

Lanner Neighbourhood Plan & Independent Examiner's Report

November 2018

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Summary

I have been appointed by Cornwall Council to carry out an independent examination of the Lanner Neighbourhood 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 14 September 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. Lanner is a largely rural parish situated close to Redruth and the plan makes provision for a limited amount of new housing development, since the modest needs identified in the Cornwall Local Plan can be met through infilling within the development boundary of Lanner village.

Subject to a number of modifications set out in this report, I conclude that the Lanner Neighbourhood 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

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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. Lanner Parish is a small parish in western Cornwall, lying two miles south of Redruth and is bisected by the A393 Redruth - Falmouth road which descends steeply down Lanner Hill into the village from the west. The fortunes of the Parish are closely associated with the copper mining industry with the village of Lanner being built as a result of the copper mining boom in the 1800s. With a population of around 2,850 people, the main settlement is the village of Lanner which is one of the larger villages in Cornwall, functioning as a dormitory town for employment centres in Truro, Redruth/Camborne and Falmouth. Close links with Redruth to the north means that parts of the parish have a suburban feel. The landscape is dominated by Carn Marth which rises to the north east. To the south, former mine workings are an important feature, including the disused mineral tramway, which is part of the Cornwall and West Devon Mining Landscape World Heritage Site. The remainder of the parish is agricultural in character, with much evidence of former mining activity

3. The purpose of this report is to assess whether the Lanner Neighbourhood Plan (NP) 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 NP should proceed to the referendum stage. If there is a positive recommendation at referendum, the NP 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 Lanner Parish Council to carry out this independent examination. The Neighbourhood Planning Independent Referral Service (NPIERS) has facilitated my appointment. I am a chartered town planner with extensive planning experience in local government and therefore have the appropriate qualifications and experience to carry out this examination. I am independent of the qualifying body and have no land interest in the area that might be affected by the plan.

3. The role of the independent examiner

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

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

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

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

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

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

- the making of the neighbourhood plan is not likely to have significant effects on a European site ³ or a European offshore marine site ⁴ either alone or in combination with other plans or

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

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

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

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

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 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 NP 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. Lanner Parish Council agreed to prepare a neighbourhood plan in July 2016. A formal submission was made to Cornwall Council to designate the parish as a Neighbourhood Area on 22 August 2016. On 12 October 2016, Cornwall Council designated the whole of Lanner Parish as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. The designated area covers the parish of Lanner and does not cover any other Neighbourhood Area and the

qualifying body is Lanner Parish Council. The preparation of the plan has been managed by a Steering Group made up of one third local councillors and no less than two thirds “non-councillors”.

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

16. The Lanner NP therefore meets the requirements set out in para 7 above.

5. The examination process

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

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

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

20. As part of the Neighbourhood Plan Examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made an unaccompanied site visit to the area on 14 September 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 Lanner 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

⁵ PPG para 004 ref id 41-004-20140306

*otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.*⁶

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

6. Consultation

Consultation process

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

25. In line with the Neighbourhood Planning (General) Regulations 2012⁷, the Steering Group has prepared a Consultation Statement for the NP which sets out how the group approached public consultation, who was consulted and the outcomes. I note that the document itself does not have a title page and is undated and suggest that these are added.

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

26. In order to identify the key issues, develop policy options and obtain feedback on the emerging plan the Steering Group has sought to consult and engage as wide a range of people as possible throughout the plan preparation process. This has been achieved through an impressive range of activities including public exhibitions, drop in events and the use of local media; face to face sessions with local organisations including the school, local business and voluntary and other interest groups.

27. A consultation event was held in January 2017 and the issues identified at this session were used to shape the Household Survey which was circulated to all residents in May 2017. This was complemented by more in-depth Housing Need, Business and Young Persons Surveys. The findings of these surveys and other background research, including a detailed Local Landscape Character Assessment, were used to shape the first draft of the plan in the winter of 2017/18.

28. The first formal consultation on the Pre-Submission Draft NP then followed between 2 March

⁶ National Planning Policy Framework: 24 July 2018

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

and 13 April 2018. This was well publicised and a public meeting was held to present and answer questions about the plan. A separate event was held to discuss vehicle speed issues, as this had emerged as an important issue of concern to local residents.

29. It is clear from the Consultation Statement that the Steering Group has worked very hard to engage with the local community and to keep people informed as the plan progressed, including adapting consultation arrangements to respond to areas of concern which have emerged. This consultation process has helped to develop the vision for the plan and ensure that the Community's Vision for Lanner has been clearly shaped by the views and priorities of the community. The vision for the parish is:

The community becomes empowered to:

- *maintain and enhance the characteristic features which define our particular sense of place and local distinctiveness; and*
- *create a sustainable and resilient community where people want to live, work and thrive*

Representations received

30. Preparing the NP has involved two statutory six-week periods of public consultation. The first, on the Pre-Submission Regulation 14 Draft Plan, took place between 2 March and 13 April 2018. In all, eleven representations were received – three from statutory bodies, six from Cornwall Council, and two from members of the community.

