

Landrake with St Erney Neighbourhood Development Plan

2017 – 2030

Basic Conditions Statement
FINAL VERSION August 2018

Basic Conditions Statement

1. Introduction

This Basic Conditions Statement has been prepared by Cornwall Rural Community Charity (CRCC) as part of its work for the Landrake with St. Erney Neighbourhood Plan (LNP) on behalf of Landrake with St. Erney Parish Council.

The Area has been designated a qualifying area and the Parish Council is a qualifying body, please see Appendix A for the Cornwall Council designation letter.

This Basic Conditions Statement is submitted to Cornwall Council under [regulation 15\(1\)\(d\)](#) and [regulation 22\(1\)\(e\)](#) of the Neighbourhood Planning (General) Regulations 2012 (as amended) to demonstrate that the LNP meets the legislative basic conditions contained with the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004 (as amended) to enable the LNP to be put to a referendum.

2. Legal Framework

Regulation 15 of Part 5 of Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the requirements for the qualifying body when submitting a NDP to the local planning authority as follows:-

15. (1) Where a qualifying body submits a plan proposal to the local planning authority it must include –

- a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;*
- b) a consultation statement;*
- c) the proposed neighbourhood development plan; and*
- d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.*

Part (a) is provided within Appendix B of this statement and includes the application, map and designation decision notice.

Parts (b) and (c) have been prepared and accompany this statement as part of the submission.

The requirements for part (d) in respect of neighbourhood development plans are that the LNP meets the basic conditions as outlined overleaf.

The Basic Conditions

Only a Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (as amended). The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

In this regard we are dealing specifically with a Neighbourhood Plan. Thereby the conditions outlined under sections b. and c. referred to above, which apply only to Orders are not relevant in this case.

Over the following pages it will be demonstrated how the LNP meets each of relevant conditions outlined above.

3. Meeting the Basic Conditions

Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan)

Throughout the preparation of the LNP and having regard as to the appropriateness to make the plan, regard has been had to *national policies and advice contained in guidance issued by the Secretary of State*.

Principally this has related to the policies contained within the National Planning Policy Framework (NPPF) and the Governments National Planning Practice Guidance (NPPG) which provides further up to date guidance on the application of policies in the NPPF in response to on-going advice from Central Government and relevant case law.

Turning to the sections of the NPPF for delivering sustainable development as listed below, we have taken each policy in turn and highlighted the relevant sections applicable to each of the LNP policies and how the policy has had appropriate regard to their policy direction. The NPPF Sections are as follows:

1. Building a strong, competitive economy (paragraphs 18-22)
2. Ensuring the vitality of town centres (paragraphs 23-27)
3. Supporting a prosperous rural economy (paragraphs 28)
4. Promoting sustainable transport (paragraphs 29-41)
5. Supporting high quality communications infrastructure (paragraphs 42-46)
6. Delivering a wide choice of high quality homes (paragraphs 47-55)
7. Requiring good design (paragraphs 56-68)
8. Promoting healthy communities (paragraphs 69-78)
9. Protecting Green Belt land (paragraphs 79-92)
10. Meeting the challenge of climate change, flooding and coastal change (paragraphs 93-108)
11. Conserving and enhancing the natural environment (paragraphs 109-125)
12. Conserving and enhancing the historic environment (paragraphs 126-141)
13. Facilitating the sustainable use of minerals (paragraphs 142 – 149)

