would not harm the character or appearance of the area. In all such cases, acceptable proposals for replacement including any potential disruption during the process, must be approved before demolition.
- (3) Replacement buildings should reproduce the appearance of the previous building unless the new design can be shown to be an enhancement or improvement.
- (4) Change of Use of existing retail and commercial premises within the Conservation Area will not be permitted unless their continued use is demonstrated to be economically unsustainable.

COMMENT

This policy does not reflect the national policy regarding development within Conservation Areas or Policy 24 of the Cornwall Local Plan. As previously stated it is not necessary to repeat local or national policy within Neighbourhood Plans. If, however it is included then it should accurately reflect the existing policy. In this instance this policy does not and should be modified:

Policy HC1 Conservation Area

Development in Conservation Areas will be supported where it preserves or enhances the historic character and appearance and complies with National Policy and Policy 24 of the Cornwall Local Plan

Policy HC2 Areas of Special Character

The areas are indicated in Annex 1 and defined as Areas of Special Character. Criteria for definition can be found in Annex 7. Development in these areas will be permitted where proposals do not change the character of the area; infill development is unlikely to be acceptable.

Development proposals will be supported where they

- *do not intrude into the setting of any prominent building or significant landmark;*
- *do not adversely affect the spatial relationship between buildings;*
- *do not substantially enlarge upon an existing building so as to disrupt its setting within the site*
- *do not adversely affect the landscape or setting of the area.*

COMMENT

This policy does not reflect that not all development within the Areas of Special Character will require planning permission. In addition, the current wording of the policy could be considered overly restrictive without any objective measure of the impact of proposals. On this basis the policy should be modified as follows:

Policy HC2 Areas of Special Character

These areas are indicated in Annex 1 and defined as Areas of Special Character. Criteria for definition can be found in Annex 7. Where development requires planning permission, development in these areas will be supported where proposals respect the character of the area; infill development is unlikely to be acceptable.

Where development requires planning permission proposals will be supported where they demonstrate how the proposals:

- *respect the setting of any prominent building or significant landmark;*
- *respect the spatial relationship between buildings;*
- *respect the building to plot ratio on an existing site*
- *respect the landscape or setting of the area.*

Policy HC3 Arts and Culture

1. Where development affects any existing permanent or temporary performance space, the performance space must be maintained.

2. Planning applications for change of use or other developments which preserve performance and exhibition space in Jubilee Hall, MAC and St Andrews United Church will be supported.

COMMENT

This policy as currently worded is overly restrictive and in order to meet the Basic Conditions it should be modified as follows:

Policy HC3 Arts and Culture

1. Development proposals affecting existing permanent or temporary performance space, should where possible, retain the performance space or make alternative provision on or near the existing site.

2. Planning applications for change of use or other developments which preserve performance and exhibition space in Jubilee Hall, MAC and St Andrews United Church will be supported.

Housing (HO) Policies

Policy HO1 Open Market Homes for Principal Residence

Principal Residence Requirement

Due to the impact upon the local housing market of the continued uncontrolled growth of dwellings used for holiday accommodation (as second or holiday homes) new open market housing will only be supported where there is a restriction to ensure its occupancy as a Principal Residence.

Sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition or legal agreement. New unrestricted second homes will not be supported at any time.

Principal Residences are defined as those occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home.

The condition or obligation on new open market homes will require that they are occupied by the owner or their tenants as their primary (principal) residence. Owners of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition, and be willing to provide this proof if/when Cornwall Council requests this information. Proof of Principal Residence is via verifiable evidence including (but not limited to) residents being registered on the local electoral register, being registered for and attending local services (such as healthcare, schools), having bank statements, tax assessments, pension or benefit statements being delivered or vehicles registered to this address).

Further details are presented in Annex 8.

COMMENT

I have given very serious consideration as to whether or not I can find that this policy meets the Basic Conditions. My concerns relate to how the policy can meet the Basic Conditions particularly having regard to the NPPF – “delivering a wide choice of quality homes” and “delivering sustainable development” together with how the policy meets the requirements of the Human Rights Act 1988 and other European Legislation.