31. The second consultation on the Submission Draft NP was managed by Cornwall Council and took place between 26 July and 6 September 2018. This generated thirteen responses – four from Cornwall Council, four from statutory bodies, three from neighbouring Parish Councils and two from members of the community.

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 Lanner NP has been subject to appropriate and extensive community engagement involving much time and effort by the Steering Group. The background research carried out in support of the plan is particularly wide ranging and

the Steering Group are to be congratulated for the work that they have undertaken. I am therefore satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

7. Compliance with the basic conditions

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

35. I have considered the Lanner NP Basic Conditions Statement produced by the Steering Group, and other supporting documentation, to assist my assessment which is set out below.

National Policy

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

37. Section 6 and Appendix Three of the Basic Conditions Statement describe and assess how each of the policies in the NP has regard to the NPPF. Para 6.3 states that “conformity of the NDP with guidance as issued by the Secretary of State is considered self – evident” which is unhelpful and could be taken to mean that a proper assessment has not been undertaken. To address this, I suggest that a clearer cross reference is made to the assessment set out in Appendix Three.

- **Recommendation: Delete para 6.3 of the Basic Conditions Statement and replace with “A full assessment of how the Neighbourhood Plan complies with the guidance in the NPPF is set out in Appendix Three.”**

38. With this amendment, the NP therefore satisfies the basic condition that it has regard to

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

⁹ NPPF (2012) para 16 and 17

national policies and advice.

Sustainable development

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

40. There is no explanation in the main text of the Basic Conditions Statement which explains how the plan contributes to the three aspects of sustainable development. However, I note that a column is included in Appendix Three to the Basic Conditions Statement which assesses how each of the policies in the NP contributes to the social, economic and environmental aspects of sustainable development. To improve clarity and transparency and thereby demonstrate that the basic condition is met, I suggest that an additional section is added to the Basic Conditions Statement which summarises how the NP contributes to sustainable development, with a cross reference to the analysis set out in Appendix Three.

- **Recommendation: Add a short section to the Basic Conditions Statement to summarise how the NP contributes to sustainable development, to include a cross reference to the analysis set out in Appendix Three.**

41. With this amendment and, alongside the assessment set out in Appendix Three, I conclude that this Basic Condition is met.

Development Plan

42. The NP 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 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 Three of the Basic Conditions Statement sets out a very brief statement on each of the policies in the NP and the relevant strategic policies in the CLP with which they comply. 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

¹⁰ NPPF 2012) para 18-219

progressed through each stage of preparation and the Council's report dated 15 June 2018 confirms the Council's view that the NP 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 NP. Therefore, subject to the recommended changes set out in Section 8 below, I conclude that the NP 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 Lanner NP 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 number of the policies in the Submission NP need some amendment to ensure that they comply with the NPPF and the strategic guidance in the CLP. I have therefore suggested a number of modifications in Section 8 below to help ensure that the plan accords with national and strategic guidance and therefore meets the basic conditions.

European obligations and Human Rights Requirements

Strategic Environmental Assessment (SEA)

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

49. The Basic Conditions Statement contains a short section explaining how the NP complies with EU Obligations. It is presented as Section 6, which duplicates the earlier Section 6 in the document, so I suggest that the later section is renumbered as Section 8.

- **Recommendation: Renumber the “6. Compatibility with EU Obligations” section in the Basic Conditions Statement as Section 8 and renumber associated paragraph numbers accordingly.**

50. At the top of page 3 of the Basic Conditions Statement there is a brief, but rather confusing statement about the need for a SEA or HRA. I suggest that this is reworded and that a much clearer reference is made to the SEA and HRA Screening Assessment which is included as Appendix Two.

51. The Screening Opinion concluded that, based on the scale and location of development proposed in the draft plan it was unlikely that the plan will have any significant effects on the environment and on European sites and a full SEA did not need to be undertaken and an HRA is not required. This conclusion has been agreed by Natural England and Historic England through consultation. The full SEA and HRA Screening Assessment and the Desktop Heritage Impact Assessment Study were provided to me in response to my request to Cornwall Council and I suggest that these are added as Appendices to the Basic Conditions Statement.

52. Paragraph 6.7 seems to be out of sequence with the rest of the text, so I suggest it is moved and renumbered as paragraph 8.3.

