

# **Polperro and Lansallos Parish Neighbourhood Development Plan**

## **Independent Examiner's Report**

October 2018

Barbara Maksymiw

Independent Examiner BSc (Hons), MSc, MRTPI

## **Contents**

Summary

1. Introduction
2. Appointment of the independent examiner
3. The role of the independent examiner
4. Compliance with matters other than the basic conditions
5. The examination process
6. Consultation
7. Compliance with the basic conditions
8. Neighbourhood Plan policies
9. Conclusions and recommendations

Appendix 1 Background Documents

Appendix 2 Examiner's questions

## **Summary**

I have been appointed by Cornwall Council to carry out an independent examination of the Polperro and Lansallos Parish Neighbourhood Development Plan.

The examination was carried out in September/October 2018 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 11 October 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. Lansallos Parish is a predominantly rural parish and the plan provides for very limited new housing development, as the modest needs identified in the Cornwall Local Plan can be met through infilling within some of the smaller hamlets and the development boundary of Polperro.

Subject to a number of modifications set out in this report, I conclude that the Polperro and Lansallos Parish 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

October 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. Lansallos Parish is a small parish in south east Cornwall. It extends from the small community of Lansallos to the west to the communities of Porthallow and Talland to the east, with the village of Polperro in the centre of the Parish. The rural landscape of the parish is characterised by steep sided valleys, ancient woodlands while the coastal strip, includes attractive coves and beaches. Around half of the Parish is designated as an AONB, with the coast designated as part of Cornwall's Heritage Coast. Although traditionally the economy of the parish was centred around farming and fishing, tourism has now come to dominate, with visitors attracted to the area for over sixty years.

3. The purpose of this report is to assess whether the Polperro and Lansallos Parish 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 Polperro Community 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 <sup>1</sup> 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 conditions<sup>2</sup> 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 <sup>3</sup> or a European offshore marine site <sup>4</sup> 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

---

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

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

<sup>3</sup> As defined in the Conservation of Habitats and Species Regulations 2012 !

<sup>4</sup> 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. Polperro Community Council decided to set up a neighbourhood plan group in June 2015. A formal submission was made to Cornwall Council to designate the parish as a Neighbourhood Area on 22 July 2015. On 15 September 2015, Cornwall Council designated Lansallos Parish as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. The designated area covers the parish of Lansallos and does not cover any other Neighbourhood Area and the qualifying body is Polperro and Community Council. The preparation of the plan has been managed by a Steering Group made up of Parish councillors and local residents.

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 Polperro and Lansallos Parish 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 rule<sup>5</sup> 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 Polperro and Lansallos Parish NDP could be examined without the need for a public hearing.

19. During the course of the examination it was necessary to clarify several matters with Cornwall Council and the Parish Council. The questions I asked and the responses to them are set out in Appendix 2 to this report. I am therefore 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 11 October 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 Polperro and Lansallos Parish 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.<sup>6</sup>*

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

---

<sup>5</sup> PPG para 004 ref id 41-004-20140306

<sup>6</sup> National Planning Policy Framework: 24 July 2018

## 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 2012<sup>7</sup>, 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 carried out a very wide range of activities and events in order to consult and engage as wide a range of people as possible – including contacting local groups and organisations; setting up a dedicated NDP website; attending local events; poster and flyer campaigns; regular drop in sessions at the Museum Tea rooms ; carrying out a survey of all households and businesses and providing regular updates to meetings of the Polperro Community Council. The extent of the public consultation carried out is most impressive and the Steering Group are to be congratulated on delivering a very well organised programme of public consultation on the NDP.

27. The household and business surveys were carried out in December 2016. Alongside this, wide range of research and fact-finding work was undertaken to help develop the policies in the plan – including a landscape assessment, a survey of infill and brownfield sites and an update of the Polperro Conservation Area Appraisal.

