

Lostwithiel Neighbourhood Development Plan

Examiner's Clarification Note

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a very clear and distinctive vision for the neighbourhood area. In particular it addresses a series of important issues in a positive and effective fashion.

The layout and presentation of the Plan is excellent. The various maps add to its depth and interest. The differences between the policies and the supporting text is very clear. The differences between the land use policies and the Community Actions/Aspirations is also clear. The separation of Parts One and Two is particularly helpful.

The combination of text, photographs, charts and maps maintains the interest of the reader throughout the document. It inspires confidence that it has been professionally prepared and can become a part of the development plan in Cornwall subject to it meeting the remaining legislative stages. In this context this clarification note raises matters of detail rather than of principle.

Points for Clarification

I have read the submitted documents and the representations made to the Plan and have visited the neighbourhood area. I am now in a position to raise issues for clarification with both the Town Council and Cornwall Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

Clarification Questions for Lostwithiel Town Council

Policy TT1

What is meant by 'communal use' within the approach taken towards the Liddicoat Road site (Figure 2.4)? **Part of the Liddicoat site lies within the flood plain made it unsuitable for housing. As other sites within the parish have been identified that provide well in excess of the housing target for Lostwithiel it was decided to identify this site for use by the community. As there is an urgent need for parking close to the Town, part at least should be allocated for this purpose. Community leisure use in those parts within the flood zone would need to be compatible with the risk of flooding. It is envisaged that parking in those parts above the flood zone would benefit the community .**

Does it relate to the site's relationship with Flood Zone 2 (paragraph 193)? **Yes, see above.**

Policy TT3

The policy title reads in a misleading fashion as it focuses on just one aspect of the policy approach. Do you agree? **Yes, I agree. This should perhaps read 'Usage of railway sidings'. We can agree to alter this.**

Is the proposal for a footbridge of a general nature or does it relate to the wider proposals set out in paragraph 199? It is part of the general package in para 199 but is being pursued as a specific proposal. Discussions are already under way with Cornwall Council and Network Rail over provision of a footbridge on this site.

What is meant by 'other railway uses'? It is a large site and can accommodate parking on a substantial scale. It is currently used, in part, by Network Rail for storage and ballast and we proposed that it could continue to be used for these purposes or other activities of the railway company together with or as an alternative to parking. Our intention was to exclude sale of the land for use for any other purpose.

Policy CR3

Has the Town Council undertaken an assessment of the relationship between the various proposed Local Green Spaces and the three criteria in the NPPF on this matter? I can see that paragraph 207 of the Plan refers to evidence. However, the references are to the results of the community questionnaire. The sites in question are all green verges and areas within housing developments and are designated as land that is to remain undeveloped as leisure space by local residents. It is not intended that they would fall within the remit of the more general considerations of Public Green spaces (e.g., parks and playing fields). This was discussed with Cornwall Council in order to find an appropriate form of words to designate this land as not for infill housing but to remain open. I think we would be very happy to reword this as the Examiner thinks fit.

Policy CR4

I can see the context to the policy in paragraph 208.

What was the rationale for identifying the School playing fields as a separate policy from Policy CR3? The rationale here is that the land identified in CR3 is the specific small areas described above. The School field, on the other hand, is a large open-space used currently for school-related activities. The Town Council took the view that should this situation ever change, the playing fields should be retained for the benefit of the community rather than being subject to development.

How will 'greater public access' be achieved into the site? Is this issue a land use matter or should it be a community action/aspiration? Currently the school controls the use of the playing fields. Policy CR4 seeks to protect the fields from development by designating them for educational use. They are already used for this purpose. Should the school wish to dispose of the fields, this designation would provide for greater community use. The greater public use would therefore be better described as a community aspiration.

Clarification Questions for Cornwall Council

SEA/HRA Screening

The representation from Historic England raises issues about the extent to which the Council adequately screened the Plan in general and Policies HH2 and TT1-TT3 in particular. Please can the Council comment on the process which it followed on this matter.

Note to Cornwall Council. The only change relating to the updating of the Development Boundary since Historic England's initial response has been to include fewer pieces of land

within the Boundary. Historic England's interactive map was consulted and found to contain no sites or buildings that would be affected by any development on the pieces of land within the updated Boundary. A number of pieces of land were excluded because of their potential impact on Restormel Castle and its setting.

Settlement Boundary/Cells

Please can the Council provide information on any extant planning permissions/current planning applications within the following Cells proposed to be included within the Development Boundary:

Cells 11/12/21/22

Former Railway line from Lostwithiel to Fowey

This matter is raised in the representation from Peter and Jane Santo Warner. I have raised its contents with the Town Council in the Representations section below.

Are there any emerging proposals either in the Plan period (or indeed beyond) to open up the former railway line for railway/sustainable travel/recreational uses?

Representations

Does the Town Council have any comments on the various representations made to the Plan in general, and to the following two in particular?

- Mr Marwood (Development Boundary). Mr Marwood requested that the Steering Group conduct a site visit to view the land in question. The Steering Group visited the land to assess its suitability for development against the criteria established and consulted on for this purpose. After careful consideration, it was concluded that the land in question did not conform with Criterion 1. If you would like further information on the rationale for this decision we would be happy to provide it.
- Peter and Jane Santo Warner (Policy TT2) I think that the representation was that the sidings should remain available for the Fowey link. The point to make is that use of the land for parking does not require removal of the railway lines currently in place. The land is a large area of open land adjoining the railway tracks and it is the open land that could be utilised for parking. The re-opening of the railway line is a long-term desire of some local residents, but is felt to be unrealistic in the short term. Discussions currently underway with Cornwall Council and Network Rail are based upon the premise that the lines will remain if parking is developed on the land. Policy TT2 does, in any case, refer to 'land adjacent to the sidings', so does not include the sidings themselves.

Protocol for responses

I would be grateful for comments by 7 November 2018.

Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis.

Irrespective of how the information is assembled please could it all come to me directly from Cornwall Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Lostwithiel Neighbourhood Development Plan.

25 October 2018