- **Recommendation: Delete paragraph at top of page 3 of the Basic Conditions Statement. Replace paragraph 6.1 (to be renumbered as paragraph 8.1) on page 4 of the Basic Conditions Statement with “Cornwall Council carried out a Screening Assessment of the draft Lanner NP to assess whether the plan requires Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA). This assessment is attached as Appendix Two. The Assessment concluded that neither a SEA nor an HRA is required as the NP is unlikely to have a significant impact on the environment or on European Sites. A desktop Heritage Impact Assessment was also carried out and this is also attached”. Add the SEA and HRA Screening Assessment and Desktop Heritage Impact Study to Appendix Two of the Basic Condition Statement. Move paragraph 6.7 to become the third paragraph of the new Section 8 and renumber as paragraph 8.3. Renumber subsequent paragraphs accordingly.**

53. I have considered all the relevant background material and I am therefore satisfied that the submitted Lanner NP meets the requirements set out in the SEA Directive so this basic condition is met.

Human rights requirements

54. Paragraphs 6.3 to 6.6 explains in some detail how the NP meets European Human Rights Obligations.

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

Other Directives

56. I am not aware of any other European Directives that would apply to this NP, 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

57. This section of my report considers the NP policies against the basic conditions.

58. The Plan is clearly written and includes a number of relevant maps and plans. The plan is well structured with a number of planning policies associated with each topic area.

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

60. The NP contains a number of plans, some of which are set out in the appendices. While these maps and plans are individually useful, I think it might be helpful to have a composite Proposals Map which covers all the policies proposed in the NP. This could include the Parish Boundary, the settlement boundary and the areas designated as Local Green Space. I realise that this would potentially be a complex map so I therefore leave it to the Steering Group, with advice from Cornwall Council, to consider adding a composite Proposals Map. I have also commented on the individual maps and plans elsewhere in my report.

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

61. 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

¹¹ Planning Practice Guidance PPG para 004

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

62. This section explains the role of the NP and how it has been prepared. Reference is made in para 1.2 to the plan period running to 2033 and paragraph 5(d) of the Basic Conditions Statement explains that, while this exceeds the Cornwall Local Plan period by three years, this has been done to ensure that there is sufficient overlap between the review of the Cornwall Local Plan in 2030 and the review of the Lanner NP. However, the NPPF states that Local Plans should be reviewed every five years so the Cornwall Local Plan will have been reviewed well before its end date of 2030. Also, it is not appropriate for the NP to have an end date some years beyond the end date of the existing adopted plan. In order to comply with the basic conditions, the end date of the Lanner NP should be changed to 2030. The start date of the plan should also be amended to 2017 to align with the housing policies in the NP.

- **Recommendation: Change all references to the plan period in the NP and supporting & documents to 2017 to 2030. Delete para 5 (d) in the Basic Conditions Statement and & replace with “The NP covers the period up to and including 2030.” &**

2. Neighbourhood Plan Process

63. This section provides an overview of the NP preparation process and I have no comments to make.

3. The Planning Context

64. This section explains the planning context in which the NP has been prepared and my only comment is that, as noted above, the reference to the plan period in para 3.1 should be revised to 2017-2030.

- **Recommendation: Amend plan period in Para 3.1 to 2017-2030**

4. Consultations for the Plan

65. This section outlines the extensive community engagement which has been undertaken when

preparing the plan and I have no comments to make.

5. Background to Lanner and its Place

66. This section provides useful background material about the parish and I have no comments to make.

6. Land Use

67. This section only includes one table (Table 2) with no supporting text and sits oddly with the rest of the document. I suggest that the table is added to Section 5 and a short introductory paragraph added. Section 6 can then be deleted and subsequent sections renumbered.

- **Recommendation: Add Table 2 to Section 5 along with a short introductory paragraph. Delete Section 6 and renumber subsequent sections accordingly.**

7. Vision and Objectives

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

8 – 23. Neighbourhood Plan Policies

69. Sections 8 to 23 set out the neighbourhood plan policies. The plan policies are approached on a topic by topic basis; for each policy the topic is introduced, there is then coloured text which sets out the policy, followed by a short supporting justification. Although each policy is numbered, there are no policy titles which could make the NP difficult to follow by future users of the plan. I have therefore suggested policy titles for each policy, as appropriate, in the remainder of my report. The addition of an index to the policies at the start of the plan would also help.

- **Recommendations: Add policy titles to each policy and a policy index at the start of the plan**

8.Sustainable Development

Policy One: Sustainable Development

70. This policy presents a different approach to sustainable development to that set out in the NPPF and CLP policy 1 and it is not apparent why such an approach is necessary for the parish of Lanner.

Also, it is not clear how any weakening of the sustainability or resilience of the community, as described in the policy would be assessed. As worded, it does not comply with the basic conditions.

71. I therefore suggest that this policy is amended so that it makes more direct reference to the guidance on sustainable development in the NPPF and CLP. Some additional wording to the supporting text should also be added.