I have considered the evidence provided in support of this policy, including Annex 8 revised during

the course of my examination which clearly sets out the level of second home ownership, its impact on local house prices and the continuing upward trend in second home ownership in the area. (this revised document is available to view on Cornwall Council's website). In addition, I have looked in detail at Mr. Justice (now Lord Justice) Hickinbottom's judgment in R (RLT Environment Ltd) v Cornwall Council in relation to Policy H2 of the St. Ives Neighbourhood Development Plan. He concluded:

"that Policy H2 is in pursuit of legitimate public interests identified in article 8(2), namely the interests of the economic well-being of the country, and for the protection of the rights and freedoms of others."

After much deliberation and on balance I have concluded that due to the adverse impact on the local community/economy of the uncontrolled growth of second homes the restriction of further second homes does in fact contribute to delivering sustainable development. In terms of "delivering a wide choice of quality homes", I consider that the restriction could in fact be considered as facilitating the delivery of the types of homes identified as being needed within the community.

In addition to my "in principle" deliberations I also have concerns about the precise wording of the policy in the fact that the policy refers to all new housing not explicitly excluding replacement dwellings.

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

Policy HO1 Open Market Homes for Principal Residence

Principal Residence Requirement

Due to the impact upon the local housing market of the continued uncontrolled growth of dwellings used for holiday accommodation (as second or holiday homes) new open market housing, other than replacement dwellings will only be supported where there is a restriction to ensure its occupancy as a Principal Residence.

Sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition or legal agreement. New unrestricted second homes, other than replacement dwellings will not be supported at any time.

Principal Residences are defined as those occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home.

The condition or obligation on new open market homes will require that they are occupied by the owner or their tenants as their primary (principal) residence. Owners of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition, and be willing to provide this proof if/when Cornwall Council requests this information. Proof of

Principal Residence is via verifiable evidence including (but not limited to) residents being registered on the local electoral register, being registered for and attending local services (such as healthcare, schools), having bank statements, tax assessments, pension or benefit statements being delivered or vehicles registered to this address).

Further details are presented in Annex 8 (as revised).

Policy HO2 Exception Sites – Affordable homes for Local People

Any proposals for dwellings outside the development will be classed as an exception to Policy HO1, and should comprise 100% Affordable Housing only for local people meeting the Cornwall Council affordability criteria. Exceptions may be made where a development can be shown to be unviable without some proportion of open market homes.

Policy 8 in the Cornwall Local Plan sets out criteria for developers to contribute to affordable housing and Policy 9 has specific criteria for the allocation of homes.

COMMENT

The first sentence is unclear as to where the “development “is and additionally, as currently worded this restriction would also apply to replacement dwellings.

For clarity the first sentence of the policy should be modified as follows:

Any proposals for dwellings, other than replacement dwellings outside the development boundary of Mevagissey and Portmellon will be classed as an exception to Policy HO1, and should comprise 100% Affordable Housing only for local people meeting the Cornwall Council affordability criteria.

Policy HO3 Development envelope

This plan establishes a development boundary for the settlements of Mevagissey and Portmellon, as identified as the existing development area in Annex 1.

Development inside this boundary, which is in accordance with other policies in this plan, will be supported. Residential development outside the boundary will be supported only where it is to deliver affordable housing to meet an identified local need and in accordance with other policies in this plan.

Development (including exception site development) along the cliff top in the areas identified as having the most valued landscape (as indicated on Figure 3.1 in Annex 3) will not be supported.

COMMENT

For clarity the word “envelope” in the policy title should be replaced with “boundary”.

Design (D) Policies

Policy D1 Design and Context

Development proposals will be supported where they (1) harmonise with their surroundings.

A. do not protrude above prominent ridges or skylines.

B. are designed to take account of changes in level or slope.

C. do not expand out of any natural valley or depression which confines present development – see development envelope in Annex 1.

D. do not intrude into prominent views into, out of or across any town, village or areas of countryside.

E. do not intrude into the setting of any prominent building or significant landmark.

Exceptions may be allowed where conformity is impossible for operational reasons and no alternative locations for the development exist.

(2) Create an interesting, attractive environment by:

A. Ensuring that new buildings are sympathetic to the existing built environment (i.e. respect the character and identity of their surroundings through their design and materials) and/or provide architectural merit.

B. Provide for adequate landscaping which adds to or retains existing trees, hedgerows, woods and other natural features. Where possible, landscaping for major developments should be undertaken prior to, or at the same time as construction work or in the first planting season following completion.

