

Landrake with St Erney Neighbourhood Development Plan

Independent Examiner's Report

August 2018

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Summary

I have been appointed by Cornwall Council to carry out an independent examination of the Landrake with St Erney Neighbourhood Development Plan.

The examination was carried out in August 2018 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 31 July 2018.

The plan is based on extensive engagement with the local community and provides a distinct set of policies, relevant to the needs of local people. Landrake with St Erney is a predominantly rural parish and the plan provides for limited new housing development, as the modest needs identified in the Cornwall Local Plan can be met through infilling within and a minor extension to the development boundary of Landrake village.

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

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

Barbara Maksymiw

Independent Examiner

August 2018

1. Introduction

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

2. Landrake with St Erney Parish is a small parish in south east Cornwall. It lies west of Saltash and Plymouth and is bisected east/west by the A38 trunk road. With a population of around 1,115 people, the main settlement is the village of Landrake with the remainder of the parish being mainly agricultural land and woodland, with small hamlets and farmsteads linked by narrow Cornish lanes. The southern part of the parish lies within the Tamar Valley Area of Outstanding Natural Beauty (AONB), while the far southern edge is designated as a Site of Special Scientific Interest (SSSI). The north eastern side of the parish is designated as an Area of Great Landscape Value (AGLV).

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

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

2. Appointment of the independent examiner

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

3. The role of the independent examiner

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

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

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

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

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

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

- the making of the neighbourhood plan is not likely to have significant effects on a European site ³ or a European offshore marine site ⁴ either alone or in combination with other plans or projects and
- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as

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

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

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

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

it is not about a neighbourhood development order).

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

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

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

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

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

4. Compliance with matters other than the basic conditions

14. Landrake with St Erney Parish Council resolved to set up a neighbourhood plan group in February 2014. A formal submission was made to Cornwall Council to designate the parish as a Neighbourhood Area on 28 April 2014. On 11 July 2014, Cornwall Council designated the parish of Landrake with St Erney as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. The designated area covers the parish of Landrake with St Erney and does not cover any other Neighbourhood Area and the qualifying body is Landrake with St Erney Parish Council. The preparation of the plan has been managed by a Steering Group made up of local parishioners representing different interest groups - including business, domestic and landowner /developer interests - which was established in Spring 2014.

15. I am satisfied that the NDP includes policies that relate to the development and use of land and does not include provision for any excluded development.

16. The Landrake with St Erney NDP therefore meets the requirements set out in para 7 above.

5. The examination process

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

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

19. During the course of the examination it was necessary to clarify several factual matters with Cornwall Council and the Parish Council. These are set out in Appendix 2 to this report. I was provided with prompt and helpful responses to my questions and I am satisfied that I had all the information I required to carry out the examination.

20. As part of the Neighbourhood Plan Examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made an unaccompanied site visit to the area on 31 July 2018.

21. On 5 March 2018 an updated version of the National Planning Policy Framework (NPPF) was published for consultation. As this was not yet the final version of the NPPF, I have not taken it into account in my consideration of the Landrake with St Erney NDP.

22. The final version of the NPPF was subsequently published on 24 July 2018. Paragraph 214 of the Framework confirms the transitional arrangements for plans which were already under examination:

*The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.*⁶

⁵ PPG para 004 ref id 41-004-20140306

⁶ National Planning Policy Framework: 24 July 2018

23. Thus, for the purposes of this examination, the NDP has been assessed against the guidance in the former NPPF.

6. Consultation

Consultation process

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

25. In line with the Neighbourhood Planning (General) Regulations 2012⁷, the Steering Group has prepared a Consultation Statement for the NDP which sets out how the group approached public consultation, who was consulted and the outcomes.

26. Throughout the plan preparation process, the Steering Group has sought to consult and engage as wide a range of people as possible – using letter drops to every household, public events and meetings and stakeholder consultations with local landowners.