- **Recommendation: Delete existing Policy One and reword to read “When considering development proposals, a positive approach will be taken that reflects the presumption in favour of sustainable development set out in the NPPF, the CLP and the other policies in this Neighbourhood Plan.” Add new paragraph 8.6 to read “The assessment of sustainability is recognised as a subjective appraisal but, in seeking a balanced and comprehensive understanding of the impact of a development proposal, consideration will be given to any positive or negative effects it may have on sustainability or resilience beyond the perimeter of the site.”**

9. The Village Settlement Boundary

72. This section outlines the approach to the village settlement boundary, although the policy associated with it, which is Policy Two, is in section 10 Housing. I suggest therefore that Policy Two is moved to Section 9. The policy also requires some fine tuning to improve clarity and ensure it complies with the strategic policies in the CLP.

- **Recommendation: Move Policy Two to Section 9 and add title “Settlement Boundaries”. Reword first paragraph of Policy Two to read “Proposals for new housing development within the settlement boundaries shown in Map 2 will generally be supported”. Reword second paragraph to read “Such proposals will comprise infilling or rounding off of existing settlements and should not intrude into the open countryside or compromise the character of Lanner as a village or parish.” Reword third paragraph to read “Any new housing development should demonstrate quality of design and sensitivity to its surroundings and neighbours. In particular, the design should be consistent with the scale and proportion of existing houses and gardens in the area”. Add “where there is:” after “will not be supported’ in fourth paragraph.**

73. The text in the footnote on Page 15 explains the role of settlement boundaries and is relevant to the understanding of Policy Two which follows, so I suggest that this is included as explanatory text instead of a footnote. As no settlement boundary has been defined for Trevarth, this needs to be

stated more explicitly in para 9.4. A key need also needs to be added to Map 2 to make clear that the red line denotes the settlement boundary.

- **Recommendation: Move text in footnote on page 15 to supporting text and number as para 9.1 and 9.2 respectively. Renumber subsequent paragraphs accordingly. Add “Consequently no settlement boundary has been defined for Trevarth” at the end of para 9.4. Add a key to Map 2.**

10.Housing

Policy Ten: Housing

74. This section outlines the approach to housing development and explains how the NP will meet the housing targets in the CLP. There is some superfluous information in the text – notably in Footnote 2-4 which could confuse users of the Plan so I suggest that it is deleted. An unnumbered paragraph at the end of paragraph 10.7 provides updated house completion information and commentary on the Local Plan Target. As the calculation of the housing target for the NP is effectively “a snapshot in time” relating to the base date of the NP of April 2017, I suggest that this paragraph is deleted.

- **Recommendation: Delete Footnotes 2 - 4 on page 19 and unnumbered paragraph which starts “Since the calculation...” below para 10.7 on page 20.**

75. It is evident that the housing requirements for the NP area can be met by infill alone, as stated in the paragraph below Table 4. However, Paragraphs 10.8 and 10.9 go on to explain how the Steering Group has gone about identifying additional potential housing sites which could meet further needs over the plan period. Further information about two such sites is set out in Section 14, referring to these as “favoured sites”.

76. It is apparent from the responses I received from the Parish Council and Cornwall Council on this matter, that the needs of the Parish can be met by infilling alone, so further allocations are not necessary. The review of sites carried out by the Parish Council was based on the SHLAA which is a technical study, not a policy document. There has been no comprehensive objective assessment of each site has been which would have assessed physical and environmental constraints, access arrangements, land ownership and other relevant constraints. Cornwall Council advised that a more detailed evidence base and Strategic Environmental Assessment would be required if formal site allocations were made. I therefore recommend that references to the site assessment process and

favoured sites are deleted from the NP

- **Recommendation: Delete para 10.9. Delete Section 14. Renumber subsequent sections accordingly.**

77. In terms of the two “favoured sites” identified in Section 14, any proposals for housing development on the site at Sunnyside, off Pennance Road could be assessed against the policies for infill development within the settlement boundary of the village which are set out in the CLP, so no specific reference to this site is needed in the NP.

78. Support for the principle of housing development on the larger site at Lannarth Farm, Rough Street was expressed through community consultation on the Neighbourhood Plan, although it has not been subject to a formal site assessment process. In response to my query, Cornwall Council has confirmed that the inclusion of the land at Rough Street within the settlement boundary would give some flexibility in terms of rounding off of the settlement and also help meet the needs of Lanner Parish. Given government guidance is that plans should be positively prepared, I conclude that it would be appropriate for the NP to provide some guidance with respect to this particular location, if development proposals were to come forward sometime in the future. I therefore recommend that some supporting text is added to the plan.