Landscaping, particularly in open countryside, should be an integral part of a development and should reflect the balance of indigenous species and features in the surrounding area and on the site already.

On all new residential development, planning applications should demonstrate that suitable recreational facilities are easily accessible or provision is made within the site an area of open space including suitable children's play areas and equipment where necessary to meet the needs of the residents.

COMMENT

This policy is long, lacks clarity and in parts is overly restrictive. It makes no reference to the control

of development within the AONB. As currently worded it does not meet the Basic Conditions and should be modified as follows:

Policy D1 Design and Context

Subject to other policies in the plan and where such proposals demonstrate how they are in accordance with the great weight afforded to their landscape and scenic beauty in national policy and the aims and objectives of the Cornwall AONB Management Plan, development proposals will be supported where they:

- *harmonise with their surroundings.*
- *do not protrude above prominent ridges or skylines as identified in annex 1.*
- *are designed to take account of changes in level or slope.*
- *do not expand out of any natural valley or depression which confines present development – see development boundary in Annex 1.*
- *do not intrude into prominent views into, out of or across any town, village or areas of countryside within the plan area.*
- *respect the setting of any prominent building or significant landmark.*

Exceptions may be allowed where conformity is impossible for operational reasons and no alternative locations for the development exist.

And create an interesting, attractive environment by:

- *Ensuring that new buildings are sympathetic to the existing built environment (i.e. respect the character and identity of their surroundings through their design and materials) and/or provide architectural merit.*
- *Provide for adequate landscaping which adds to or retains existing trees, hedgerows, woods and other natural features. Where possible, landscaping for major developments should be undertaken prior to, or at the same time as construction work or in the first planting season following completion.*
- *Integrating landscape proposals which reflect the balance of indigenous species and features in the surrounding area and on the site already.*

Where appropriate to the scale of the application new residential development, planning applications should demonstrate that suitable recreational facilities are easily accessible or provision is made within the site an area of open space including suitable children's play areas and equipment where necessary to meet the needs of the residents.

Major development in the AONB will be refused subject to the tests of exceptional circumstances and where it can be demonstrated that the development is in the public interest as set out in national policy.

Policy D2 Accessible Design

Proposals for housing to meet special needs including homes for the elderly, nursing homes, mental care homes and other needs will be supported where they meet the following criteria:

- 1. The proposals comply with the requirements of Lifetime Homes or Building Regulations**
- 2. The site is easily accessible and within easy walking distance of public transport and other town or village amenities**
- 3. There is safe access for car parking, ambulances and adequate space for parking, turning and delivery.**
- 4. The proposal is sensitive to the character and density of the surrounding area**
- 5. Proposals for new footpaths and countryside access facilities as well as improvements to existing facilities will be supported where it can be demonstrated that consideration has been given to making the facility accessible for disabled people.**

COMMENT

The Lifetime Homes standards are no longer part of the planning process and this reference should be removed.

The phrase “mental care homes” should be replaced with “mental health care homes”.

Policy D3 Design for Commercial Premises

The following site design standards and guidelines will be applied to new industrial and commercial development, including agricultural development.

- 1. appropriate areas of landscaping should be designed to provide adequate screening between new industrial areas and housing areas.**
- 2. waste and refuse shall be properly screened.**
- 3. Any associated parking facilities for new commercial development must be limited to those working and visiting the premises and arranged so as to mitigate impact on their surroundings.**
- 4. Provision of digital infrastructure (Fibre to the premises, FTTP) should be considered.**

COMMENT

I have no comment on this policy.

Policy D4 Utilities

- 1. Proposals to reduce the impact of utilities infrastructure, especially overhead lines will be supported.**
- 2. Developers will be encouraged to place cables and pipelines to all new developments underground.**
- 3. Waste water and sewage services should be ensured as adequate or otherwise improved where necessary. A 'Grampian' clause may be considered where improvements to such infrastructure is considered necessary.**

COMMENT

I have no comment on this policy.

Policy D5 – Design Checklist for all Development

A detailed Design and Access Statement (DAS) is requested for all major development proposals and for all development within the conservation area. New developments will be required to:

- (1) Harmonise with their surroundings.**
 - (A) Not protrude above prominent ridges or skylines.**
 - (B) Take account of changes in level or slope.**
 - (C) Not expand out of any natural valley or depression which confines present development.**
 - (D) Not intrude into prominent views into, out of or across any town, village or areas of countryside.**
 - (E) Not intrude into the setting of any prominent building or significant landmark.**
 - (F) Not harming the setting or character.**

Exceptions to (A) and (D) above will be allowed where conformity is impossible for operational reasons and no alternative locations for the development exist.