28. The first formal consultation on the Pre-Submission Draft NDP took place between 10 April and 28 May 2018.

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 Lansallos has

---

<sup>7</sup> Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

been clearly shaped by the views and priorities of the community. The vision for the parish is:

*In 2030 Polperro and Lansallos Parish will be a thriving, welcoming and inclusive community, allowing local people to lead secure, sustainable, productive and rewarding lives while protecting a distinctive landscape, environment and heritage.*

#### *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 10 April and 28 May 2018. This generated 38 responses – five from Cornwall Council, four from statutory bodies, one from a neighbouring Parish Council and 28 from members of the public.

31. The second consultation on the Submission Draft NDP was managed by Cornwall Council and took place between 27 July and 7 September 2018. In all, thirteen representations were received – seven from public bodies, three from neighbouring authorities and three from Cornwall Council. In addition, a comment was submitted by the Steering Group, raising a point of clarification regarding the definition of settlement boundaries. As this had been submitted during the Reg 16 consultation period, I have considered the points raised as part of the examination process.

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 Polperro and Lansallos Parish NDP has been subject to appropriate and extensive community engagement involving much time and effort by the Steering Group. They are to be commended for all the work they have done in preparing, researching and consulting on the plan and for producing a very succinct, well evidenced 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 Conditions<sup>8</sup>

---

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

set out in the Regulations as described in paras 7-9 above.

35. I have considered the Polperro and Lansallos Parish 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 is undated and I suggest that this is added.

- **Recommendation: Add a 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 NPPF<sup>9</sup> 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 clear assessment of how the NDP has responded to the core principles set out in the NPPF. 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 NPPF<sup>10</sup>.

40. Section 7 of the Basic Conditions Statement explains in some detail 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.

---

<sup>9</sup> NPPF (2012) para 16 and 17

<sup>10</sup> NPPF 2012) para 18-219

### *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.

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 25 June 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 Polperro and Lansallos Parish 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*

#### *1.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. A Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Screening Assessment of the Polperro and Lansallos Parish NDP was carried out in January 2018 to assess whether it required SEA or HRA.

50. The Screening Report concluded that a full SEA did not need to be undertaken and an HRA is not required. Consultation bodies were invited to comment and, apart from a query regarding the Polperro development boundary which has now been addressed by the Steering Group, no concerns were raised.

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

## *2. Human rights requirements*

52. A short statement in Section 9 of the Basic Conditions Statement confirms that the NDP with the requirements of the Equalities Act 2010. I have also seen from the Consultation Statement that a wide range of bodies, representing a range of different interest groups, has been consulted and engaged with during the preparation of the plan.

53. 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.

## *3. Other Directives*

54. 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**

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

56. The Plan is clearly written and its policies are accompanied by a number of associated plans. The

plan is very well presented, with a clear structure distinguished by separate sections. For each policy there is a Justification, an Intention and then the policy is distinguished by a separate text box. This makes the plan's policies really straightforward to follow and will be much appreciated by future users of the plan.

57. 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 Guidance<sup>11</sup> are met.

58. The NDP contains a number of plans, and 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. Although Figure A provides most of the detail required, the key does not explain the brown hatching, nor is the Parish Boundary denoted as a continuous line. It would also benefit from the Heritage Coast and SSSI boundary being included. 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, based on Figure A**

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

## 1. Introduction

60. This section explains the role of the NDP and I have no comments to make.

## 2. The Preparation Process

---

<sup>11</sup> Planning Practice Guidance PPG para 004

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

### 3. Supporting Documentation

62. This section summarises the extensive range of background research and fact-finding which has been undertaken by the Steering Group in support of the Plan, as well as the community engagement which they have organised. I have no comments to make.