Table 1: Demonstrating Regard to National Policy and Advice

LNP Policy	Applicable NPPF and NPPG Sections	Explanation of how the policy has regard to the National Policy and Guidance
Policy 1: Target Housing Growth for the NDP Period	Delivering a wide choice of high quality homes (paragraphs 47-55)	Identifying a target for the Parish over the lifetime of the plan to respond to the minimum housing number for the Community Network Area as outlined in policy 3 of the Cornwall Local Plan to deliver the objectives of paragraph 47 of the NPPF.
Policy 2: Locations for New Housing Development	Promoting sustainable transport (paragraphs 29-41) Delivering a wide choice of high quality homes (paragraphs 47-55)	The intention of the policy is to direct housing to sustainable locations acknowledging the rural location of the Parish and to distinguish between locations suitable for infill development and rural exception sites in accordance with paragraphs 34, 49, 50, 54 and 55 of the NPPF.
Policy 3: Size and Type of Housing of New Housing Development	Delivering a wide choice of high quality homes (paragraphs 47-55)	To achieve the objectives of paragraph 50 of the NPPF by encouraging development that responds to the identified local needs both full market and affordable of the Parish.
Policy 4: Economic development	Building a strong, competitive economy (paragraphs 18-22) Supporting a prosperous rural economy (paragraphs 28) Promoting sustainable transport (paragraphs 29-41)	Acknowledging the rural location of the Parish the policy seeks to support economic development in sustainable locations.
Policy 5: Minimum Parking Requirements for New Housing Development	Promoting sustainable transport (paragraphs 29-41)	In accordance with paragraphs 29 and 39 of the NPPF taking into account the rural location of the Parish, local car ownership levels and current on street congestion.
Policy 6: Improving congestion and highway safety	Promoting sustainable transport (paragraphs 29-41)	In line with paragraph 30 of the NPPF seeking to reduce congestion in the village centre.
Policy 7: Design of New Development	Requiring good design (paragraphs 56-68)	Delivering the objectives of this section, particularly paragraphs 57, 58, 60, 61 and 64 of the NPPF. The plan does not stifle innovation or originality but quite rightly seeks design to be in keeping with its surroundings.
Policy 8: Safeguarding existing Community Facilities	Promoting healthy communities (paragraphs 69-78)	The policy safeguards the value community facilities that facilitate the social interaction that creates the healthy, inclusive communities as referred to under paragraph 69 of the NPPF. Safeguarding such facilities accords with paragraph 70 of the NPPF.
Policy 9: Safeguarding Recreational Area and	Promoting healthy communities (paragraphs 69-78)	The open and recreational areas have been identified as Local Green Space designations

LNP Policy	Applicable NPPF and NPPG Sections	Explanation of how the policy has regard to the National Policy and Guidance
Important Green Spaces		as supported through paragraph 76 of the NPPF and in accordance with the criteria outlined under paragraph 77 of the NPPF.
Policy 10: Safeguarding the Landscape	Conserving and enhancing the natural environment (paragraphs 109-125)	The whole of the Parish is considered to be a valued landscape as referred to under paragraph 109 of the NPPF, part of which is AONB as safeguarded through paragraphs 115 and 116. The Parish also includes a SSSI designation which is conserved or enhanced through paragraph 118 of the NPPF. The policies objectives accords with the principles of these paragraphs by seeking development to demonstrate how it responds to local character and also within, or in the setting of the AONB/ SSSI shows accordance with the AONB Management Plan.
Policy 11: Safeguarding Heritage	Conserving and enhancing the historic environment (paragraphs 126-141)	The Parish contains a number designated and un designated heritage assets which are safeguarding at commensurate levels to their status within section 12 of the NPPF. The policy objectives accords with these principles.
Policy 12: Safeguarding Wildlife	Conserving and enhancing the natural environment (paragraphs 109-125)	The policy seeks to deliver the objectives of paragraphs 117 and 118 of the NPPF by seeking to minimise impacts on wildlife designations of national, regional and local value.

NB. A number of the sections in the NPPF are not applicable to the LNP area or do not have a directly relevant policy within the document, as the relevant planning policy considerations are already considered to be adequately managed through policies in the NPPF and/ or the Cornwall Local Plan.

The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

From its starting point the LNP has been prepared with a clear understanding of the requirement for achieving sustainable development as outlined in paragraphs 6- 17 of the NPPF.

Table 1 on the preceding pages demonstrates how the LNP has had regard to the policies in the NPPF which deliver sustainable development. In addition table 2 on page 8, outlines how the LNP demonstrates conformity with the Cornwall Local Plan.

The LNP as a result clearly contributes to achieving sustainable development by seeking to protect and enhance what is valuable to the community, whilst allowing for development that contributes to supporting a strong, vibrant and healthy Parish and building a strong, responsive and competitive economy.

Thereby the LNP policies seek to achieve sustainable development by seeking jointly and simultaneously the three mutually dependent roles of sustainable development - economic, social and environmental – and the interplay between them.

The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

The single development plan for the area is the Cornwall Local Plan (CLP). The CLP was adopted by Cornwall Council on the 22 November 2016.