27. An initial survey was circulated to all residents in October 2014 and the emerging themes were published on the parish website and made available in the local shop and school. A more detailed survey followed in March 2015, accompanied by further evidence gathering. Neighbourhood plan consultation events were held in January 2015 and March 2016

28. The first formal consultation on the Pre-Submission Draft NDP then followed in November 2017.

29. It is clear from the Consultation Statement that the Steering Group has engaged very widely with the local community and kept people informed as the plan progressed. This consultation process has helped to develop the vision for the plan and ensure that the Community's Vision for Landrake has been clearly shaped by the views and priorities of the community. The vision for the parish is:

In 2030 Landrake with St Erney will continue to be a beautiful rural Parish, proud of its special landscape, natural environment and quiet, historic village setting. The community will

⁷ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

be content that they have the levels of housing, employment and infrastructure that they require.

Representations received

30. Preparing the NDP has involved two statutory six-week periods of public consultation. The first, on the Pre-Submission Regulation 14 Draft Plan, took place between 6 November and 22 December 2017. In all, fourteen representations were received – five from statutory bodies, seven from Cornwall Council, one from a neighbouring parish council and one from a member of the community.

31. The second consultation on the Submission Draft NDP was managed by Cornwall Council and took place between 4 May and 15 June 2018. This generated 11 responses – four from Cornwall Council, five from statutory bodies and two from neighbouring Parish Councils.

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

33. From the evidence in front of me, it is apparent that the Landrake with St Erney NDP has been subject to appropriate and extensive community engagement involving much time and effort by the Steering Group. They are to be congratulated for all their sustained effort and for producing a very succinct NDP. I am therefore satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

7. Compliance with the basic conditions

34. In my role as independent examiner I must assess whether the Plan meets the Basic Conditions⁸ set out in the Regulations as described in paras 7-9 above.

35. I have considered the Landrake with St Erney NDP Basic Conditions Statement produced by the Steering Group, and other supporting documentation, to assist my assessment which is set out below. I note that the document itself does not have a title page and is undated and suggest that these are added.

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

- **Recommendation: Add a title page and date to the Basic Conditions Statement**

National Policy

36. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Included in the twelve core principles of the NPPF⁹ is a requirement for neighbourhood plans which provide a practical framework within which decisions on planning applications can be made in a confident and consistent manner. Policies also should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.

37. Table 1 of the Basic Conditions Statement sets out a very comprehensive assessment of how each of the policies in the NDP has regard to the NPPF and Planning Practice Guidance. The NDP therefore satisfies the basic condition that it has regard to national policies and advice.

Sustainable development

39. The qualifying body has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF¹⁰.

40. Page 6 of the Basic Conditions Statement briefly explains how the plan contributes to the three aspects of sustainable development.

41. When considered alongside the assessment provided in Table 1, which also assesses the plan's compliance with the NPPF, I conclude that this Basic Condition is met.

Development Plan

42. The NDP also has to demonstrate that it accords with the strategic policies of the Development Plan. In terms of the wider planning of Cornwall as a whole, the Neighbourhood Development Plan has been prepared in the context of the Cornwall Local Plan (CLP), which was adopted in November 2016. There is therefore an up to date development plan in place.

⁹ NPPF (2012) para 16 and 17

¹⁰ NPPF 2012) para 18-219

43. Table 2 of the Basic Conditions Statement sets out a very comprehensive assessment of how each of the policies in the NDP conforms generally with the relevant strategic policies in the CLP. It is also evident that a number of the policies are designed to support and amplify the policies in the CLP so that they are relevant to the particular needs and priorities of the parish.

44. Various departments in Cornwall Council have provided comments on the plan as it has progressed through each stage of preparation and the Council's report dated 21 March 2018 confirms the Council's view that the NDP is legally compliant and can proceed to examination.

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

Basic Conditions – conclusions

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

47. At a practical level, however, a few of the policies in the Submission NDP need some minor adjustment to ensure that they comply with the NPPF and the strategic guidance in the CLP. I have therefore suggested a number of modifications in Section 8 below to help ensure that the plan accords with national and strategic guidance and therefore meets the basic conditions.