### 4. Background

63. This section outlines the key characteristics of the Parish. Again, I have no comments to make.

### 5. The vision

64. I have no comments on this section

### 6. The Community's Vision for Lansallos

65. This section outlines the objectives of the plan and I have no comments to make.

### 7. Housing Statement

66. This section provides a very useful summary of the NDP Housing Requirement. In response to my query regarding the reference to “an alternative approach” to assessing the housing requirement, referred to in paragraph 7.4, Cornwall Council has confirmed that this is the approach as supplied and advised by Cornwall Council. As this is the approach actually adopted in the NDP which is consistent with the CLP, I think this needs to be stated more clearly in paragraph 7.4. I note also that the housing calculations presented in Table 1 are for the period April 2017 - April 2030. As this is the only element of the NDP in which a time period is specified, the time horizon of the whole plan should be adjusted to ensure consistency.

- **Recommendation: Delete “Using an alternative approach, figures supplied by Cornwall Council are presented in Table 1 and show ” in the first line of Paragraph 7.4 and replace with “ Based on advice from and figures supplied by Cornwall Council, Table 1 shows” .**
- **Amend plan period on front cover of NDP and other supporting documents from 2018-2030 to 2017-2030.**

### 8. Policies

67. This section introduces the policies. The plan policies are grouped by topic with each policy

presented on a separate page. For each policy there is a Justification followed by a short Intention section and a separate text box which sets out the policy. 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 and makes the plan very easy to navigate and use. It is also good to see the inclusion of Table 2, which explains how each policy in the plan is aligned to the six objectives of the plan.

#### *Policy 1: Design and Character of Lansallos Parish*

68. Cornwall Council has suggested that stronger references could be made to the key landscape characteristics of the NDP area which make it so distinctive and I agree this would be helpful.

- **Recommendation: Add after the first sentence of Para 8.4 “The key landscape characteristics of the Parish include narrow winding Cornish lanes; substantial Cornish hedges and irregular fields and it is important that these are protected.”**

#### *Policy 2: Energy Saving and Carbon Reduction Measures*

69. This policy generally complies with guidance in the NPPF and CLP. My only comment is that it would help if it stated what type of installations will be supported under clause 2.

- **Recommendation: Delete “for installations” in the first line of Policy 2(3) and replace with “to install energy saving and carbon reduction measures”**

#### *Policy 3: Housing*

69. This section explains that the very modest housing requirements of the plan area can be met by minor infilling, rounding off and brownfield sites within the settlement of Polperro. This assertion is backed by the extensive research which the Steering Group has undertaken in support of the plan – including a mapping exercise, field surveys and landscape assessment. As a result, a detailed development boundary for Polperro has been drawn up and this is shown in Figure F. On a point of detail, the key to Figure F refers to a “Development Area”, while the policy and supporting text refers to a “development boundary”. The two terms have rather different connotations, so it is important that the key to Figure F is amended to refer to the development boundary as set out in the policy.

- **Recommendation: Amend “Development Area” to “Development Boundary” in the key to Figure F**

71. In a submission made to Cornwall Council during the statutory consultation period on the Submission version of the NDP, the Steering Group sought to clarify a point regarding the supporting text to policy 3. They highlighted that there is no reference to the Talland area, which covers Talland and Porthallow. This could lead to some confusion and as a result they suggested some rewording of paragraph 8.16 so that there is a little more guidance about the types of infilling that might be acceptable in the Talland area in line with CLP policy 3.

72. I considered this submission alongside the other representations on the Submitted version of the NDP and raised a related question in my questions to the Councils, as outlined in Appendix 2.

73. Having looked at the Talland Area on my site visit, I could see that Talland and Porthallow are rather different in character to Lansallos and Trenewan which are more easily recognised as defined settlements; they therefore present rather different opportunities for minor infilling in line with Policy 3 of the CLP. The additional text suggested by the Steering Group helps to explain these differences and I therefore agree that it should be added. Some fine tuning of the policy is also required to make a clear link with the guidance in CLP policy 3 about housing development outside settlement boundaries. The reference to Figure A in the policy is unnecessary, as this map only shows the location of Lansallos and Trenewan and not any settlement boundaries.

