



POLPERRO AND LANSALLOS PARISH

NEIGHBOURHOOD DEVELOPMENT PLAN 2017-2030

BASIC CONDITIONS STATEMENT

26 October 2018

Submitted by Polperro Community Council as the Qualifying Body for the Polperro and Lansallos Parish Neighbourhood Development Plan Area comprising the Parish of Lansallos

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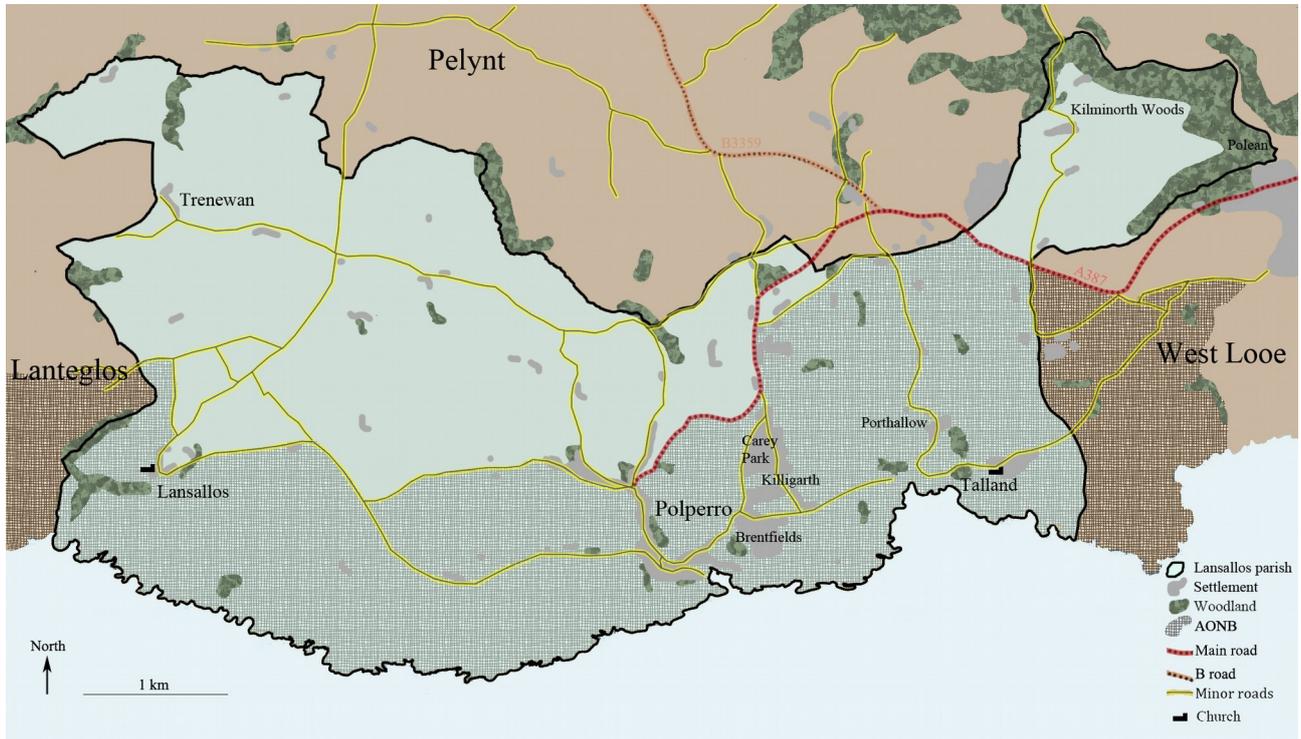
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Submission Documents Accompanying the Basic Conditions Statement

- A map and statement which identifies the Plan area;
- Cornwall Council’s letter dated 15 September 2015 designating the Neighbourhood Area;
- The Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report dated January 2018;
- The Consultation Statement which summarises the surveys and other forms of consultation upon which the Plan is based;
- The proposed Neighbourhood Development Plan; and
- the online Evidence Base which is available at <polperro.community/ndp>

Map of the Plan Designation Area

The map shows the plan designation area which is delineated by the boundary of Lansallos Parish and lies between West Looe to the east, Pelynt to the north and Lanteglos to the west. The historic fishing village of Polperro is the main settlement of Lansallos Parish.