(2) Create an interesting, attractive environment by:

- (A) Ensuring that new buildings exhibit designs that are sympathetic to the existing built environment (i.e. respect the character and identity of their surroundings through their design and materials) and/or provide architectural merit.**

(B) Providing for adequate landscaping which adds and/or retains as many as possible existing trees, hedgerows and woods and other natural features which contribute to the character of the area as possible.

Where possible, landscaping for major developments should be undertaken prior to, at the same time as construction work or in the first planting season following completion.

Landscaping, particularly in open countryside, should be an integral part of a development rather than a decorative afterthought. Landscaping features should reflect the balance of species and features in the surrounding area and on the site already, and should concentrate on indigenous trees, shrubs and other plants.

(3) Ensure sustainable energy usage.

(A) Provide for micro energy generation.

(B) Aspire to zero carbon standards.

Where a DAS is not required, smaller development proposals should submit a statement setting out how the proposal provides benefits to the local community. In particular, the statement should comment on the following criteria (where appropriate):

Context and character; architectural and design quality; historic character; energy generation and conservation; impact on the AONB; connection with the countryside; quality for pedestrians, cyclists and the physically disadvantaged; development density and build quality; car parking and road access; landscaping and access to open and green space; occupier controlled access to fibre, copper and other home office services; environmental footprint.

All proposals should show that the development will not result in any significant changes to noise levels and ambient light.

The Parish Council reserves the right to require an individual design review on any development application. Such reviews should be carried out by an appropriately qualified independent body and conducted within the design review guidelines established by RIBA or CABI. The Plan acknowledges existing policy guidance in the National Planning Policy Framework (NPPF) and the current Cornwall Local Plan.

COMMENT

This policy is long and complicated. As currently worded it does not reflect the NPPF requirement to make any request for supporting information for an application to be necessary and proportionate to the size and scale of the proposal. Much of the information requested is already covered by other policies within the plan. In addition, Cornwall Council already has a checklist setting out the information required to support different types of application. If retained this policy should be

modified as follows.

Policy D5 – Design Checklist

Applications should be supported by adequate information and detail to assess the impact of the proposal and subject to the scale of the application and the requirements of Cornwall Council include information on how they create an interesting, attractive environment by:

- *Ensuring that new buildings exhibit designs that are sympathetic to the existing built environment (i.e. respect the character and identity of their surroundings through their design and materials) and/or provide architectural merit.*
- *Providing for adequate landscaping which adds and/or retains as many as possible existing trees, hedgerows and woods and other natural features which contribute to the character of the area as possible.*
- *include provision for sustainable energy usage including micro energy generation and aspire to zero carbon standards*
- *show that the development will not result in any significant changes to noise levels and ambient light.*

Where a Design and Access Statement is not required, smaller development proposals are encouraged to submit a statement setting out how the proposal provides benefits to the local community. In particular, the statement should comment on the following criteria (where appropriate):

Context and character; architectural and design quality; historic character; energy generation and conservation; impact on the AONB; connection with the countryside; quality for pedestrians, cyclists and the physically disadvantaged; development density and build quality; car parking and road access; landscaping and access to open and green space; occupier controlled access to fibre, copper and other home office services; environmental footprint.

The Parish Council may request an individual design review on any development application. Where appropriate such reviews should be carried out by an appropriately qualified independent body and conducted within the design review guidelines established by RIBA or CABI. The Plan acknowledges existing policy guidance in the National Planning Policy Framework (NPPF) and the current Cornwall Local Plan.

Policy D6 Sustainable Energy Usage

1. The use of micro solar generation and other micro energy generation in domestic

and commercial building design is encouraged

2. All new development should include high levels of insulation, energy

monitoring and other energy saving measures. Developers must show in their checklist how their proposals promote energy conservation.

3. The incorporation of facilities for charging plug in and other ultra low emission vehicles is supported

4. Large scale wind and solar developments within the AONB are not supported.

5. New development should use a layout and disposition of buildings to maximise passive solar gain.

6. Where appropriate, the use of the landscape and the most efficient density of buildings to create shelter is encouraged.