European obligations and Human Rights Requirements

Strategic Environmental Assessment (SEA)

48. The SEA Directive aims to provide a high level of protection to the environment by ensuring that environmental considerations are included in the process of preparing plans and programmes.

49. In response to my query, Cornwall Council confirmed that a SEA and Habitat Regulations Assessment (HRA) Screening Assessment of the Landrake with St Erney NDP had been carried out in November 2017 to assess whether it required SEA or HRA. This document is not currently available

on the Council or Parish Council website and should be added as soon as possible. It should also be added as Appendix C to the Basic Conditions Statement

- **Recommendation: Add the SEA and HRA Screening Report to the Cornwall Council and Parish Council website and as Appendix C to the Basic Conditions Statement**

50. The Screening Report concluded that it was unlikely that there will be any significant environmental effects arising from the Landrake with St Erney NDP and a full SEA did not need to be undertaken and an HRA is not required. This conclusion has been agreed by Natural England and Historic England through consultation.

51. I have considered all the relevant background material and I am therefore satisfied that the submitted Landrake with St Erney NDP meets the requirements set out in the SEA Directive so this basic condition is met.

Human rights requirements

52. In response to my query about how the NDP complies with Human Rights Requirements, the Steering Group has provided a statement as follows:

“We wish to confirm that the policies in the plan accord with EU Human Rights obligations, for example the policies in the plan are equal to all individuals, and all residents in the Parish have had the right to a “fair hearing” through an effective and proportionate consultation process to reach out to different groups potentially affected. Consultation responses have been considered in a satisfactory manner during the processing of the plan”

53. To ensure that the NDP meets the basic conditions in this respect, I suggest that suitable wording, based on the statement above, is added as a new section at the end of the Basic Conditions Statement.

- **Recommendation: Add a new section at the end of the Basic Conditions Statement to explain how the NDP meets Human Rights Requirements, based on the recent statement provided by the Steering Group, quoted in para 52 above.**

54. With this amendment, I am satisfied that the NDP is compatible with the requirements of EU obligations in relation to human rights and no evidence has been submitted to me to suggest otherwise. I am satisfied, then, that the Plan does not breach the European Convention on Human Rights obligations and therefore meets the Basic Conditions.

Other Directives

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

8. Neighbourhood Plan policies

56. This section of my report considers the NDP policies against the basic conditions.

57. The Plan is clearly written and is well illustrated with a number of relevant and attractive photographs. The plan is very well presented, with a clear structure distinguished by separate sections.

58. All of the policies relate to the development and use of land and none cover excluded development, such as minerals and waste, so the statutory requirements and guidance set out in Planning Practice Guidance¹¹ are met.

59. The NDP contains a number of plans, some of which are set out in the appendices. While these maps and plans are individually useful, I think it might be helpful to have a composite Proposals Map which covers all the policies proposed in the NDP. I realise that this would potentially be a complex map with some overlapping designations, so I therefore leave it to the Steering Group, with advice from Cornwall Council, to consider adding a composite Proposals Map. I have also commented on the individual maps and plans elsewhere in my report.

- **Recommendation: Steering Group to consider, with advice from Cornwall Council, adding a composite Proposals Map to the NDP**

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

¹¹ Planning Practice Guidance PPG para 004

explain and justify the plan policy, I have made comments to that effect.

1. Introduction

61. This section explains the role of the NDP and how it has been prepared. I have no comments to make.

2. Background to the Parish

62. This section outlines the key characteristics of the Parish. In response to my query, the Parish Council has provided a map of the Landrake Conservation Area and I suggest that this is added as a new appendix with an appropriate reference made in the last paragraph on page 1 under the Background to the Parish heading.