The CLP contains the following strategic policies:

Policy 1 Presumption in favour of sustainable development

Policy 2 Spatial strategy

Policy 2a Key targets

Policy 3 Role and function of places

Policy 4 Shopping, services and community facilities

Policy 5 Jobs and skills

Policy 6 Housing mix

Policy 7 Housing in the countryside

Policy 8 Affordable housing

Policy 9 Rural Exception Schemes

Policy 11 Managing viability

Policy 12 Gypsies, Travellers and Travelling Showpeople

Policy 13 Design

Policy 14 Development standards

Policy 15 Renewable and low carbon energy

- Policy 16 Safeguarding renewable energy
- Policy 17 Health and wellbeing
- Policy 18 Minerals – general principles
- Policy 19 Minerals safeguarding
- Policy 20 Strategic waste management principles
- Policy 21 Managing the provision of waste management facilities
- Policy 22 Best use of land and existing buildings
- Policy 23a European protected sites
- Policy 23 Natural environment
- Policy 24 Historic environment
- Policy 25 Green infrastructure
- Policy 26 Flood risk management and coastal change
- Policy 27 Transport and accessibility
- Policy 28 Infrastructure

Table 2 overleaf provides a summary of how each of the LNP policies aligns with the applicable policies in the CLP to demonstrate the ‘general conformity’ of the LNP with the strategic policies for the area (those in the CLP).

Table 2 Demonstrating Compliance with the Strategic Policies in the Development Plan for the Area

LNP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
<p>Policy 1: Target Housing Growth for the NDP Period</p>	<p>Policy 2a Key targets Policy 3 Role and function of places</p>	<p>The policy seeks to provide an indicative target for the Parish over the lifetime of the plan to respond to the minimum housing number for the Community Network Area (CNA) as outlined in policy 2A and 3 of the CLP. Policy 2A of the CLP seeks to <i>‘provide homes in a proportionate manner where they can best meet need’</i> and identifies a housing apportionment target for the Cornwall Gateway CNA residual in which Landrake with St Erney Parish is located of 350 homes.</p> <p>Table 1 to Policy 3 of the CLP explains that for the Cornwall Gateway CNA residual of the 350 home apportionment, 100 homes have been completed between 2010-2017 and a further 77 have planning permission. Cornwall Council have advised that the remaining housing requirement for a CNA should be pro rata distribution based upon households amongst the CNA parishes by taking the 2010 apportionment of 350, however any Parishes that have a principal settlement wholly within the AONB are excluded from the proportionate distribution.</p> <p>Based upon this approach the Council have advised that Landrake with St. Erney Parish contains 14% of the households of the CNA and minus the AONB Parishes this equates to 46 dwellings for the Parish over the lifetime of the CLP being 2010-2030. The Council have also confirmed that there are 22 completions or commitments within the Parish boundary and have agreed that based upon this approach the apportionment for Landrake with St. Erney Parish from 2017-2030 will be a further target of 24 dwellings.</p> <p>The Draft LNP policies seek to provide a target of 24 dwellings over the lifetime of the plan. However it allows for further development beyond this target if it demonstrates that it responds to identified needs in the Parish. Thereby the LNP policy achieves the proportionate distribution to the Parish whilst allowing for further development where appropriately justified. This approach complies with Policy 2A which seeks to <i>‘provide homes in a proportionate manner where they can best meet need’</i>.</p>
<p>Policy 2: Locations for New Housing Development</p>	<p>Policy 1 Presumption in favour of sustainable development Policy 2 Spatial strategy Policy 2a Key targets Policy 3 Role and function of places Policy 5 Jobs and skills Policy 6 Housing mix</p>	<p>The supporting text to Policy 3 of the CLP states that the <i>‘majority of parishes that do not have a town or village named in Policy 3 can meet the remaining housing requirement through the following:</i></p> <ol style="list-style-type: none"> 1. Existing sites with planning permission; 2. Infill; 3. Small scale rounding off; 4. The development of previously developed land within or adjoining settlements; 5. Rural exception sites’. <p>Landrake with St Erney is not named in policy 3.</p> <p>However the supporting text in paragraph 1.31 continues that some of the Community Network areas <i>‘are likely</i></p>