- **Recommendation: Add as a new sentence at the end of paragraph 8.16 “It is recognised that the Talland area is different in character from other parts of the parish and whilst there may be a limited number of small sites that are suitable for infill, many of the gaps between existing buildings are important to the local character of Talland and should remain open, in accordance with paragraph 1.66 of the CLP.” Delete “(see Figure A)” after “Trenewan” in Policy 3. Add “in line with CLP Policy 3” at the end of Policy 3.**

#### *Policy 4: Affordable Housing*

74. Government guidance in the NPPF, and carried through to CLP policy 8 on affordable housing, is that affordable housing contributions can only be sought on sites where there a net increase of more than ten dwellings or where dwellings would have a combined gross floorspace of more than 1,000 square metres. This threshold is reduced in Areas of Outstanding Natural Beauty, where contributions in lieu of an on-site contribution can be sought on sites of between six and ten dwellings. This means that, as drafted, Policy 4 does not comply with the basic conditions. The policy therefore needs to be adjusted to ensure compliance.

75. I recognise the community’s desire to see affordable housing on publicly owned infill and

brownfield sites within the settlement boundary, referred to in 8.19, and I suggest that a statement to this effect is added to the policy so that if such sites come forward, for example through the efforts of a Lansallos based Community Land Trust, the NDP provides a positive steer.

- **Recommendation: Delete “five” in second line of Policy 4 and replace with “ten”. Add at the end of Policy 4(2), “Proposals for affordable housing development on publicly owned sites on infill, rounding off or brownfield sites within the development boundary will be supported.”**

*Encouraging Full-Time Occupancy of Owner-Occupied and Rented Homes*

*Policy 5.1: New Housing – Principal residency*

76. Evidence gathered in support of the NDP shows that around 40 per cent of the homes in the lower part of Polperro are either holiday lets or second homes and this impacts on the community particularly out of season, when a noticeable sense of emptiness prevails. Like many other communities in the south west which are heavily reliant on tourism, Polperro NDP therefore seeks to encourage more full time all year-round occupancy of any new housing. On a point of a detail, the title of Figure D would be more appropriately referred to as the survey area for the assessment of dwelling occupancy type.

- **Recommendation: Change title of Figure D to “Survey area for Assessment of Dwelling Occupancy Type”. Add the relevant date to specify when the survey was undertaken.**

77. I have considered carefully the survey evidence submitted in support of the NDP and consider that a principal residence condition would be appropriate. In response to my query regarding whether the such a condition refers to owners as well as tenants of the property, Cornwall Council confirms that their guidance does not control the tenure of the property. In their response the Steering Group suggested an amendment to the policy to clarify this point. I agree this would be helpful.

- **Recommendation: Reword Policy 5.1(2) to read “The condition or obligation on new open market homes will require that they are occupied only as the primary (principal) residence of those persons entitled to occupy them. Occupiers of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition, and be obliged to provide this proof if/when Cornwall Council requests this information. Proof of Principal Residence is via verifiable evidence which could include, for example (but**

**not limited to) residents being registered on the local electoral register and being registered for and attending local services such as healthcare and schools.”**

*Policy 5.2 Planning Restrictions or Conditions*

78. This policy aligns with strategic guidance in the CLP and I have no comments to make.

*Policy 6: Re-Use of Redundant Buildings*

79. This policy aligns with strategic guidance in the CLP and I have no comments to make.

*Policy 7: The Polperro Conservation Area*

80. A key community concern during early consultation on the NDP was about the gradual degradation of the Polperro Conservation Area and I could see from my site visit that the unique character of the village is a very important factor in drawing tourists and visitors to Polperro. To respond to these concerns, the Steering Group wisely commissioned an update of the Polperro Conservation Area Appraisal and its findings are reflected in Policy 7.

81. The policy complies with guidance in the NPPF and amplifies the strategic policies in the CLP so I have no comments to make.

*Policy 8: Commercial Development*

82. Policy 8 provides general guidance about commercial development in the NDP area and, as such, complies with guidance in the NPPF and the CLP. The title of the policy is, however, rather restricted in scope, and I suggest it is changed to employment development so that it covers all kinds of employment generating activities, not just commercial development. There is also a minor typo in paragraph 8.29. which should refer to Policy 8, not Policy 9.