- **Recommendation: Add new Paragraph 10.9 to read “During public consultation on the Neighbourhood Plan, community support was expressed for development on Land at Lannarth Farm, Rough Street. The site could provide an opportunity to provide a public car park for users of nearby community buildings, including churches, village hall and cemetery. The community also expressed a preference for one/two-bedroom homes, aimed at those wishing to downsize, possibly with some sheltered housing. Suitable arrangements to maintain the integrity of the footpath through the site and safe vehicular access would be needed. Any development proposals for the site at Lannarth Farm would need to be assessed against CLP Policy 3, the Chief Planning Officer’s Advice Note: Infill/Rounding Off: December 2017 and Policy 7 – Design.”**

79. Two representations, submitted by Influence Planning on behalf of clients, suggested that the settlement boundary should be amended to add two further sites for housing development

80. The first, at Hideaway Cottage off Pennance Road, sought an extension of the village envelope to include a further 0.34 ha of land. From my site visit I could see that the site is located at the foot of a narrow lane and that there are no buildings immediately to the south and west of the site.

Development could therefore not be classed as infilling, which would be acceptable under CLP Policy 3, as it would not fill a gap in an otherwise built up frontage. This part of the village is very open in character and the area to the south and west of the site is an important part of the open landscape. Bearing in mind the guidance in the Chief Planning Officer's Advice Note on Infilling/Rounding Off, which is clear that "Rounding off development should not visually extend development in the open countryside", I do not consider that development here can be considered as acceptable rounding off. I therefore do not recommend any changes to the settlement boundary in this location.

81. The second representation, concerning land at Glenmoor Farm, sought the inclusion of a 0.09ha site within the settlement boundary. On my site visit I saw that the site was located close to, but lying rather below and to the north of the recent development at Gyllvean Gardens. The settlement boundary in this part of the village is well defined by the unclassified track which defines the western boundary of the settlement of Lanner, such that there is a clear distinction between the built form and the open countryside. As there are no adjacent dwellings, development of the site could not be considered as acceptable infilling. The site is open in character and is not defined by clear boundaries and development here would visually extend development into the open countryside. It would therefore not be an acceptable rounding off of the settlement. I therefore do not recommend any changes to the settlement boundary in this location.

11. Affordable Homes

Policy Three: Affordable Homes

82. This section outlines the NP's approach to affordable housing. The supporting describes a number of areas where there have been ongoing discussions about definitions and data with officers from Cornwall Council. As the NP, once adopted, is a legal document it should be clear and unambiguous with no room for misinterpretation and uncertainty. I therefore suggest that the superfluous additional text is deleted and moved to an appropriate location in the Consultation Statement. Tables 5 and 6 refer to various Affordable Homes Bands, but these are not explained. I see that these are set out in Appendix Three, although there is no date and source for this information. It would help future users of the plan if this could be explained more clearly.

- **Recommendation: Delete Footnote 6 on page 22 and the paragraph which starts "Evidence of local need..." on pages 25/26 and move to an appropriate location in the Consultation Statement. Add a cross reference to Appendix Three in paras 11.6 and 11.7. Add source and date of information to Appendix Three.**

83. This policy is not aligned with Policy 9 of the CLP as it refers to sites being “close to existing settlement boundaries” which is not the same as the term “adjacent to” which is used in the CLP. In order to meet the basic conditions, then, some amendment to the policy is required.

- **Recommendation: Change “close” to “adjacent” in line three of Policy Three**

84. The Affordable Housing Officer has raised a query about the relevance of clause 3 – a qualifying person will actually have a desire to live in Lanner. They suggest that this would be difficult to quantify and would, in any case, be covered by the applicant putting their name forward for an affordable home in the village. I share this concern and suggest that this criterion is deleted.

- **Recommendation: Delete “Third, a qualifying person will actually have a desire to live in Lanner” at the end of the paragraph entitled “Local needs” on page 23**

12. Supported or Retirement Accommodation

Policy Four: Supported or Retirement Accommodation

85. This policy is aligned generally with Policy 6 of the CLP. My only comment is that “well received” should be changed to “supported” so that it is clear that such schemes would be granted planning consent, provided the relevant criteria had been met.

- **Recommendation: Change “well received” to “supported” in line 3 of Policy Four**

13. Housing Mix

Policy Five: Housing Mix

86. This policy is aligned generally with Policy 6 of the CLP and I have no comments to make.

14. Delivering New Housing

Policy Six: Delivering New Housing

87. Comments on and amendments to this section are set out in paras 74 -77 above.

15. Design and Character

Policy Seven: Design and Character

88. This policy deals with the design and character of new development. One minor point - the references to Policy Seven not applying to extensions or modifications to existing buildings distracts from the rest of the policy and would be better moved to the supporting text.