- **Recommendation: Add the map of Landrake Conservation Area as a new appendix, with an appropriate reference in the Background to the Parish section of the NDP**

Sections 3 to 7 Neighbourhood Development Plan

63. These five sections provides an overview of the NDP preparation process and I have no comments to make.

8. The Community's Vision for Landrake

64. This section outlines the vision and objectives of the plan and explains how each of the policies contribute to addressing the four objectives of the plan. I have no comments to make.

9. About the Policies

65. This section introduces the policies. The plan policies are grouped by topic and for each policy there is a coloured text box which sets out the policy, followed by a short Intention section and Reasoned Justification. This is a very clear approach and the Steering Group are to be commended on the presentation of the policies which combines clarity with succinctness.

10. Housing

Policy 1: Target Housing Growth for the LNDP Period

66. This policy explains the plan's approach to meeting the housing needs of the Parish, which have been agreed with Cornwall Council as being an additional 24 homes over the period April 2017-

2030. I note that the plan period referred to in policy 1 is 2018-2030, which does not quite tie in with the start point of April 2017 which is referred to in the supporting text. As Policy 1 is the only policy which is, of necessity, tied to a particular start date, I suggest that April 2017 is used consistently throughout the plan.

- **Recommendation: Amend “2018” to “2017” in first line of Policy 1. Amend title pages of all relevant NDP documents to show a plan period of 2017 to 2030**

67. The NDP provides a clear explanation of the housing requirements set by the CLP and it is evident that there has been close liaison between the Steering Group and Cornwall Council over the approach to the scale of growth. The parish’s share of the remaining Local Plan target is 24 dwellings and this can be met through a combination of minor infilling within the village of Landrake and a very modest extension to the development boundary.

68. Three potential sites for housing development were subject to Landscape Capacity Assessment to assess the capacity of the landscape to accommodate housing development. This assessment concluded that the site at West Lane was the most suitable location, in landscape terms, for the extension of the development boundary. In response to my query, the Councils confirmed that the boundary of the site is indicative. In view of this, I concur that the most appropriate way forward is for the NDP to show an extended development boundary which would allow for the level of growth identified in the CLP to be accommodated.

69. The policy therefore complies with the basic conditions.

Policy 2: Locations for Housing Development

70. This policy provides more detailed guidance about new housing development in Landrake and complements Policy 1. The supporting text explains the definitions of infilling and rural exceptions which are set out in the CLP, so there is a clear link between the NDP policy and the strategic policies of the Local Plan. The reference to “up to around 10 dwellings” in Policy 2.2 is rather ambiguous so I suggest this is amended simply to “around”, to ensure consistency with the Justification text in the fifth paragraph under para 10.2.2

- **Recommendation: Delete “up to” in the first line of Policy 2.2**

71. Natural England has suggested that a little more guidance could be provided on the measures which would be required to mitigate the potential impact on the landscape if the site at West Lane was to be developed. Similarly, Highways England has commented on highways and pedestrian

access issues which may need to be addressed. These suggestions are helpful and would help future decision-makers so I suggest some additional text is added to Policy 2.1 to address these comments.

- **Recommendation: Add at the end of Policy 2.1 two new sub paragraphs “a. Development of the site between West Lane and the A38 i) should seek to retain the existing tree and boundary coverage, provide further planting to any roadside edge and provide visual screening for both existing and future residents; and, ii) should follow the existing contours on the site and relate well to its physical boundaries. b) Access to any site adjacent to the A38 should be subject to consultation with Highways England and appropriate pedestrian facilities should be provided to enable safe access to community facilities and services within Landrake.”**

72. Policy 2.2 deals with rural exceptions sites and my only comment is that reference to the Proposals Map in the fourth line is rather ambiguous: instead it should refer to the development boundary map, to be consistent with policy 2.1.

- **Recommendation: Delete “proposals map” and substitute “Development Boundary Map at Appendix 4” in the fourth line of Policy 2.2**

73. On a point of detail, the word “principle” in the second line of the first two paragraphs on page 13, should be “principal”.