**Recommendation: Change title of policy 8 to “Employment Development”. Change “Policy 9” in fourth line of Paragraph 8.29 to “Policy 8”**

83. A representation from Looe Town Council pointed out that there is a small area of neglected employment land which straddles the borders of Lansallos and Looe Parishes and suggested that a reference to this site should be made in the Polperro and Lansallos NDP.

84. I have considered this representation and the responses to my questions on this matter from the Steering Group and agree that it would be helpful if some mention of this site was made in the NDP.

Given that proposals for the site are at an early stage and that a Masterplan for the site is about to be commissioned, it is important that any such amendment makes clear that work is underway and subject to further discussion by the respective Councils. I recommend therefore that an additional paragraph is added to Section 8. To assist future users of the plan, a map showing the extent of the Polean site and the respective Parish boundaries should also be added to the NDP. This could be based on the plan submitted by Looe Town Council in their representation on the NDP.

- **Recommendation: Add new paragraph 8.31 to Section 8 as follows “A neglected area of employment land straddles the border between Looe and Lansallos at Polean, with the majority of the existing employment land located in Looe Parish. Potentially, it presents an opportunity to introduce new employment activity for the benefit of both parishes. A master plan for the site is being commissioned by Looe Town Council. If more development proposals are worked up, Polperro and Lansallos Parish Council will continue to liaise with Looe Town Council to ensure that any development proposals for the whole site comply with the requirements of CLP Policy 8.” Add a map showing the location of the Polean site and the respective site boundaries to the NDP. Renumber existing 8.31 as 8.32.**

#### *Policy 9: Holiday Lodges and Static Caravans*

85. Although reference is made in the Justification to this policy to the need to mitigate the landscape and visual impact of holiday village sites, this is not carried through to the policy itself. As there is guidance in the Cornwall AONB Management Plan on this issue, I suggest that Policy 9 could be strengthened to give more positive support for any improvement measures.

- **Recommendation: Add at the end of Policy 9 “Measures to reduce the landscape and visual impact of existing holiday villages will be supported.”**

#### *Policy 10: Community Facilities and Services*

86. This policy seeks to protect community facilities and services and complements CLP policy 4 and I have no comments to make.

#### *Policy 11: Sustainable Access to Amenities*

87. I saw from my site visit that Polperro already benefits from having some innovative transport solutions to help deal with the difficulties in accessing the village centre and harbour area, including a shuttle bus and hotel drop off and pick up service. Policy 11 seeks to support and develop these

services, as part of new development schemes, and aligns with guidance in the NPPF and CLP so I have no comments to make.

*Policy 12: Car parking*

88. This policy reflects the situation in Polperro where there are considerable car parking pressures and the main car park is in private ownership, so the role of the NDP is to protect existing car parking provision and encourage more provision whenever the opportunity arises. The policy aligns with guidance in the NPPF and CLP so I have no comments to make.

*Policy 13: Local Green Spaces*

89. This policy identifies seven areas for designation as Local Green Space and I could see from my site visit that they are well used and very close to the communities Polperro and Crumplehorn they serve. I therefore have no comments to make

*Policy 14 Kilminorth Woods*

90. I could see from my site visit that Kilminorth Woods are an important resource, used by both the communities of Polperro and Lansallos and East and West Looe. Policy 14 seeks to protect the woodland and that any development does not have any adverse effects on wildlife habitats. It does not rule out development per se, so, for example, the possible pontoon to access boats mentioned by Looe Harbour Commissioners in their representation on the NDP would be permissible, provided the other requirements of the policy are met. Nonetheless, the policy would benefit from some strengthening to ensure it complies with guidance in the NPPF and CLP.