LNP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
	Policy 7 Housing in the countryside Policy 8 Affordable housing Policy 9 Rural Exception Schemes Policy 11 Managing viability	<p><i>to require allocations through Neighbourhood Plans to enable delivery of the housing requirement’.</i>(our emphasis)</p> <p>The Cornwall Gateway CNA is a named CNA in this regard. The text continues that <i>‘progress on Neighbourhood Plans and the housing provision within them <u>will be monitored on an annual basis to determine the scale of development remaining to be provided and <u>therefore whether</u> further allocations are required’.</u></i> (our emphasis)</p> <p>The text further outlines that <i>‘In assessing how the remainder of the housing apportionment is to be met, the following factors need to be considered:</i></p> <ul style="list-style-type: none"> • <i>An assessment of the deliverability of those sites with planning permission during the plan period. This is set out in the Council’s Housing Implementation Strategy, updated annually; and</i> • <i>An allowance made for the estimate of windfall development that is likely to come forward during the plan period.</i> <p><i>Together these indicate the residual level of growth that will need to be provided by allocations in either the Site Allocations Development Plan Document <u>or Neighbourhood Plans. <u>Progress towards this delivery of that residual requirement will be monitored annually.</u></u></i> (our emphasis)</p> <p>Further to this paragraph 1.38 explains that <i>‘the Council is committed to supporting the development of Neighbourhood Plans to ensure delivery of the Spatial Strategy and key targets. Should these plans not reach submission stage within two years of the adoption of this Plan <u>or do not make sufficient housing provision within the Neighbourhood Plan to meet key targets, the Council will undertake the necessary site allocations documents to support the delivery of the targets set out in the Local Plan’.</u></i> (our emphasis)</p> <p>Policy 3 itself states that:</p> <p><i>‘Outside of the main towns identified in this Policy, housing and employment growth will be delivered for the remainder of the Community Network Area housing requirement through;</i></p> <ul style="list-style-type: none"> • <i>identification of sites <u>where required</u> through Neighbourhood Plans</i> • <i>rounding off of settlements and use of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;</i> • <i>infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside. Proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished;</i> • <i>rural exception sites under Policy 9’</i> (our emphasis) <p>The key conclusions of the above is that Landrake with St Erney Parish falls within a CNA where subject to monitoring of the housing provision across the CNA an allocation, at the discretion and undertaking of Cornwall</p>

Council may be required in the future.

Landrake with St Erney Parish has had 22 completions and commitments between 2010 and 2017. As outlined in the text to policy 1, the apportionment for the Parish has been calculated as 46 in total over the lifetime of the CLP being 2010-2030. As the Parish has achieved 22 completions/ commitments over a 7 year period, it seems perfectly achievable that a further 24 will be achieved over the next 13 years following the same development management approach –being the NPPF and the former Caradon Local Plan.

As a result the approach to delivering the housing apportionment outlined in policy 1 of the LNP is as follows and, for the reasons outlined is considered to confirm with the Local Plan and in particular policy 3 as outlined above:

- identification of sites where required through Neighbourhood Plans (our emphasis)

No specific sites have been identified in the Neighbourhood Plan as due to the expected delivery of the CNA housing apportionment over the lifetime of the plan period based upon the past build rates/ commitments it is not considered such an approach is required at this stage. However the policy wording allows for a future consideration of allocating by Cornwall Council based upon their annual monitoring as referred to in the policy supporting text to policy 3 of the Local Plan.

- rounding off of settlements and use of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;

The Policy is accompanied by a plan with a defined settlement boundary which aligns with the Local Plan definition of rounding off and previously developed land to make clear where this policy approach in the Local Plan applies too. The supporting text to the policy 1 and 2 of the NDP lists a number of ‘potential examples’ for ‘infill’ development including possible ‘rounding of’ sites that are including within the defined settlement boundary.

