

**Lanner Parish Neighbourhood Development Plan**

# **Basic Conditions Statement**

01 February 2018

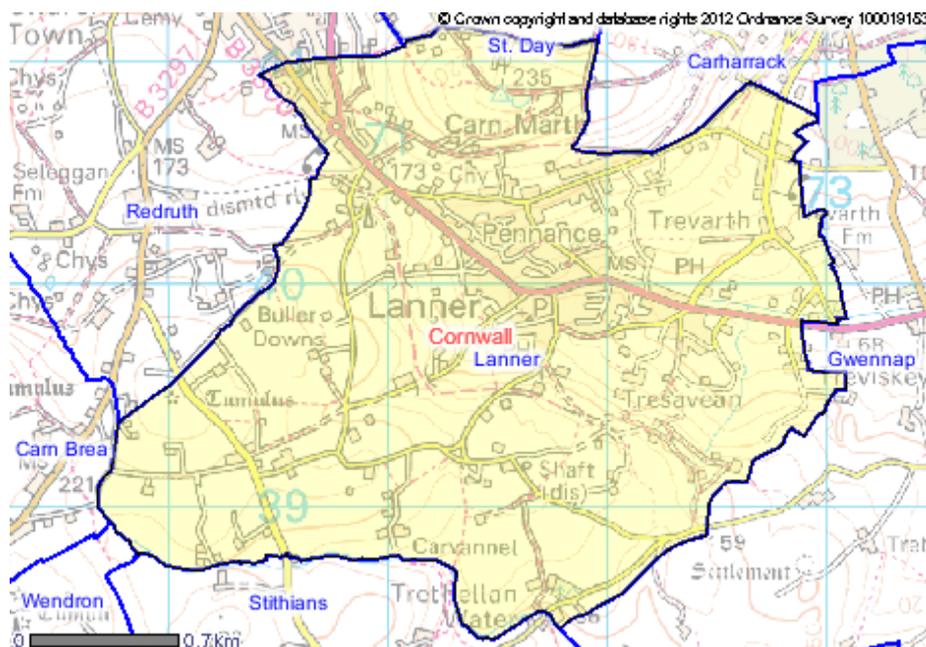
Town and Country Planning Act 1990 (as amended)

Neighbourhood Planning (General) Regulations 2012 (as amended)

Statement under paragraph 8(2) of Schedule 4B

## Lanner Parish Neighbourhood Development Plan 2016 - 2033

Submitted by Lanner Parish Council as the Qualifying Body for the Lanner Parish Neighbourhood Development Plan Area.



The Designated Area Map

## **1 INTRODUCTION**

This Basic Conditions Statement has been produced to explain how the proposed Lanner Parish Neighbourhood Development Plan (NDP) has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 have been met.

## **2 BACKGROUND TO THE LANNER NEIGHBOURHOOD DEVELOPMENT PLAN.**

Production of the NDP was undertaken by Lanner Parish Council, working with and through a Steering Group the majority of which comprised members of the community who were not parish councillors. The plan is based on consultation with local people, businesses and others with an interest in the parish over a period of 18 months.

## **3 SUPPORTING DOCUMENTS AND EVIDENCE**

The NDP is supported by the following documents: a Consultation Statement, and a statement from Cornwall Council on whether there is a need for Habitat Regulation Assessment or Strategic Environmental Assessment of the plan.

## **4 BASIC CONDITIONS TO BE MET**

4.1 Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 requires that Neighbourhood Development Plans must meet the following basic conditions:

- a) have appropriate regard to national policies and advice contained in the National Planning Policy Framework (NPPF) and elsewhere by the Secretary of State;
- b) contribute to the achievement of sustainable development;
- c) be in general conformity with the strategic policies contained in the development plan for the area of the local planning authority, in this case The Cornwall Local Plan 2010 – 2030.
- d) meet the relevant EU obligations.

This document will outline how the Lanner Neighbourhood Plan meets all of the above basic conditions.

4.2 In addition to ensuring the plan meets these basic conditions, the plan will also be tested at Examination as to:

(a) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L,

(b) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and

(c) such other matters as may be prescribed.

## **5 HOW THE LANNER NEIGHBOURHOOD DEVELOPMENT PLAN MEETS THE BASIC CONDITIONS.**

With regard to compliance with the relevant parts of provisions made by or under sections 61E (20), 61J and 61L:

- a) Lanner Parish Council is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP) for its own parish.
- b) The neighbourhood area is contiguous with the Parish boundary as shown on the map accompanying the neighbourhood designation application. For clarity the Plan area is shown at Figure 1 (above).
- c) The Lanner NDP expresses policies relating to the development and use of land solely within the neighbourhood area. It does not relate to more than one neighbourhood area and there are no other neighbourhood plans in place for Lanner.