- **Recommendation: Delete second sentence of Policy 14 and reword as follows “Proposals for permanent or semi-permanent structures within or adjacent to the edges of the woods, including along the shoreline of the West Looe estuary, will only be supported where:**
  - (i) ' Provision is made to ensure that any harm to existing biodiversity is adequately mitigated and measurable gains in biodiversity are delivered: and**
  - (ii) ' Planting and other measures that contribute to the maintenance of the historic character of the wood are incorporated in the design**
  - (iii) ' The proposal does not impact on wildlife habitats**
  - (iv) ' The proposal would not detract from the natural beauty of the woods or the estuary.”**

*Policy 15: Marine Heritage*

91. This policy complies with guidance in the NPPF and amplifies the strategic policies in the CLP so I have no comments to make.

*Section 9: Glossary and Abbreviations*

92. I have no comments on this section.

*Appendix*

93. An Appendix to the NDP sets out a list of additional issues and projects for community action. These do not form part of the NDP and I have no comments to make

**9. Conclusions and Recommendations**

94. I have examined the Polperro and Lansallos Neighbourhood Development Plan and I have concluded that, subject to the modifications set out in my report, it meets the basic conditions and other statutory requirements.

95. I am therefore pleased to recommend to Cornwall Council that, subject to the modifications set out in my report, the Polperro and Lansallos Neighbourhood Development Plan should proceed to referendum.

96. I am also required to consider whether the referendum area should be extended beyond the Polperro and Lansallos Neighbourhood Development Plan 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 September 2015.

## **APPENDIX 1: Background Documents**

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

- Polperro and Lansallos Parish Neighbourhood Development Plan 2018-30: 28 May 2018
- Polperro And Lansallos Parish Neighbourhood Development Plan 2018-2030 Consultation Statement Draft v7 – 08/06/2018
- Polperro And Lansallos Parish Neighbourhood Development Plan 2018-2030 Basic ! Conditions Statement (undated) !
- Neighbourhood Planning: Second Homes: Principal Residence Policies: Cornwall Council (undated)
- Strategic Environmental Assessment and Habitat Regulations Assessment: Polperro and Lansallos Neighbourhood Development Plan: Screening Report: Cornwall Council: January 2018
- Cornwall Council: Polperro and Lansallos Neighbourhood Development Plan – 2018 to 2030 – Legal Compliance and Examination Stage: June 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:**

### **Polperro and Lansallos Parish Neighbourhood Development Plan Examination**

#### **Request for further information and questions from the Examiner to Cornwall Council and Polperro Community Council**

##### *1. NDP Housing Requirement.*

Reference is made in Paragraph 7.4 to the use of an “alternative approach” to calculating the housing requirement for the NP area over the plan period. I think this means as an alternative to setting the base housing target at zero as 50% of the parish is the AONB, as stated in Para 7.1. Please can you confirm that this interpretation is correct?

##### *2. Principal Residency Condition*

Policy 5.1(2) refers to open market homes restricted by a principal residency condition being occupied by the owner or their tenants. Is there a particular reason why tenants are included as well? In my experience, most of the principal residency conditions included in Neighbourhood Plans in the south west have only used this type of condition to limit occupation to the owners of the property. Do the Councils have any comments to make? Has a legal view been sought on how such a condition relating to tenants could be imposed?

##### *3. Proposals for Site at Polean*

A representation has been submitted by Looe Town Council regarding the proposed employment site at Polean which straddles the border between Looe and Lansallos Parishes. In paragraph 11 of their representation, they suggest two options in terms of a possible way forward. Does the Steering Group have any views on the suggested options? In addition, has there been any discussion or agreement with Looe Town Council about possible policy wording which could be included in the respective Neighbourhood Plans regarding this site?

##### *4. Policy 3 and Talland Area*

I have received a suggested rewording of paragraph 8.16 from the Steering Group. This suggests some rewording of the text of the NP to provide clearer guidance about the limited number of sites which may be suitable for infill in Talland. Does the Steering Group have any views about whether an associated change is also required to Policy 3?