1 Introduction

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

2 Background to the Plan

Production of the Plan was undertaken by Polperro Community Council and its Neighbourhood Development Plan Steering Group (NDPSG) working in partnership with Cornwall Council. The Plan is based on consultation with the local community – residents, groups and organisations, and businesses – and with officers of Cornwall Council, over a period of approximately three years from 2015 to 2018. The pre-submission stage of consultation with the local community, neighbouring parishes and town councils, and statutory and other consultees was arranged during the period 10 April - 28 May 2018 and the draft Plan has been amended based on comments received during that period.

3 Supporting documents and evidence

The Plan is supported by:

- the Basic Conditions Statement (this document);
- a map and statement which identifies the Plan area;
- Cornwall Council's letter dated 15 September 2015 designating the Neighbourhood Area;
- The Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report dated January 2018;
- the Consultation Statement which summarises the surveys and other forms of consultation upon which the Plan is based; and
- the online Evidence Base which is available at <polperro.community/ndp>.

4 Basic conditions to be met

Schedule 4B to the Town and Country Planning Act (Paragraph 8) sets out the following basic conditions that Neighbourhood Development Plans must meet:

Paragraph 8

- (1) The examiner must consider the following:
 - (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2));
 - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L;
 - (c) whether any period specified under section 61L(2)(b) or (5) is appropriate,

- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates; and
 - (e) such other matters as may be prescribed.
- (2) A draft neighbourhood development plan meets the basic conditions if:
- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development 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 neighbourhood development plan,
 - (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 neighbourhood development plan,
 - (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - (e) the making of the neighbourhood development 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 neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
 - (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.
- (3) Sub-paragraph (2)(b) applies in relation to a listed building only in so far as the order grants planning permission for development that affects the building or its setting.
- (4) Sub-paragraph (2)(c) applies in relation to a conservation area only in so far as the order grants planning permission for development in relation to buildings or other land in the area.
- (5) In this paragraph “listed building” has the same meaning as in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).

5 How the Plan meets the basic conditions

How the Plan meets the basic conditions (as required by (1)(a) and sub-paragraph (2)) is set out in Sections 5 – 10 of this Basic Conditions Statement.

The following is submitted in respect of paragraphs 38A and 38B as set out in the Planning and Compulsory Purchase Act 2004.

Paragraph 38A

- 1) Polperro Community Council is a qualifying body and entitled to submit a Neighbourhood Development Plan for its own parish.

- 2) The Plan expresses policies relating to the development and use of land solely within the neighbourhood area.
- 3) to 12) are essentially post examination procedures.

Paragraph 38B

- 1)
 - a) The Plan covers the period up to and including 2030. This period has been chosen to align with the Cornwall Local Plan, prepared by Cornwall Council.
 - b) The Plan does not include any provision for excluded development such as national infrastructure.
 - c) The Plan does not relate to more than one neighbourhood area. It relates only to the Polperro and Lansallos Parish Neighbourhood Area as designated by Cornwall Council on 15 September 2015 and shown by the map accompanying this document and included above.

A copy of the decision letter and notice confirming designation of the Polperro and Lansallos Parish Plan Neighbourhood Area is attached in Appendix 1.

- 2) There are no other Neighbourhood Development Plans in place in the Polperro and Lansallos Parish Neighbourhood area.
- 3) Refers to conflicts within the Plan and clarifies that in the event of conflict between a Plan policy and any other statement or information in the Plan, the conflict must be resolved in favour of the policy.
- 4) Refers to regulations made by the Secretary of State relating to Neighbourhood Development Plans in the Neighbourhood Planning (General) Regulations 2012 which have been used to inform the process of making the Plan. These regulations set out:
 - the process by which NDPs are to be made and set out
 - the consultation bodies for NDPs (referred to in the Consultation Statement accompanying this plan)
 - that NDPs which are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment.