COMMENT

I do not understand the distinction in 1. and presume this is a drafting error, I have inserted the phrase “micro solar generation”.

Environment and Green Space (EG) Policies

Policy EG1 Coastal and Landscape Protection

Proposals for development, including tourism uses, will be permitted where they have demonstrated that they meet the objectives of the Cornwall Area of Outstanding Natural Beauty Management Plan, namely to:

- *conserve and enhance the diverse landscape and special qualities of the AONB;*
- *use materials and be of a scale and design that has appropriate regard to the character, sensitivity and capacity of the protected landscape;*
- *be appropriately sited to avoid damage (individually or cumulatively) to the natural beauty, character and special qualities of the AONB, especially avoiding the undeveloped coast and elevated locations such as ridgelines.*

Hedgerows must be protected and retained.

COMMENT

The National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in AONB but does not preclude development altogether. However, this policy does not explicitly set out the difference between how minor and major developments in the

AONB must be considered. In order to meet the Basic Conditions, the policy should be modified as follows:

Policy EG1 Coastal and Landscape Protection

Proposals for development, including tourism uses, will be supported where they have demonstrated that they are in accordance with the great weight afforded to their landscape and scenic beauty in national policy and the aims and objectives of the Cornwall AONB Management Plan and:

- *are appropriately sited to avoid damage (individually or cumulatively) to the natural beauty, character and special qualities of the AONB, especially avoiding the undeveloped coast and elevated locations such as ridgelines.*
- *use materials and be of a scale and design that has appropriate regard to the character, sensitivity and capacity of the protected landscape;*

Where possible, hedgerows must be protected and retained.

Major development in the AONB will be refused subject to the tests of exceptional circumstances and where it can be demonstrated that the development is in the public interest as set out in national policy.

Policy EG2 Potential Flood Risk

- *Development should manage water courses and prevent flooding. Consider support for upstream barriers to mitigate flooding extent. Since flood prevention is considered important, new developments should ensure the following:*
- *Proposals for development in areas at risk from flooding, including intensification of existing developments and land raising, will not be permitted if the storage capacity of the floodplain will be reduced or natural flows of water impeded.*
- *Planning permission will not be granted for new development or redevelopment of existing areas if such development would result in flooding to areas downstream due to additional surface water runoff, river channel instability or damage to ecological habitats.*
- *Developments should include permeable surfaces (e.g. for paths, hardstanding, driveways, etc.) where possible to allow for water absorption and to mitigate runoff.*
- *Proposals for new sea and river defences should seek to make use of soft engineering techniques[NP92] (Ref. UK-CHM).*
- *Proposals for development which will harm sea and river defences or have adverse consequences for offsite coastal loss and deposition will not be permitted.*

COMMENT

The assessment of Flood risk is already covered by other policy and legislation and it is therefore unnecessary to include it in a Neighbourhood Plan. Where a policy is included it must accurately

reflect the requirements of other policy, in this policy it does not. The policy should be modified as follows:

Policy EG2 Potential Flood Risk

Where necessary and in accordance with existing policy a Flood Risk Assessment should be submitted.

For all development where relevant and feasible, applicants are encouraged to consider the management of water, managing water courses and prevent flooding, including considering support for upstream barriers to mitigate flooding extent. Since flood prevention is considered important, new developments should ensure the following:

- *Developments should include permeable surfaces (e.g. for paths, hardstanding, driveways, etc.) where possible to allow for water absorption and to mitigate runoff.*
- *Where possible proposals for new sea and river defences should seek to make use of soft engineering techniques[NP92] (Ref. UK-CHM).*

Policy EG3 Landscape Features

All development proposals must include a statement which shows that the development will not cause undue harm to the landscape. Where the development does have impacts on the landscape, planning conditions may be imposed to conserve and manage landscape features.

1. Development proposals within Areas of Great Scientific Value and Conservation Corridors will be required to pay particular regard to the conservation of such features.

2. Proposals for Community Woodlands or proposals which incorporate Community Woodlands will be permitted, where there is no conflict with other policies for the countryside and the proposed habitat is appropriate to the landscape and habitats of the area concerned.