**A copy of the letter confirming designation of the Lanner Neighbourhood Area is attached in Appendix 1.**

- d) The NDP covers the period up to and including 2033. This period exceeds that covered by The Cornwall Local Plan by three years. This is to ensure that there is sufficient overlap between the review/rewriting of the Cornwall Local Plan in 2030 and the review/rewriting of the Lanner NDP taking account of any changes in the Local Plan where the latter may be delayed by the Examination process.
- e) The Plan proposal does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990 as 'excluded development'.
- f) The Draft Lanner Neighbourhood Plan in its present and emerging forms has been made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations. Some amendments have been made to the document based on the comments received and these are summarised in the document entitled 'Consultation Statement'.
- g) Regulations made by the Secretary of State relating to NDPs in the Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Lanner NDP. These regulations set out:
  - the process by which neighbourhood plans are to be made and set out
  - the consultation bodies for NDPs (referred to in the Consultation Statement accompanying the plan and alluded to in f) above)
  - that NDPs which are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment.

Cornwall Council has issued a screening decision to confirm that neither a Strategic Environmental Assessment nor a Habitat Regulation Assessment are required. **A copy of the screening decision is attached in Appendix 2.**

h) In the event of conflict between a NDP Policy and any other statement or information in the plan, the conflict must be resolved in favour of the policy. There are no such conflicts apparent.

i) In the case of the Lanner NDP, it is not considered that there is any benefit or reason for extending the area for the referendum beyond the Designated Neighbourhood Plan Area. None of the adjoining parish or town councils consulted have called for such extension.

## **6 CONFORMITY WITH GUIDANCE ISSUED BY THE SECRETARY OF STATE -**

### THE NATIONAL PLANNING POLICY FRAMEWORK

6.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies contained in the NPPF constitute the Government's view of what sustainable development means in practice for the planning system.

6.2 NPPF sets out 12 core land-use planning principles that should underpin plan-making and decision-taking. These are that planning should:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area....
- .....be a creative exercise in finding ways to enhance and improve the places in which people live their lives; proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas ....., promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources.....

- contribute to conserving and enhancing the natural environment and reducing pollution....
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance...
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all.....

6.3 These principles have been embodied throughout the production of the Lanner NDP and, since the NDP also demonstrates compliance with the Cornwall Local Plan (as evidenced below) which itself has been proven at Examination to be compliant with national policies, conformity of the NDP with guidance as issued by the Secretary of State is considered self-evident.

## **7 CONFORMITY WITH THE CORNWALL LOCAL PLAN**

7.1 A table demonstrating conformity with the Cornwall Local Plan (and the Principles of Sustainability and NPPF) is provided in Appendix Three.

7.2 The Lanner NDP defines the existing settlement boundary for the village of Lanner and that part of the parish which abuts or is contiguous with Redruth. This is done in conformity with the Cornwall Local Plan which provides, in the preamble to Policy 7 (Housing in the Countryside), “the focus for rural settlements is to meet local need while reflecting and respecting the character of settlements. Neighbourhood Plans may, if they feel it appropriate, look to identify specific settlement boundaries consistent with this approach.”

## **6 COMPATABILITY WITH EU OBLIGATIONS**

6.1 Cornwall Council considered that neither a Strategic Environmental Assessment nor a Habitats Regulation Assessment was not required because the Neighbourhood Plan is not likely to have a significant impact on the environment or on European Sites and that SEA and HRA is therefore not required.

6.2 Historic England, Natural England and the Environment Agency also agreed with this outcome.

6.3 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

6.4 The main issues for planning are the right to family life and in preventing discrimination. The Plan makes positive contributions, such as through seeking to provide housing to meet local needs for older people and for young people wanting their first home. The population profile has revealed that there are not significant numbers of people who do not have English as a first language and it has not been necessary to produce consultation material in other languages.

6.5 The inclusive nature of the preparation of the Plan is a further benefit. The consultation, (see the Statement of Community involvement) has been inclusive, with particular efforts made to seek input via questionnaires, newsletters, at events, and through the Lanner parish council website. to discuss the emerging policies with a range of local people of all ages.

6.6 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the Statement of Consultation. There was extensive consultation and engagement early on in the process and later in identifying issues and options. Finally, the draft Neighbourhood Plan has been consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, responses have been recorded and changes have been made as set out in the Statement of Consultation. The Statement of Consultation has been prepared by the Steering Group and meets the requirements set out in Paragraph 15 (2) of the Regulations.