The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening exercise carried out by Cornwall Council for the Plan concluded that neither an SEA nor an HRA was necessary.

It is not considered that there is any benefit or reason for extending the area for the referendum beyond the Designated Neighbourhood Plan Area. There are no other prescribed matters.

6 Conformity with guidance issued by the Secretary of State - the National Planning Policy Framework

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

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

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the NPPF;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed-use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The Plan in relation to the core principles of the NPPF

Each of the principles above has been observed throughout the production of the Plan and is incorporated within the Plan.

Historically fishing and farming provided the basis of the economy of the village of Polperro and the parish of Lansallos and both industries continue to prosper and should be supported. However over the last century and particularly over the last few decades the economy has been greatly strengthened by tourism. Each year, and increasingly across all seasons of the year, many thousands of people visit the area, attracted by the beauty of the coast and countryside and by the unique historic character of the built environment.

Supporting a sustainable local tourism industry requires a careful balance of measures that will encourage small businesses and job creation while at the same time protecting the area’s main assets upon which the industry depends: the landscape and historic character of the area. It is this balance that the Plan seeks to achieve.

Each of the core principles of the NPPF is relevant to achieving that balance and is recognised by the Plan. The core principles that are especially relevant are set out in the table below along with pointers to the Plan responses and policies that reflect those principles.

Table 1 The Plan’s Response to the NPPF

NPPF core principle	The Plan response
<ul style="list-style-type: none"> • be genuinely plan-led, empowering local people to shape their surroundings • be a creative exercise in finding ways to enhance and improve the places in which people live their lives; 	<p>The preparation of the Plan has been a fully interactive process over a period of three years whereby the NDPSG has used every available channel to ensure that it has engaged with the local community – including residents, groups and organisations, and businesses.</p>
<ul style="list-style-type: none"> • proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. 	<p>Plan policies 8 (Commercial development), 15 (Marine heritage, which supports the harbour and fishing industry), 3 (Housing) and 4 (Affordable housing) each provide for the development or expansion of businesses and for the construction of enough new homes to meet anticipated local needs.</p>
<ul style="list-style-type: none"> • always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; 	<p>Maintaining good design standards is a high priority for the community both for efficiency and for aesthetic value, as reflected in Plan policies 1 (Design and character of Lansallos Parish) and 7 (The Polperro Conservation Area) in particular.</p>
<ul style="list-style-type: none"> • take account of the different roles and character of different areas, ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; 	<p>Plan Policy 3 (Housing) explicitly recognises the different roles of different areas by supporting the construction of new housing within the existing settlement areas while protecting the Area of Outstanding Natural Beauty and a number of local green spaces from development that would adversely affect their beauty and amenity value.</p> <p>Plan Policy 5 (Encouraging full-time, occupancy of owner-occupied and rented homes) is intended to make the best use of existing resources. Both these policies reflect the strongly held views of the local community.</p> <p>Plan Policy 14 (Kilminorth Woods) is intended to protect areas adjacent to ancient woodland and a Local Nature Reserve.</p>
<ul style="list-style-type: none"> • support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage 	<p>Plan Policy 2 (Energy Saving and Carbon Reduction Measures) directly addresses environmental concerns. Plan Policy 6 (Re-use</p>

<p>the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources;</p>	<p>of redundant buildings) supports the re-use of existing buildings.</p>
<ul style="list-style-type: none"> • contribute to conserving and enhancing the natural environment and reducing pollution. 	
<ul style="list-style-type: none"> • encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; 	<p>Plan Policy 3 (Housing) supports the construction of new housing within the existing settlement areas including on previously developed land.</p>
<ul style="list-style-type: none"> • promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production); 	
<ul style="list-style-type: none"> • conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations; 	<p>Plan Policy 7 (The Polperro Conservation Area) together with the updating of the Conservation Area Appraisal which the NDPSG has undertaken is intended to conserve and protect the character and styles of the main settlement in the Plan area.</p>
<ul style="list-style-type: none"> • actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; 	<p>Plan Policy 11 (Sustainable access to amenities) is intended to encourage the use of environmentally responsible means of transport wherever possible within the Plan area.</p>
<ul style="list-style-type: none"> • take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. 	<p>Plan Policies 10 (Community facilities and services) and 13 (Local green spaces) are intended to support the Plan’s health and wellbeing objective.</p>