- **Recommendation: Change “principle” to “principal” in the second lines of the first two paragraphs on page 13**

Policy 3: Size and Type of Housing Development

74. Cornwall Council has commented that they use Help to Buy South West registers on which to base their evidence of housing need, so this should be reflected in Policy 3. Also, in the second paragraph of the justification, they suggest referring to what is needed rather than what is wanted. I concur with both these suggestions.

- **Recommendation: Add “or Help to Buy South West Register or its successor” after “Homechoice Register” in that the end of Policy 3. Change “wanted” to “needed” in the second sentence of the first paragraph of the Justification on page 14**

11. Economy

Policy 4: Economic Development

75. Natural England has suggested some tightening up of this policy, as there are potentially some locations immediately adjacent to the development boundary which are within the AONB. I therefore suggest that a suitable caveat is added to Policy 4 to cover sites close to the development boundary. For sites away from the development boundary, the policy would benefit from more explicit cross reference to Policy 5 in the CLP.

- **Recommendation: In line 3 of Policy 4 in add “provided the landscape and scenic beauty of the AONB is conserved” after “to this document”. Add “and in line with CLP Policy 5” after “acceptable in principle” at the end of Policy 4**

12. Transport and Traffic

Policy 5: Minimum Parking Requirements for New Housing Development

76. I suggest two minor amendments to the policy wording to improve clarity.

- **Recommendation: Reword Policy 5.1 (ii) to read “2 or more bedroom properties should have a minimum of 2 parking spaces.” Change “Other uses beyond housing” in Policy 5.3 to “Uses other than housing”**

Policy 6: Improving congestion and highway safety

77. From my site visit, I could see the importance of safety in and around the A38 which is a very busy traffic route which bisects the village. My only comment is on the title of the policy which I think could be better expressed.

- **Recommendation: Reword title of Policy 6 as “Alleviating congestion and improving highway safety”**

13. Design

Policy 7: Design of New Development

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

79. The Parish Council has prepared a very comprehensive Parish Design Guide and Design Checklist which is attached to the NDP as Appendix 5. It is not within my remit as examiner to consider these documents in any detail but I commend the Steering Group for the considerable time and effort which has gone into preparing this guidance and advice. I am sure that it will be valued by all involved in conserving and enhancing the unique character of the parish for the future.

14. Community

Policy 8: Safeguarding existing Community Facilities

80. To comply with the Basic Conditions, I suggest that this policy requires some tightening to ensure that it complies with the strategic guidance in CLP policy 4, specifically to refer to the importance of accessibility by walking, cycling or public transport to any alternative provision.

- **Recommendation: Add “accessible by walking, cycling or public transport” after (“accessible alternatives” in Policy 8.3 (**

Policy 9: Safeguarding Recreational Area and Important Green Spaces

81. Policy 9 safeguards three sites as Local Green Spaces (LGS) which are shown individually and collectively in Appendix 6.

82. I visited each of the proposed LGS sites on my site visit on 31 July and I could see that each site is defined by clearly identifiable boundaries and well used and maintained by the community. Two are laid out as sports fields, while the one adjoining the primary school is used as a school playing field and farm. In response to my query, the Parish Council provided more information about each recreational space, how it has been developed and funded as well as how each is used. As this is important evidence to justify the formal designation of such sites as Local Green Space, in accordance with paragraphs 76-78 of the NPPF, I suggest that this information is added in its entirety as a new paragraph at the end of section 14.2.2.

- **Recommendation: Add supporting evidence provided by the Parish Council to justify designation of each of the three sites as Local Green Space as a new paragraph at the end of section 14.2.2.**

15. Landscape

Policy 10: Safeguarding the Landscape

83. I have no comments on this policy as it accords with the NPPF and strategic guidance in the CLP.

16. Heritage

Policy 11: Safeguarding Heritage

84. I have no comments on this policy as it accords with the NPPF and strategic guidance in the CLP.

17. Wildlife

Policy 12: Safeguarding Wildlife

85. Natural England has suggested that this policy requires some fine tuning to ensure that it accords with guidance in the NPPF and the CLP, to ensure that equal weight is given to differing wildlife designations in terms of their protection. Biodiversity enhancement should also be sought when adverse impacts have been first avoided, mitigated or as a last resort compensated for. I concur with their advice and suggest various amendments to Policy 12.