The text states ‘Potential examples to demonstrate possible ‘infill’ locations (but by no means certain until a formal application is submitted and considered) are the number of redundant granite buildings situated at Pound Farm to the northern side of the village which have the potential to be converted into residential use over the lifetime of the Plan There is also the in principle opportunity for development within the rear gardens of a number of the properties on the southern side of Home Park which front onto West Lane and adjoin the recently constructed affordable housing on West Lane. There is a possible potential for small scale infill on New Road. There is also a section of land on Tideford Road included in the new settlement boundary accompanying the Plan. Following discussions with Cornwall Council it was considered that a small scale development in this location of around 5 dwellings would meet the definition of ‘rounding of’

LNP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
		<p><i>contained in the CLP (for clarity ‘rounding of’ in the CLP means that that the development of such a site will be treated as ‘infill’). Due to this site relationship with the Conservation Area and the nature of surrounding residential development, such a scheme will be required to front onto Tideford Road, be in terraced form and reflect the scale, form and appearance of the adjoining built development to ensure appropriate integration on the settlement edge. In conclusion it is considered that the majority of the housing target for the Parish can be met within the settlement boundary. The scale of these infill proposals are likely to be around 5 units or less and will not contribute in any way to affordable housing provision. Therefore the remainder of the target is proposed to delivered through exception sites well-related to the settlement’</i></p> <ul style="list-style-type: none"> • <u><i>infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside. Proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished;</i></u> <p>As per above the Policy is accompanied by a plan with a defined settlement boundary which aligns with the Local Plan definition of infill to make clear where this policy approach in the Local Plan applies too.</p> <ul style="list-style-type: none"> • <u><i>rural exception sites under Policy 9</i></u> <p>The defined settlement boundary makes clear where the infill/ rounding off etc ends and therefore where rural exceptions sites as supported under Policy 9 of the Cornwall Local Plan apply.</p> <p>Thereafter policy 7 of the Cornwall Local Plan – housing in the countryside will apply.</p>
<p>Policy 3: Size and Type of Housing of New Housing Development</p>	<p>Policy 2a Key targets Policy 3 Role and function of places Policy 6 Housing mix Policy 7 Housing in the countryside Policy 8 Affordable housing Policy 9 Rural Exception Schemes Policy 11 Managing viability</p>	<p>Policy seeks all housing development that comes forward whether full market or affordable housing to provide the size and type of accommodation needed in the village –ie size based upon number of bedrooms and type based upon end user needs – for example bungalows for the elderly or infirm.</p> <p>Policy 2a requires that <i>‘the Local Plan will provide homes in a proportionate manner where they can best meet need and sustain the role and function of local communities and that of their catchment’</i>.</p> <p>Policy 2a 1 seeks <i>‘to deliver sufficient new housing of appropriate types to meet future requirements’</i>.</p> <p>Paragraph 1.32 as supporting text to Policy 3 explains that <i>‘development would be expected to focus upon</i></p>

LNP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
		<p><i>meeting local need and supporting the sustainability of smaller communities’.</i></p> <p>Policy 6 refers to <i>‘new housing developments of 10 dwellings or more should include an appropriate mix of house sizes, type, price and tenure to address identified needs and market demand and to support mixed communities’.</i></p>
<p>Policy 4: Economic development</p>	<p>Policy 3 Role and function of places</p> <p>Policy 5 Jobs and skills</p>	<p>Policy 2 Spatial Strategy of the Local Plan outlines employment figures to be provided for in the Cornwall Gateway CNA but does not sub divide this between the main towns and the residual CNA – therefore there is one overall target. The policy 2. 3. B. seeks to provide <i>‘homes and jobs in a proportionate manner’.</i></p> <p>Policy 5: Business and Tourism of the Local Plan calls for employment sites to be located – <i>‘well integrated to our city, towns and villages’</i> (policy 5. 1. A.) and <i>‘in the countryside and smaller rural settlements be of a scale appropriate to tis location or demonstrate an overriding locational and business need to be in that location such as farm diversification’</i> (policy 5 . 1. C.).</p> <p>The policy wording seeks to encourage appropriate employment development that responds to local circumstances and is located within or close to the settlement to ensure the use is not isolated.</p>
<p>Policy 5: Minimum Parking Requirements for New Housing Development</p>	<p>Policy 14 Development standards</p>	<p>Paragraph 2.52 in support of policy 14: Development Standards of the Cornwall Local Plan explains that <i>‘parking standards are set out in the Council’s guidance on Travel Plans’.</i></p> <p>This can be found at https://www.cornwall.gov.uk/media/3627939/Travel-plan-guidance-proof9-2-.pdf</p> <p>Cornwall Council parking guidelines (Maximum Standards) outline the following in relation to housing:</p> <ul style="list-style-type: none"> • 1 sp/unit where highly accessible • 2 spaces/unit elsewhere • 1 ½ spaces/unit not to be exceeded overall larger developments <p>Policy 14. 3. Requires all new development to provide <i>‘an appropriate level of off street parking and cycle parking taking into account the accessibility of the location in terms of public transport and proximity to facilities and services’.</i></p> <p>The policy in the NPD establishes minimum requirement which do not exceed the maximum standards outlined in Council’ guidance and relates to the rural location of the Parish.</p>
<p>Policy 6: Improving congestion and highway safety</p>	<p>Policy 13: Design</p>	<p>Policy 13.1.d. Design seeks to create <i>‘a network of safe well connected routes which are easy to read and navigate by the use of landmarks, spaces, views and intersection’.</i></p> <p>The objective of the NDP policy is to achieve improved navigation along the existing highway running through</p>