Based on the summary above the Plan is considered to be in general conformity with the overall direction and core principles of the NPPF.

7 Contribution to the achievement of sustainable development

The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The meaning of each dimension and the way the Plan contributes to each of them is summarised below.

- **an economic role**, which according to the NPPF means contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

The Plan policies that support Objective 6.2, the Economic objective, Objective 6.5, the Natural Environment objective and Objective 6.6, the Built Environment objective are all intended to support the overall economic health of the community. In particular, Plan policies 7 (the Polperro conservation area), 8 (commercial development), 9 (holiday lodges and static caravans) and 15 (marine heritage) are directly related to employment opportunities generally and in the tourism and fishing sectors in particular. The tourism sector depends heavily on protecting and enhancing both the natural landscape and the unique character of historic fishing village of Polperro, local features which draw visitors into the area

- **a social role**, which means supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The Plan policies that support Objective 6.3: Housing and Communities, Objective 6.4: Community Facilities and Services, Objective 6.6 Built Environment and Objective 6.7 Health and Wellbeing are all intended to contribute to meeting the social needs of local residents and to strengthen the sense of community among them. The Plan ensures that sufficient space is available to provide for local housing needs, in locations that are acceptable to the community. Plan Policy 1 on Design and Character of Lansallos Parish supports high standards of design for both aesthetic and practical purposes including the concept of 'designing out crime and anti-social behaviour'. The Plan also includes measures intended to encourage full-time, year-round residence and to stop or reverse the trend for more dwellings to be maintained as second homes or as holiday lets that are often occupied only on a seasonal basis. The Plan area is well-served by public footpaths, beaches and other outdoor recreational areas; Plan Policy 13 identifies and protects a number of Local Green Spaces which are valued by the community and contribute to its general health and happiness.

- **an environmental role**, which means contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

A number of Plan policies directly support Objective 6.5 The Natural Environment and Objective 6.6, the Built Environment. Plan Policy 1 supports good design standards in general; Policy 2 addresses issues concerned with energy saving and carbon reduction and introduces Home Quality Mark best practice standards for new construction; Policy 7 reinforces the protection of the built environment and the historic character of Polperro's Conservation Area; Policy 11 supports measures designed to encourage sustainable access to local amenities; Policy 14 seeks to reinforce environmental protection in the areas adjacent to the ancient woodland of Kilminorth.

Delivery

Ensuring that the Plan is deliverable has involved:

- close, sustained consultation with the local community through meetings, surveys, outreach events, a series of 'drop-in' sessions and a welcoming approach to comments in order to ensure that the plan genuinely reflects their views and priorities;
- undertaking a number of surveys to classify plots of land according to their development potential and to make sure that any sites identified for development are suitable and could reasonably be expected to be made available within the lifetime of the Plan;
- ensuring that infrastructure requirements are identified and essential local facilities and services are adequate.

8 General conformity with the strategic policies of the development plan for the area

One of the basic conditions that neighbourhood development plans must satisfy is that they are in general conformity with the strategic policies of the adopted development plan for the local area, in this case the Cornwall Local Plan or CLP. Section 38 of the Planning and Compulsory Purchase Act 2004 defines “development plan” as the development plan documents adopted for the area and Schedule 8 extends this to include existing local plans.