COMMENT

This policy does not take into account the requirement for information requested as part of a planning application to be appropriate and proportionate to the size and scale of the development. In order to meet the Basic Conditions, the policy should be modified as follows:

Policy EG3 Landscape Features

All development proposals, where appropriate to the size and scale of the proposal should include an assessment of the impact of the proposal on the landscape. Where the development does have impacts on the landscape, planning conditions may be imposed to conserve and manage landscape features.

1. Development proposals within Areas of Great Landscape Value and Conservation Corridors will be required to pay particular regard to the conservation of such features.

2. Proposals for Community Woodlands or proposals which incorporate Community Woodlands will be supported, where there is no conflict with other policies for the countryside and the proposed habitat is appropriate to the landscape and habitats of the area concerned.

Policy EG4 Open Spaces

Built development on land which has been identified as Community Green or Open Space will be resisted unless it is small in scale and improves functionality or is incidental to the use of the land as green or open space. The following sites (as identified in Annex 1) are designated as Community Green Spaces:

- *Portmellon Paddock,*
- *Cliff Park (locally known as Hitler's Walk)*
- *The Battery*
- *Pentillie Recreation Ground*
- *Pentillie Way*
- *Playing field (MAC)*
- *Recreation ground (Fire station)*
- *Garden area opposite the above recreation ground*

Proposals for development which would result in a loss of public and private playing fields, and ancillary facilities and/or public access to such fields for informal use will not be permitted unless suitable alternative playing fields or facilities are made available in the immediate vicinity, or that there is no existing or proven future need for the playing fields or facilities.

Proposals to develop on existing open green spaces and footpaths, bridleways and byways will not be supported except where the proposed development is for recreation purposes or where suitable replacement space or links are made available in the immediate vicinity. See also Annex 9.

COMMENT

Following the Neighbourhood Plan Group's response to my questions for clarification I understand that it is the intention of this policy to create Local Green Spaces as described in The National Planning Policy Framework paragraph 76 and 77:

76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential

services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.

77. 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.

78. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

I am satisfied that the areas proposed do meet the requirements of paragraph 77 and the policy should be modified as follows:

Policy EG4 Open Spaces

The following spaces have been designated as Local Green Spaces (as identified in Annex 1) as described in paragraph 76 of the National Planning Policy Framework:

- *Portmellon Paddock,*
- *Cliff Park (locally known as Hitler's Walk)*
- *The Battery*
- *Pentillie Recreation Ground*
- *Pentillie Way*
- *Playing field (MAC)*
- *Recreation ground (Fire station)*
- *Garden area opposite the above recreation ground*

Proposals for development on land which has been identified as Local Green Spaces will be resisted unless it is small in scale and improves functionality or is incidental to the use of the land as green or open space or in very special circumstances.

Proposals for development which would result in a loss of public and private playing fields, and ancillary facilities and/or public access to such fields for informal use will not be permitted unless suitable alternative playing fields or facilities are made available in the immediate vicinity, or that there is no existing or proven future need for the playing fields or facilities.

Proposals to develop on existing open green spaces and footpaths, bridleways and byways will not

be supported except where the proposed development is for recreation purposes or where suitable replacement space or links are made available in the immediate vicinity. See also Annex 9.

Policy EG5 Coast and Seascape

a) Development on coastal boundary land to support offshore developments will only be permitted where such developments enhance the year round use of the harbour, provide for sustainable public access, marine conservation or tide/wave energy generation.

b) Proposals must satisfy policies covering conservation and enhancement of the AONB, biodiversity and geology, and, where consistent with these aims, enhance the established fishing industry, public access, enjoyment and appreciation of the coastal zone.

c) Use of coastal land to support permanent offshore anchorages, mineral, gas or oil extraction platforms, seaweed farms for food, pharmaceuticals, biofuels, etc., and other structures will be permitted only where they do not conflict with (a) above.

COMMENT

The National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in AONB but does not preclude development altogether. However, this policy does not include any differential on how different scales of development will be considered and on that basis I do not consider it meet the Basic Conditions and should be modified as follows:

Policy EG5 Coast and Seascape

Development on coastal boundary land to support offshore developments will only be supported where such developments enhance the year round use of the harbour, provide for sustainable public access, marine conservation or tide/wave energy generation and where proposals:

- (a) demonstrate how they are in accordance with the great weight afforded to their landscape and scenic beauty in national policy and the aims and objectives of the Cornwall AONB Management Plan. Major development in the AONB will be refused subject to the tests of exceptional circumstances and where it can be demonstrated that the development is in the public interest as set out in national policy.
- (b) satisfy policies covering conservation, biodiversity and geology, and, where consistent with these aims, enhance the established fishing industry, public access, enjoyment and appreciation of the coastal zone.