- **Recommendation: Move “(Note, criteria 1-8 do not apply to extensions or modifications to existing buildings)” from second/third line of Policy Seven to the end of paragraph 15.2.**

16. Environment, Rural Landscape and Rural Biodiversity

Policy Eight: Safeguarding Environment and Rural Landscape

89. This policy aligns with the guidance in the CLP and NPPF and only requires minor amendment to improve clarity. Not all development will potentially have an impact on the landscape and natural environment, so the policy needs to be qualified by saying “Where appropriate” at the start of the policy. It would also be helpful if the locations of the AGLV and small part of the World Heritage Site within the NP area were added to the mapping for the NP. I suggest this is done as part of a more comprehensive Proposals Map, referred to in paragraph 60 above.

- **Recommendation: Add “Where appropriate” at the start of Policy Eight. Add areas & designated as AGLV and WHS to the NP and to the NP Proposals Map. &**

Policy Nine: Design of new residential development

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

Policy Ten: Public Rights of Way

91. This policy aligns with the guidance in the CLP and NPPF and only requires minor amendment to improve clarity. The reference to “Within the plan area” is superfluous and should be deleted.

- **Recommendation: Delete “Within the plan area” from the start of Policy Ten**

Policy Eleven: Tree planning and woodland

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

17. Historic Landscape and Heritage

Policy Twelve: Carn Marth

93. Comments on and recommendations about changes to this policy are set out under Policy Twenty Four in paragraphs 107 to 113 below.

Policy Thirteen: Historic assets on southern and western slopes

94. Comments on and recommendations about changes to this policy are set out under Policy Twenty Four in paragraphs 107 to 113 below.

Policy Fourteen: Designated Heritage Assets

95. This policy would benefit from a cross reference to CLP policy 24 which provides more guidance about the level of protection afforded to designated heritage assets.

- **Recommendation: Add “as set out in CLP Policy 24” after “protection and respect” in line 3 of Policy Fourteen.**

18. Infrastructure and Services

Policy Fifteen: Superfast Broadband

96. This policy complies with the basic conditions and I have no comments to make.

19. Employment

Policy Sixteen: Employment

97. This policy complies with the basic conditions and I have no comments to make.

20. Transport

Policy Seventeen: Car Parking

98. This policy sets out guidance regarding car parking provision, but is not accompanied by any supporting text. In response to my question, the Steering Group has suggested that Policy Seventeen is moved to follow paragraph 20.2 and provided further explanation regarding the parking standards it wishes to apply. This is useful background information and helps provide further justification for the policy so I suggest that an additional paragraph is added.

- **Recommendation: Add a new paragraph 20.3 to read “It is evident that Lanner residents rely heavily on the car and this is reflected in the high number of households having two or more cars. Consequently, while Cornwall Council generally seeks 1.5 parking spaces per household, it is considered that 2 parking spaces per household is a more appropriate approach in the Neighbourhood Plan Area. This is not to surrender any desire to encourage and plan for greater use of public transport or for more people to walk or cycle: but there is a need to recognise reality. Economic conditions also mean that more domestic garages are being used as utility rooms or even the footprint for home extensions – so a higher level of on-site car parking provision is appropriate.” Move Policy Seventeen to follow new paragraph 20.3.**

Policy Eighteen: Speed Limits

99. Existing Paragraph 20.3, sets out in some detail the results of RadarClass surveys which were carried out on the A393 in July 2011 and January/February 2017. This level of detail is not appropriate for the main text of a Neighbourhood Plan, so I suggest that it is moved and placed in a new Appendix 8 to the plan.

- **Recommendation: Move all of Paragraph 20.3, except the first sentence on page 46, to a new Appendix 8 entitled “Road Traffic Data”**

100. Policy Eighteen seeks to reduce vehicle speeds through the settlement of Lanner by supporting measures to supporting the introduction of speed limits and limiting development on the north side of the A393. While the latter is expressed in land use planning terms, the rest of the policy is not. It therefore requires some amendment to ensure that it meets the basic conditions. The remainder of the policy is more appropriately described as a community action and should be moved to Appendix Seven. There is already a reference in the third last paragraph of this Appendix to speed related matters and I suggest this is expanded to refer to the actions suggested in the first two bullet policy in Policy Eighteen.

- **Recommendation: Amend first paragraph of Policy Eighteen to read “Any development proposals which help to reduce the speed of vehicles travelling through or within the parish will be supported. Development which would add to traffic on the north side of Pennance Road will be avoided or limited.” Delete “Specifically:” Move first two bullet policy of Policy Eighteen and list as Community Actions in Appendix Seven and delete third bullet point. Delete last sentence of Paragraph 20.8**

21. Climate Change and Renewable Energy

Policy Nineteen: Sustainable development

101. This policy complies with the basic conditions and I have no comments to make.

Policy Twenty: Flood risk

102. This policy deals with flood risk and, in requiring a site-specific flood risk assessment goes further than the guidance in the NPPF which states:

A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding

103. The policy therefore needs to be amended so that it accords with government guidance. None of the plan area is within Flood Zones 2 or 3 or within a Critical Drainage Area so a flood risk assessment is only likely to be needed for a development of over 1ha in Flood Risk Zone 1.