LNP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
		<p>the centre of the village which at present has a number of congestion problems due to on-street parking. Seeking measures to improve the present situation in principle will be supported.</p>
<p>Policy 7: Design of New Development</p>	<p>Policy 13: Design</p>	<p>Policy 13.1. a. requires development to create <i>‘places with their own identity and promoting local distinctiveness while not preventing or encouraging appropriate innovation. Being of an appropriate scale, density, layout, height and mass with a clear understanding and response to its landscape, seascape and townscape setting’</i>.</p> <p>The propose NDP policy seeks to encourage appropriate design for the village in accordance with the above.</p>
<p>Policy 8: Safeguarding existing Community Facilities</p>	<p>Policy 4: Shopping, services and community facilities</p>	<p>Policy 4. 4. Outlines that <i>‘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:</i></p> <ul style="list-style-type: none"> <i>a. No need for the facility or service;</i> <i>b. It is not viable; or</i> <i>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’</i>. <p>The policy in the NDP seeks to provide the local dimension to this policy.</p>
<p>Policy 9: Safeguarding Recreational Area and Important Green Spaces</p>	<p>Policy 25 Green infrastructure</p>	<p>Policy 25. 5 Green Infrastructure seeks to provide <i>‘accessible and good quality open space and where applicable improved access to coastal space’</i>. Policy 25. 7. Outlines that <i>‘in exceptional circumstances where retention of the most important green infrastructure assets and connections is outweighed by the benefits arising from the development proposals and they can not be retained on site, the loss resulting from the proposed development should be replaced by equivalent or better provision in terms of quantity and quality and ecological or open space value that enhances the provision of ecosystem services in a suitable location’</i>.</p> <p>The Local Green space designation contained in this policy responds directly to paragraph 76 – 78 of the NPPF by safeguarding recreational areas and green spaces that meet the criteria contained in paragraph 77 of the NPPF. Thus seeking to protect the most important green infrastructure assets to the local community in accordance with the Local Plan policy 25.</p>
<p>Policy 10: Safeguarding the Landscape</p>	<p>Policy 23 Natural environment</p>	<p>Policy 23. 1. Natural Environment outlines that <i>‘development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall’s natural environment and assets according to their international, national and local significance’</i>.</p> <p>Policy 23. 2 (a) requires that <i>‘great weight will be given to conserving the landscape and scenic beauty within or affecting the setting of the AONB’</i>.</p> <p>This policy additionally requires that <i>‘proposals should be informed by and assist the delivery of the objectives of the Cornwall and Tamar Valley AONB Management Plans’</i>.</p>