6.7 The Neighbourhood Plan is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the EU Habitats Regulations so this has not been required by Cornwall Council.

## APPENDIX ONE: Designation of Neighbourhood Area

### Cornwall Council

Circuit House St Clement Street Truro Cornwall TR1 1DT

Email: [planning@cornwall.gov.uk](mailto:planning@cornwall.gov.uk)

Tel: 0300 1234151

Web: [www.cornwall.gov.uk](http://www.cornwall.gov.uk)



Application number: PA16/00013/NDP

**Applicant:**

Mrs Elaine Youlton  
Lanner Village Hall  
9 Lanner Hill  
Lanner  
Redruth  
TR16 6DB

**Town And Country Planning Act 1990 (As Amended)  
The Neighbourhood Planning (General) Regulations 2012**

### Designation of a Neighbourhood Area

**CORNWALL COUNCIL**, being the Local Planning Authority, **HEREBY APPROVES**, the designation of a Neighbourhood Area to be used for the creation of a Neighbourhood Development Plan as set out in the following application received on 18<sup>th</sup> August 2016 and accompanying plan(s):

**Proposal:** The designation of the Parish of Lanner as a Neighbourhood Area

**Relevant Body:** Lanner Parish Council

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**



**DATED: 12<sup>th</sup> October 2016**

**Phil Mason  
Head of Planning, Housing and  
Regeneration**

**REFERRED TO IN CONSIDERATION OF THIS APPLICATION:**

The Cornwall Council has considered the proposed Designation of the Neighbourhood Area and finds that:

- The area proposed is appropriate to be designated as a Neighbourhood Area;
- The Parish Council is a relevant body for the purposes of Section 61G of the 1990 Act;  
and
- No substantive objection has been made to the designation of the area under Regulation 6

It is therefore considered that the Designation of the Neighbourhood Area should be approved.

23 January 2018

**Lanner Neighbourhood Development Plan – SEA and HRA Screening**

As requested I have screened the Lanner Neighbourhood Development Plan (NDP) to see whether the plan requires Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA.)

As required by the SEA regulations I produced a screening opinion for the Lanner NDP (pre-submission draft version 5) and consulted the statutory bodies, Natural England, Historic England and the Environment Agency. I also asked Natural England to confirm whether or not HRA was required under the HRA directive.

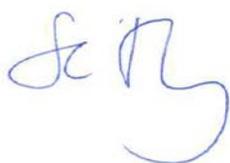
Historic England initially raised concerns about the potential for impact on the historic environment from some of the allocations indicated in the NDP. In response Cornwall Council's Historic Environment Strategy Officer carried out a desktop Heritage Impact Assessment (HIA) and Lanner NDP group made some suggested amendments to the NDP, which is now in pre-submission draft version 6.

Based on the scale and location of development proposed in the draft plan (v6), Cornwall Council is of the opinion that the Lanner NDP is unlikely to have significant effects on the environment or on European Sites and that SEA and HRA is therefore not required.

This view is confirmed by the consultation bodies and the full screening opinion, the HIA and the responses from Natural England and Historic England are attached.

If significant changes or additions are made to your plan I would advise you to have it rescreened.

Yours sincerely,



**Sarah Furley**

**Group Leader**

**Neighbourhood Plans**

**Tel: 01872 224294**

### APPENDIX Three: Policy Analysis

#### DETAILED CONSIDERATION OF LANNER PARISH NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

This table sets out how each policy reflects the aims of local and national policy and supports the achievement of sustainable development.

With regard to Promoting Sustainable Development, + indicates positive promotion and ++ indicates very strong promotion.

Policy	Promoting Sustainable Development				NPPF	Cornwall Local Plan
	Social	Economic	Environ mental	Commentary		
Policy 1: Sustainability	++	++	++	Sustainability of development but also its effects on the community and environment as a whole dictate all policies in the NDP.	Core principles of sustainability in NDP conform to those in NPPF.	The NDP definition of sustainability closely follows the NPPF definition, the Local Plan definition being more “relaxed”. Nevertheless, the NDP is in conformity with both.