- **Recommendation: Add “of over 1ha in Flood Risk Zone 1” after “New housing & development” in the first line of Policy Twenty &**

104. Some fine tuning of the guidance on SuDS is also required to improve clarity.

- **Recommendation: Add “measures to” after “incorporate” in Policy Twenty clause b). & Change “first” to “preferred” in Policy Twenty clause e) &**

Policy Twenty One: Renewable Energy

105. My only comment on this policy is that it does not refer to renewable energy proposals being of an appropriate scale. Some amendment is therefore required.

- **Recommendation: Add “of an appropriate scale “after “energy proposals” in first line of Policy Twenty One**

Policy Twenty Two: Wind power

106. In line with the Written Ministerial Statement, CLP policy 14 states that Neighbourhood Plans can identify areas which are suitable for wind power generation eg wind turbines. Given the community does not support the development of wind turbines and has not designated any such areas, policy Twenty One is not necessary and can be deleted.

- **Recommendation: Delete Policy Twenty Two and renumber subsequent policies & accordingly &**

22. Health and Wellbeing

Policy Twenty Three: Healthy Lifestyles

107. This policy reflects the strategic guidance in CLP policy 4 regarding community facilities and I have no comments to make.

23. Open Spaces, Access to the Countryside, Recreation

Policy Twenty Four: Local Green Spaces

108. This policy identifies six areas for designation as Local Green Spaces (LGS) – four are small well-defined recreation areas within the built-up area of the village of Lanner. They all appear to be well used and maintained. I therefore agree that they should be designated as LGS.

109. The other two proposed LGS are much more extensive and lie outside the village. The Tresavean Mine site extends to 11 ha (27.2 acres), while the Carn Marth site, within the NP boundary, extends to a total of 7.7 ha (19 acres). Government Guidance in the NPPF is very clear that LGS should only be designated in certain well-defined circumstances. In particular, paragraph 77 states:

77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- *where the green space is in reasonably close proximity to the community it serves*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife*
- *where the green area concerned is local in character and is not an extensive tract of land*

110. Both the Tresvaean Mine and Carn Marth sites are extensive, so normally it would not be appropriate to designate them as LGS. I recognise, however that they are both highly valued recreational assets for the community. Their boundaries have also been very carefully assessed and mapped through the work which the Steering Group has carried out through the Landscape Character Assessment.

111. In response to my supplementary question, the Steering Group has provided further justification for the designation as LGS, referring to the need to recognise their historic character linked to the World Heritage Site and to protect and ensure their future continuing use as recreational assets which are used regularly by the local community.

112. However, the NP contains other guidance about these sites - at Policy Twelve for Carn Marth and at Policy Thirteen for Tresavean Mine respectively. Both policies seek to protect the character of the sites, so there is considerable overlap with the proposal to designate them as Local Green Space in Policy Twenty Four. Given the conflict with the NPPF, outlined above, I conclude that they should not be designated as LGS. Nonetheless, the areas are distinctive and highly valued by the local community and it would be helpful if they were afforded a clear designation in the plan as Areas of Landscape, Recreational and Historic Value. Policies Twelve and Thirteen also need to be amended so that protection for these sites is strengthened.

- **Recommendation: Delete Maps 9 and 10 and text in blue below each Map under Policy Twenty Four. Change “six” to “four” in first line of paragraph Twenty Four.**
- **Recommendation: Move Maps 9 and 10 to Section 17, moving Map 9 to sit below paragraph 17.2. Move Map 10 to sit below paragraph 17.3. Amend respective titles to “Map 9 Tresavean Mine Area of Landscape, Recreational and Historic Value” and “Map 10 Carn Marth Area of Landscape, Recreational and Historic Value”.**

113. In response to my question, the Steering Group explained that the Carn Marth Area is owned and managed by the Carn Marth Trust, a charity. It is designated as an Area of Great Landscape Value and is reasonably accessible to walkers and horse riders. The community’s objective is to safeguard the area for future users and protect the landscape and to ensure this, Policy Twelve would benefit from strengthening to accord more closely with the guidance in the CLP.

- **Recommendation: Reword Policy Twelve to read “The Area of Carn Marth, identified in Map 10, is special to Lanner and its identity. Its status as an Area of Great Landscape Value should be respected and safeguarded. Any development within the Carn Marth Area of Landscape, Recreational and Historic Value should maintain the character and landscape quality of the area and conserve and reflect its historic mining heritage. Any development on the slopes of Carn Marth will be resisted.” Add a new second sentence to Paragraph 17.2 which states “This is shown coloured green in Map 10.”**

114. The supporting text to Policy Thirteen explains that, although the south and western slopes on the Parish are rich in historic assets, they are not technically within the defined World Heritage Site (WHS), although the Tresavean Trail is included. Nonetheless, their importance needs to be recognised and I saw on my site visit that the Mineral Tramway was a well-used and distinctive resource for the visitors and local residents alike. The policy itself, however requires some fine tuning to strengthen the guidance and make clear that the slopes are not within the WHS. In response to my query, the Councils confirmed that the Tresavean Trail is part of the designated World Heritage Site , so I suggest this notation is added to Map 9.