LNP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
		<p>Policy 23. 3 (b) requires that <i>‘development proposals within or outside an SSSI Which would be likely to adversely affect the site (either individually or in combination with other developments) will not be permitted unless the benefits of the development, at this site, clearly outweigh both the adverse impacts on the site and any adverse impacts on the wider network of SSSI’.</i></p> <p>The NDP policy seeks to <i>respond to local landscape character and reflect the identity of the local surroundings and outlines that development within the setting of the AONB should accord with the Tamar Valley AONB Management Plan. The policy also seeks to protecting the setting of the SSSI in line with policy 23.3. (b).</i></p>
Policy 11: Safeguarding Heritage	Policy 24 Historic environment	<p>Policy 24 Historic Environment supports development proposals that <i>‘sustain the cultural distinctiveness and significance of Cornwall’s historic rural, urban and coastal environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated assets and their settings’</i></p> <p>The principles of the NDP policy which require development proposals to respect intrinsic architectural and historical value, design and distinct physical features; and its setting and contribution to the local scene of undesignated and designated heritage assets is in accordance with the policy approach outlined above.</p>
Policy 12: Safeguarding Wildlife	Policy 23 Natural environment	<p>Policy 23. 3 requires that <i>‘development should conserve, protect and where possible enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance’</i></p> <p>The policy approach in the NDP relates to localised mapping undertaken by Cornwall Wildlife Trust and seeks to resist development which would significantly harm any of the nature conservation sites identified and require appropriate mitigation if such harm is identified.</p>

NB. A number of the policies in the CLP are not applicable to the LNP area or do not have a directly relevant policy within the document because the relevant planning policy considerations are already considered to be adequately managed through policies in the NPPF and / or the Cornwall Local Plan.

The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

In this regard, the National Planning Practice Guidance explains that there are four directives that may be of particular relevance to neighbourhood planning:

- *Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).*
- *Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).*
- *Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively).*

In the case of *Directive 2001/42/EC*, the LNP a screening opinion was obtained from Cornwall Council in terms of the need for Strategic Environmental Assessment (SEA) whereby it was concluded that a SEA was not required. See decision letter at Appendix C.

With regard to *Directive 2011/92/EU*, the LNP does not in itself propose any projects that are likely to have significant environmental effects. Compliance with this directive is more relevant the Neighbourhood Development Orders.

Turning to *Directive 92/43/EEC* and *Directive 2009/147/EC*, these seek to protect and improve Europe's most important habitats and species. As part of the screening request for the SEA, a Habitat Regulation Assessment Screening request was also submitted and it was concluded that no HRA was required. Thereby it has been concluded that the LNP is compatible with the above Directives.

Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

[Regulation 32 of the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See [Schedule 2 to the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#) in relation to the examination of neighbourhood development plans.)

Through the Submission of the Screening request for the SEA and the HRA it has been established that the LNP is not likely to have a significant effect on a European site or a European offshore marine site.

Human Rights Obligations

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 taken into account in a satisfactory manner during the processing of the plan.

Appendix A: Cornwall Council Designation Letter

Cornwall Council

Dolcoath Avenue Camborne Cornwall TR14 8SX

Email: planning@cornwall.gov.uk

Tel: 0300 1234151

Web: www.cornwall.gov.uk



Application number: PA14/00008/NDP

Applicant:

Mr I Biffen

Landrake with St Erney Parish

Cornwall

**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 28th April 2014 and accompanying plan(s):

Proposal: The designation of the Parish of Landrake with St Erney as a Neighbourhood Area