The Cornwall Local Plan

The Cornwall Local Plan (CLP) was formally adopted in November 2016 and provides strategic policy guidance for the whole of Cornwall. The Plan has been drawn up so as to complement the CLP and elaborate on it where more detail is considered necessary for the particular situation and needs of the Plan area. The Plan includes an indicative target for constructing new homes that, based on advice from Cornwall Council, represents a fair share of the CLP’s overall housing target. However the Plan does not include policies on matters for which the provisions already included in the CLP are considered adequate.

The NDPSG has liaised with Cornwall Council officers at all stages of drafting the Plan and the Plan has been drafted in such a way that relevant CLP policies have been identified as part of the justification for each Plan policy. The following table provides a summary of how the CLP and Plan policies are related.

Table 2 CLP and Plan policies cross-referenced

	Plan Policy	Relevant policies included in the CLP
1	Design and character of Lansallos Parish	CLP Policies 2 (Respecting and enhancing the quality of place), 12 (Design), 13 (Development standards), 23 (Natural environment) and 24 (Historic environment) which highlights the importance of Conservation Areas
2	Energy saving and carbon reduction measures	CLP Policies 1 (Presumption in favour of sustainable development), 14 (Renewable and low-carbon energy) and 15 (Safeguarding renewable energy).
3	Housing	CLP Policies 3 (The Role and Function of Places), 6 (Housing mix), 7 (Housing in the countryside), 8 (Affordable housing), 9 (Rural exception sites) and 10 (Managing viability). CLP Policy 21 (Best use of land and existing buildings) covers the re-use of land and buildings.
4	Affordable housing	CLP Policies 8, Affordable housing, and 9, Rural exception sites
5	Encouraging full-time occupancy of owner-occupied and rented homes	
6	Re-use of redundant buildings	CLP Policy 7 (Housing in the countryside) refers to the development and re-use of redundant buildings in the open countryside and Policy 21 covers the best use of land and existing buildings more generally
7	The Polperro Conservation Area	CLP Policies 12 (Design) and 24 (Historic environment).

8	Commercial development	CLP Policies 2a (Key targets) and 5 (Business and tourism)
9	Holiday lodges and static caravans	
10	Community facilities and services	CLP Policy 4 (4a-c)
11	Sustainable access to amenities	CLP Policy 4 (Shopping, services and community facilities) and Policy 27 (Transport and accessibility)
12	Car parking	CLP Policy 13 (Development standards)
13	Local green spaces	Policies 12 (Design,) 13 (Development standards), 16 (Health and wellbeing) and 25 (Green infrastructure)
14	Kilminorth Woods	CLP Policy 23 (Natural environment)
15	Marine heritage	CLP Policy 24 (Historic environment)

Based on the above, it is considered that the Plan is aligned with and positively supports the strategic needs and priorities of the wider local area and promotes development consistent with the requirements of the CLP.

9 Compatibility with EU regulations

The Plan respects and supports the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

Screening opinions were issued by Cornwall Council regarding the Strategic Environmental Assessment and Habitats Regulations Assessment. These opinions were that a full Strategic Environmental Assessment is not required and an Assessment is not required under Habitat Regulations. The full screening report dated January 2018 is submitted as Appendix 2 of this Basic Conditions Statement.

The consultation bodies identified by Cornwall Council were invited to comment on the draft Plan. Natural England raised a question concerning the Polperro development boundary which the NDP SG answered satisfactorily. No other concerns were raised.

Sections 6 and 7 of this document show how the Plan conforms with guidance from the Secretary of State concerning sustainability.

The Equality Act 2010 places a duty on all public authorities to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a “protected characteristic” and those who do not. The Plan conforms with the Act.

Therefore the Plan is considered to be compatible with relevant EU regulations.

10 Prescribed conditions and prescribed matters

As noted above, a draft neighbourhood development plan is considered to meet the basic conditions if prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

There are no other prescribed matters in relation to the Plan.

11 Conclusion

It is considered that the Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 (as amended) have been met by the Plan. It is therefore respectfully suggested to the Examiner that the Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act and should proceed to Referendum.

Appendix 1 Area designation letter

Appendix 2 SEA Screening report