<p>Policy 2: New Housing within the existing village settlement boundary</p>	<p>++</p>	<p>++</p>	<p>++</p>	<p>The settlement boundary seeks to protect the valued rural landscape. Within that boundary, development will be supported if it accords with other relevant NDP policies. Outside of that boundary there will be a presumption against development unless it conforms to Cornwall Local Plan Policy 7 (Housing in the Countryside) or Policy 9 (Rural Exception Sites).</p>	<p>To proactively drive and support sustainable economic development to deliver the homes the community needs..... encouraging the effective use of land by reusing land that has been previously developed (brownfield land).</p>	<p>This Policy conforms to the principles in Local Plan Policies 2 (Spatial Strategy), 2a (Key Targets), 3 (Role and Function of Places), 12 (Design), 13 (Development Standards), and 21 (Best Use of Land and Existing Buildings).</p>
<p>Policy 3: Affordable Housing on Exception Sites</p>	<p>++</p>	<p>++</p>	<p>+</p>	<p>Support will be given to affordable housing on rural exception sites where it meets a demonstrable and genuine local need without undue damage to the environment or landscape.</p>	<p>To support sustainable economic development to deliver the homes the community needs.</p>	<p>This Policy conforms to the principles in Local Plan Policies 2a (Key targets), 3 (Role and Function of Places) and 9 (Rural Exception Sites).</p>

Policy 4: Supported Accommodation	++	++	-	A local need for small units of accommodation particularly for the elderly, infirm or disabled has been identified.	To proactively drive and support sustainable economic development to deliver the homes the community needs	Local Plan Policies 2 (Spatial Strategy), 2a (Key targets), 3 (Role and Function of Places), 6 (Housing Mix) and 13 (Development Standards) all apply to and support this NDP Policy.
Policy 5: Housing Mix	++	++	-	A local need for smaller dwellings than the standard three-bedroom home has been identified.	To proactively drive and support sustainable economic development to deliver the homes the community needs	Local Plan Policies 2 (Spatial Strategy), 2a (Key targets), 3 (Role and Function of Place), 6 (Housing Mix), 13 (Development Standards) all apply and support this NDP Policy.
Policy 6: Favoured Sites for New Housing	++	++	++	Favoured sites for larger developments than infill have been identified to accommodate basic housing requirement within the settlement boundary under	To proactively drive and support sustainable economic development to deliver the homes the community needs	Local Plan Policies 2 (Spatial Strategy), 2a (Key targets), 3 (Role and Function of Place), 6 (Housing Mix), 13 (Development Standards), 24 (Historic Environment) all apply and support this NDP Policy.

				<p>the Cornwall Local Plan, so removing infill and rounding off as the sole providers of new housing. This will enable a more discerning approach to quality of design, spatial issues and aid protection of the historic and village environment. Public benefit is also sought by a car park to serve community buildings and cemetery.</p>		
<p>Policy 7: Design and Character</p>	++	++	++	<p>By fostering quality design, spatial and environmental standards in new development the quality of life and well-being of all will be maintained and raised.</p>	<p>To secure high quality design and a good standard of amenity</p>	<p>This Policy conforms to the principles identified in Local Plan Policies 2 (Spatial Strategy), 12 (Design), 13 (Development Standards), 25 (Green Infrastructure) and 26 (Flood Risk Management)</p>

Policy 8: Protecting Landscape and the Environment	++	++	++	The rural landscape and features surrounding the built environment enhance and support health and wellbeing, the local economy and property values and are the building block for biodiversity.	Conserving and enhancing the natural environment.	The NDP Policy conforms to the strategic principles of Policies 2 (Spatial Strategy), 16 (Health and Wellbeing), 23 (Natural Environment), 24 (Historic Environment), 25 (Green Infrastructure) and 26(Flood Risk Management) within the Local Plan.
Policy 9: Protection of Trees	+	-	++	To afford special protection for mature trees: a rarity in the local landscape.	Conserving and enhancing the natural environment.	The NDP Policy conforms to the principles of Local Plan Policies 2 (Spatial Strategy), 16 (Health and Wellbeing), 23 (Natural Environment) and 25 (Green Infrastructure).
Policy 10: Protection of Public Rights of Way	++	-	++	Lanner's PROWs are especially valued and used by the local community and also have significant importance	Promoting healthy communities. Actively manage patterns of growth to make the fullest possible use of ..... walking and cycling	Conformity to Local Plan Policies 2 (Spatial Strategy), 16 (Health and Wellbeing), 24 (Historic Environment), 25 (Green Infrastructure).
Policy 11: Planting of Trees	+	+	++	The planting of trees in the landscape, denuded in the 19 <sup>th</sup> Century mining boom, is to be encouraged.	Promoting healthy communities. Conserving and enhancing the natural environment	Conformity to Local Plan Policy 16 (Health and Wellbeing)
Policy 12: Improvement of old Tresavean Mine	++	-	++	A site owned by Cornwall Council with minimal	Promoting healthy communities. Conserving and	Supports Local Plan Policies 2 (Spatial Strategy), 16 (Health and