Relevant Body: Landrake with St Erney Parish Council

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 11 JULY 2014

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

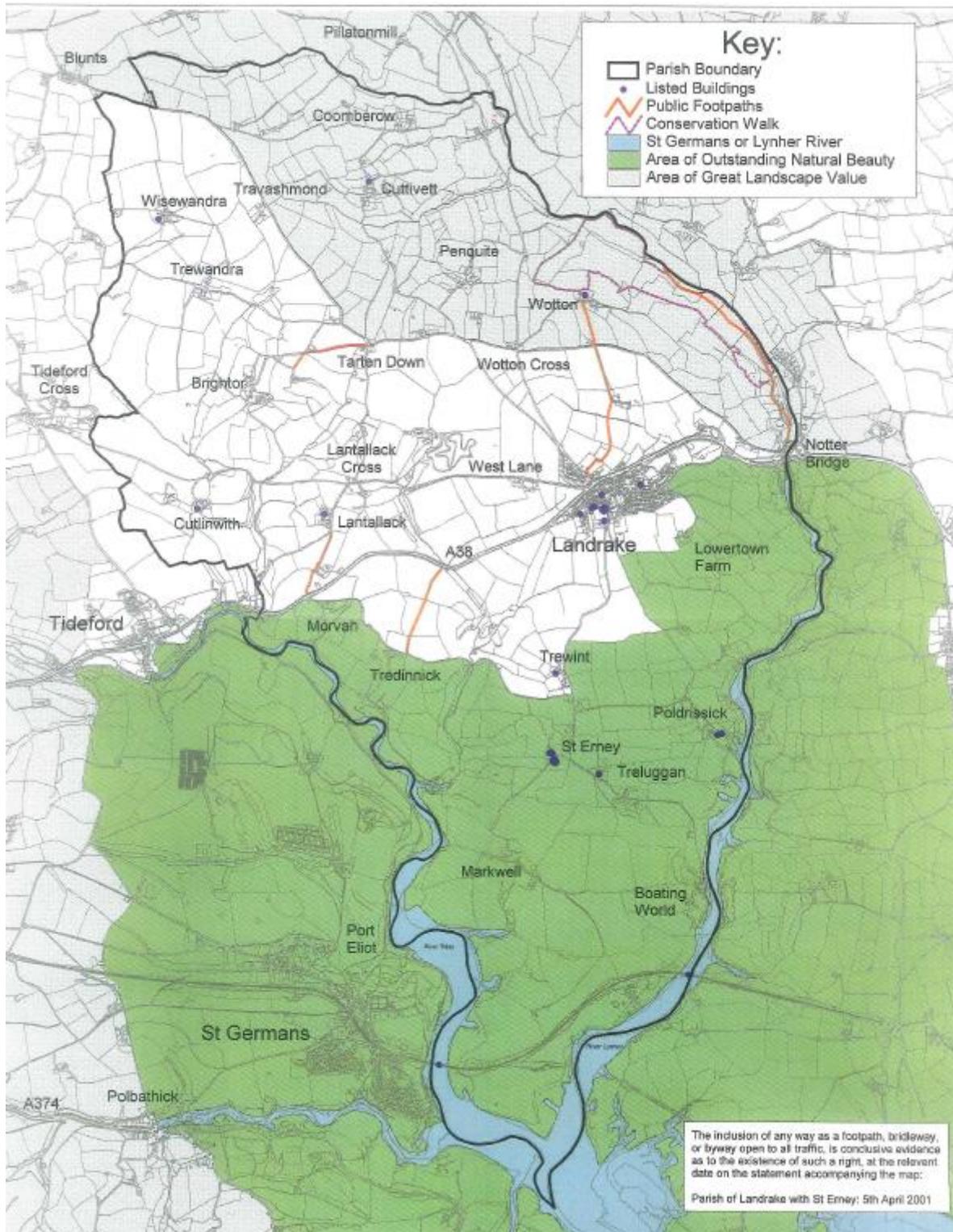
REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

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.

Appendix B: Map which identifies the area to which the proposed neighbourhood development plan relates



Appendix C: Decision letter from Cornwall Council in response to the screening request to determine if the Plan requires an SEA or a HRA.

Dr Sara Walker
Landrake with St Erney NDP Chair
By email

Date: 14th December 2016

Dear Dr Walker,

Landrake with St Erney Neighbourhood Plan – SEA and HRA Screening

As requested I have screened the Landrake with St Erney Neighbourhood development Plan 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 Landrake with St Erney neighbourhood plan 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.

Based on the scale and location of development proposed, Cornwall Council is of the opinion that the Landrake with St Erney neighbourhood plan is unlikely to have significant effects on the environment or on European Sites and that SEA and HRA is therefore not required and this view has been confirmed by Natural England and Historic England. I attach the screening report.

However, you have been advised by Cornwall Council Policy Officers that the suggested housing figure in your neighbourhood plan is too low and that the plan needs to demonstrate how it will deliver approximately 72 houses, (53 after commitments and completions during the plan period.) The Local Plan states that neighbourhood plans in the Gateway CNA are likely to require allocations to enable the delivery of the strategic housing requirement. (Cornwall Local Plan para.1.58.) As currently proposed we consider that your draft plan is not in general conformity with the Cornwall Local Plan, which is one of the tests of the neighbourhood plan at Examination.

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

Yours sincerely,

Sarah Furley
Strategic Planning Policy
Tel: 01872 224294
Email: sarah.furley@cornwall.gov.uk