Use of coastal land to support permanent offshore anchorages, mineral, gas or oil extraction platforms, seaweed farms for food, pharmaceuticals, biofuels, etc., and other structures will be permitted only where they do not conflict with (a) and (b) above.

Community Facilities and Amenities (CA) Policies

Policy CA1 Development for Recreation

1. Proposals to use school facilities for wider community uses, or develop Dual use facilities on school sites will be encouraged.
2. Proposals which involve the loss of existing built recreation facilities and arts and cultural facilities will not be permitted where this would reduce the level of service locally.
3. Proposals for new built sports and recreation facilities and arts and cultural facilities will be permitted where a deficiency has been identified and where the development is easily accessible to the residents of Mevagissey and Portmellon

COMMENT

Paragraph 1. of this policy should not form part of the policy, it could be included in a separate section of the plan. The policy should be modified as follows:

Policy CA1 Development for Recreation

1. Proposals which involve the loss of existing built recreation facilities and arts and cultural facilities will not be supported where this would reduce the level of service locally unless it can be demonstrated that they are unviable.
2. Proposals for new built sports and recreation facilities and arts and cultural facilities will be supported where a deficiency has been identified and where the development is easily accessible to the residents of Mevagissey and Portmellon

Policy CA2 Change of Use within the Conservation Area

Development proposals which would change the usage of buildings within the Conservation Area, causing the closure of local shops and services will not be permitted where harm would be caused to the level of service locally, unless their continued use is demonstrated to be economically unsustainable.

COMMENT

I consider that this policy is overly restrictive and is not supported by adequate evidence to warrant the restriction and therefore does not meet the Basic Conditions. The policy should be deleted or modified as follows:

Policy CA2 Change of Use within the Conservation Area

In conformity with Cornwall Local Plan Policy 4 part 4, within the Conservation Area community facilities and village shops should, wherever possible, be retained and new ones supported. Loss of provision will only be acceptable where the proposal shows:

- a. no need for the facility or service;

b. it is not viable; or

c. adequate facilities or services exist or the service can be re- provided in locations that are similarly accessible by walking, cycling or public transport.

Policy CA3 Traffic

1. Development will only be permitted where it can demonstrate and ensure that the additional traffic generated can gain access to and be accommodated on the road.
2. All major developments sites should incorporate appropriate traffic calming measures into their design or layout.
3. Contributions towards traffic calming measures on the existing related highway network will be sought where new developments would otherwise create unacceptable traffic conditions.

In addition, plans should provide and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. therefore, developments should be located and designed where practical to:

- *accommodate the efficient delivery of goods and supplies.*
- *Give priority to pedestrian and cycle movements, and have access to high*
- *quality public transport facilities.*
- *Create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians, avoiding street clutter.*
- *•Consider the needs of elderly people with disabilities by all modes of transport.*

COMMENT

This policy as currently worded does not meet the Basic Conditions. It is overly restrictive and does not recognise that not all the requirements of this policy are relevant to all scales of development.

Policy CA3 Traffic

Proposals for development should be supported by an assessment of traffic impact appropriate to the size and scale of the proposed development to enable an accurate assessment of the impact of the proposal to be made and include mitigation measures if necessary

Major developments sites should incorporate appropriate traffic calming measures into their design or layout.

In addition, proposals should provide and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Where possible developments should be located and where practical designed to:

- *Accommodate the efficient delivery of goods and supplies.*
- *Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.*
- *Create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians, avoiding street clutter.*
- *Consider the needs of elderly people with disabilities by all modes of transport.*

Policy CA4 – Schools

Proposals for development to provide or expand play groups, nursery schools or similar services will be supported where they provide dedicated outdoor play areas and secure indoor space.

COMMENT

This is not a policy and should be relocated to a different section of the plan.

SECTION 5

Conclusion and Recommendations

- 1. I find that the Mevagissey Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the 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 Mevagissey 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 Mevagissey 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 Mevagissey Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

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23rd January 2018