- **Recommendation: Add “European, national and local” after “any of the” in Policy 12.1. In Policy 12.1(i) delete “Any development that demonstrates” and replace with “Any development which affects such sites should demonstrate that any adverse impacts on such sites have been avoided in the first instance, or as a last resort compensated for and demonstrate that”**

Appendices

86. I have commented on the Appendices to the NDP in various parts of my report, above, and have no further comments to make.

9. Conclusions and Recommendations

87. I have examined the Landrake with St Erney NDP and I have concluded that, subject to the modifications set out in my report, it meets the basic conditions and other statutory requirements.

88. I am therefore pleased to recommend to Cornwall Council that, subject to the modifications set out in my report, the Landrake with St Erney NDP should proceed to referendum.

89. I am also required to consider whether the referendum area should be extended beyond the Landrake with St Erney NDP area. I see no reason why it would be necessary to alter or extend the

plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area approved by Cornwall Council in July 2014.

APPENDIX 1: Background Documents

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

- Landrake with St Erney Neighbourhood Development Plan 2018-30
- Landrake with St Erney Neighbourhood Development Plan 2018-2030: Consultation !
Statement: Final version February 2018 !
- Landrake with St Erney NDP: Basic Conditions Statement (undated)
- Strategic Environmental Assessment and Habitat Regulations Assessment: Landrake with St Erney Neighbourhood Plan: Screening Report: Cornwall Council: November 2017
- Cornwall Council: Landrake with St Erney Neighbourhood Development Plan – 2018 to 2030 – Legal Compliance and Examination Stage: 21 March 2018
- National Planning Policy Framework (NPPF) 2012
- National Planning Policy Framework (NPPF) 24 July 2018
- Planning Practice Guidance March 2014 and subsequent updates

APPENDIX 2:

Landrake with St Erney Neighbourhood Development Plan Examination

Request for further information and questions from the Examiner to Cornwall Council and Landrake with St Erney Parish Council

I have carried out a preliminary review of the Neighbourhood Plan and the evidence submitted in support of it and there are a few matters where I need some clarification or further information. I would therefore be grateful if both Councils could assist me, as appropriate, in answering the following questions.

1. Conservation area

In the last paragraph on Page 1, under the Background to the Parish heading, reference is made to the centre of Landrake village being designated as a Conservation Area. However, this is not shown in Appendix 1, as the NDP suggests. I see that it is mapped on page 43 of the Summary of Evidence and Documentation, but it is rather small and difficult to read. Please can you supply an updated plan of the Conservation Area boundary – the scale which is used in appendix 4 to show the Development Boundary would be ideal?

2. Responses to Reg 14 and Reg 16 Consultation

In Section 10 of the Consultation Statement, it appears that responses were only received from statutory consultees at the Reg 14 consultation stage, with no responses from members of the public. Similarly, the list of Regulation 16 Consultation Responses – Collated - prepared by Cornwall Council – only includes responses from statutory consultees. Please can you confirm that this is correct?

3. Development boundary

The new proposed development boundary shown in Appendix 4 includes land at Site A - West Lane within the development limit of the village. I understand that it was one of three sites which were considered for potential residential development in the landscape capacity assessment which noted that it had a potential capacity for around 20 dwellings. Were there any particular reasons why this site was not identified as a housing allocation in its own right, along with a site-specific policy to guide future development?

Many thanks for your assistance with these questions. Once I have received your responses, I may need to ask for further clarification or further queries may arise as the examination progresses.

Please note that these questions and requests for information is a public document and the answers and any associated documents will also be in the public domain. Both my questions and the responses should be placed on the Councils' websites as appropriate.

Many thanks.

Barbara Maksymiw

27 July 2018