site.				management inputs. Devolution to parish council is sought to increase biodiversity and enhance public access experience.	enhancing the natural environment	Wellbeing), 24 (Historic Environment), 25 (Green Infrastructure).
Policy 13: Protection of southern slopes from Lanner village to skyline	+	+	++	Protection of valued landscape	Conserving and enhancing the natural environment ..... recognising the intrinsic character and beauty of the countryside.	Supported by Local Plan Policies 2 (Spatial Strategy), 16 (Health and Wellbeing), 23 (Natural Environment), 24 (Historic Environment), 25 (Green Infrastructure).
Policy 14: Protection of Carn Marth	+	+	++	Protects the most valued landscape (an AGLV).	Conserving and enhancing the natural environment ..... recognising the intrinsic character and beauty of the countryside	Supported by Local Plan Policies 2 (Spatial Strategy), 16 (Health and Wellbeing), 23 (Natural Environment), 24 (Historic Environment), 25 (Green Infrastructure).
Policy 15: Protection of Designated Heritage Assets	+	+	++	To protect heritage for present and future generations	Conserve heritage assets in a manner appropriate to their significance	Complements Local Plan Policies 2 (Spatial Strategy), 16 (Health and Wellbeing), 24 (Historic Environment).

Policy 16: Provision of Superfast Broadband to all new properties.	+	++	-	Reflects the relatively high number of business based from home and education requirements of all ages.	Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places need	Complements Local Plan Policy 5 (Business and Tourism)
Policy 17: New Local Businesses to Support Community	+	++	+	The NDP seeks to aid new businesses and sustain existing ones, while recognising the function of the parish as a dormitory location for town-based employment.	Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places need	Supported by Local Plan Policies 2 (Spatial Strategy), 4 (Shopping, Services and Community Facilities), 5 (Business and Tourism).
Policy 18: Provision of adequate off-road parking	+	+	+	In addition to parking for residential development this policy is also allied to the aim of a car park for community buildings mentioned in the notes to Policy 6.	Requiring good design to enhance and improve the places in which people live their lives	Complements Local Plan Policies 13 (Development Standards), 27 (Transport and Accessibility).
Policy 19: To Reduce Vehicle Speeds	++	-	++	To improve road safety for people and property.	To enhance and improve the places in which people live their lives	Supported by Local Plan Policy 16 (Health and Wellbeing)
Policy 20: Sustainability and Climate Change	+	+	++	To reduce dependence on and usage of fossil fuels.	Meeting the challenge of climate change	Supported by Local Plan Policy 2 (Spatial Strategy) and 14 (Renewable and Low Carbon

						Energy).
Policy 21: Minimising Flood Risk	+	+	++	These policies aim to protect and conserve the landscape and reduce flooding.	Conserving and enhancing the natural environment. Meeting the challenge of climate change and flooding	Supported by Local Plan Policy 2 (Spatial Strategy), 16 (Health and Wellbeing), 23 (Natural Environment) and 26 (Flood Risk Management).
Policy 22: Renewable Energy (other than by wind turbine)	+	+	+	Favouring smaller scale proposals which are sensitive to their environmental and landscape impacts.	Conserving and enhancing the natural environment. Meeting the challenge of climate change	Conforms to Local Plan Policies 2 (Spatial Strategy) and 14 (Renewable and Low Carbon Energy)

Policy 23: Wind Turbines	+	-	+	Wind turbines not favoured due to landscape impact	Conserving and enhancing the natural environment.	Conforms to Local Plan Policies 2 (Spatial Strategy) and 14 (Renewable and Low Carbon Energy)
Policy 24: Health and Recreation	++	+	+	Support for existing and future facilities which aid health and wellbeing.	Promoting healthy communities. Conserving and enhancing the natural environment.	Conforms to Local Plan Policies 2 (Spatial Strategy), 16 (Health and Wellbeing), 24 (Historic Environment), 25 (Natural Environment), 26 (Green Infrastructure)

Policy 25: Local Green Spaces	++	+	+	Protection for valued local green spaces.	Promoting healthy communities. Conserving and enhancing the natural environment.	Conforms to Local Plan Policies 2 (Spatial Strategy), 16 (Health and Wellbeing), 24 (Historic Environment), 25 (Natural Environment), 26 (Green Infrastructure)
-------------------------------	----	---	---	---	--	---