- **Recommendation: Add “identified in Map 9” after “Mineral Tramway” in the first sentence of Policy Thirteen. Also, delete “its inclusion as part of the World Heritage Site and its surrounds deserve” and substitute “reflecting its connections and proximity to the World Heritage Site.” In last sentence of Policy Thirteen, delete “here” and substitute “the Tresavean Mine Area of Landscape, Recreational and Historic Value and add “all” before “landscape” and “historic” before “features”. Add location of Tresavean Trail to Map 9 and annotate as being part of the World Heritage Site.**

Monitoring and Review

115. I have no comments on this section

Appendices

116. A number of Community Actions are listed in Appendix Seven, many of which are linked to issues raised through the preparation of the NP. I have no comments to make.

9. Conclusions and Recommendations

117. I have examined the Lanner NP and I have concluded that, subject to the modifications set out

in my report, it meets the basic conditions and other statutory requirements.

118. I am therefore pleased to recommend to Cornwall Council that, subject to the modifications set out in my report, the Lanner NP should proceed to referendum.

119. I am also required to consider whether the referendum area should be extended beyond the Lanner NP 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 October 2016.

APPENDIX 1: Background Documents

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

- Lanner Neighbourhood Plan 2016-2033: Submission Draft for Consultation: 10 May 2018
- Lanner Neighbourhood Plan: Consultation Statement: undated
- Lanner Parish NDP: Basic Conditions Statement: 1 February 2018
- Cornwall Council: Lanner Neighbourhood Development Plan – 2018 to 2030 – Legal Compliance and Examination Stage: 15 June 2018
- Lanner NP SEA and HRA Screening Assessment
- Lanner NP Desktop Heritage Impact Study
- Chief Planning Officer's Advice Note: Infill/Rounding Off: December 2017
- National Planning Policy Framework (NPPF) 2012
- National Planning Policy Framework (NPPF) 24 July 2018
- Planning Practice Guidance March 2014 and subsequent updates

APPENDIX 2:

1.Request for further information and questions from the Examiner to Cornwall Council and Lanner Parish Council

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

Delivering New Housing

1. Paragraph 14.1 of the Neighbourhood Plan states that the two favoured housing sites were chosen as they were the two locations for which the community expressed a preference. I also see that Section 8 of the Basic Conditions Statement, in the section on the Household Survey, explains that residents were asked for their preference between six possible sites which are mapped at the top of page 23. I am interested in knowing a little more about how these six sites were selected and, in particular whether any physical constraints and information about land availability and ownership were considered. A brief explanation would be most helpful.

2. There does not seem to be any guidance in the NP about the number of houses that could be accommodated on the site at Lannarth Farm. If the site at Sunnyside can accommodate 10-14 dwellings, would it be reasonable to assume that the Lannarth Farm site could accommodate 58 -62 dwellings to ensure that the NP target of 72 dwellings can be achieved? More specifically, was this scale of housing development taken into account in estimating the number of car parking spaces which are also to be accommodated on the site?

Transport

3. There does not seem to be any supporting text for Policy Seventeen which deals with car parking provision. It would be helpful if you could provide a short paragraph which could then be inserted as supporting text.

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

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

Many thanks.

Barbara Maksymiw

17 September 2018

2.Request for further information and questions from the Examiner to Cornwall Council and Lanner Parish Council

In addition to the questions I raised on 17 September 2018, I have a supplementary question for both Councils regarding the proposed Local Green Space Designations in the Neighbourhood Plan. I would therefore be grateful if both Councils could assist me, as appropriate, in answering the following question.

Local Green Space Designations

The National Planning Policy Framework, at para 77, sets out specific criteria which Local Green Spaces are required to meet, and states:

77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- *where the green space is in reasonably close proximity to the community it serves*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife*
- *where the green area concerned is local in character and is not an extensive tract of land*

The draft Neighbourhood Plan proposes that two very large of open space – a total of 11ha at Tresavean Mine (Map 9) and 38 acres at Carn Marth (Map 10). Both are of a significantly larger scale than the other four sites proposed for designation as Local Green Space and could arguably be described as extensive tracts of land. I would therefore be grateful for both councils views on how the designation of the Tresavean Mine and Carn Marth as Local Green Space complies with the NPPF and, as an alternative, whether any other approaches could be considered.

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

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

Barbara Maksymiw

28 September 2018