

Lostwithiel Neighbourhood Development Plan 2015-2030

**A report to Cornwall Council on the Lostwithiel
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Cornwall Council in October 2018 to carry out the independent examination of the Lostwithiel Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 24 October 2018.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing sufficient flexibility within the development boundary to accommodate new dwellings to meet the town's strategic development requirements.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Lostwithiel Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
14 December 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Lostwithiel Neighbourhood Development Plan 2015-2030 (the 'Plan').
- 1.2 The Plan has been submitted to Cornwall Council (CC) by Lostwithiel Town Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and economic issues.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CC, with the consent of the Town Council, to conduct the examination of the Plan and to prepare this report. I am independent of both CC and the Town Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific

comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.11 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to comply with this requirement CC undertook a screening exercise (July 2017) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process CC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. The Council has confirmed that this process addressed the Plan as it was eventually submitted.
- 2.8 The screening report also included a parallel Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. Whilst there are no designated sites within the neighbourhood area itself the screening report addressed the nearby Breney Common, Gross and Tregross Moors and Phoenix United Downs.
- 2.9 Since the Plan and its HRA screening work was prepared a European court case has had implications for how competent authorities undertake HRA screening assessments. CC helpfully reassessed the Plan in this context during the examination. This process concluded that the earlier assessment remains appropriate and that no changes are necessary in the light of the recent judgement.
- 2.10 Having reviewed the information provided to me as part of the examination, including the most recent HRA assessment, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.11 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.12 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and

- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must 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 for examination by a qualifying body.

2.13 Having addressed the matters identified in paragraph 2.12 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan;
 - the Basic Conditions Statement;
 - the Consultation Statement;
 - the CC SEA and HRA report;
 - the information from CC in October 2018 assessing the HRA Screening report following the Sweetman/People over Wind court case;
 - the Town Council's responses to my Clarification Note;
 - the representations made to the Plan;
 - the adopted Cornwall Local Plan 2010-2030;
 - the saved policies of the Restormel Local Plan 2003;
 - the National Planning Policy Framework (March 2012 and July 2018);
 - Planning Practice Guidance (March 2014 and subsequent updates); and
 - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the Plan area on 24 October 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised CC of this decision early in the examination process.
- 3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Town Council has prepared a Consultation Statement. This Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (April to May 2018).
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
- the initial publicity;
 - the questionnaire and housing survey;
 - the production of newsletters;
 - the exhibition and consultation event in June 2016;
 - the publication of an early draft of the Plan for consultation/engagement;
 - specific engagement with young people;
 - specific engagement with estate agents;
 - consultation on the draft development boundary;
 - landowner engagement;
 - on-going engagement with local bodies.
- 4.4 The Statement also provides details of the Steering Group and its constitution. It is clear that the process has been proportionate and robust.
- 4.5 The Annex of Evidence provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned

throughout the process. CC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 10 October 2018. This exercise generated comments from a range of organisations and private individuals as follows:

- Historic England
- Cornwall Council
- M & M Plant (Devon and Cornwall) Ltd
- Situ 8 (on behalf of a group of local residents)
- Daron Walker
- Dr Dora Jones
- Elizabeth Jones
- Ramon Van de Velde
- Nigel Appleton
- Dan Solly
- Peter and Jane Warner
- Rachel Morcom
- Cornwallis Care Services
- Gary Rawlings
- Chris Jenord
- Gladman Developments Limited
- Katie McCormick
- South West Water
- Highways England
- Mark Hemsley
- John Butler
- Lostwithiel Golf Club
- Natural England
- Devon and Cornwall Constabulary
- David and Jill Pickford
- D G Roberts
- Chris Marwood
- Kat Smith

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Lostwithiel. Its population in 2011 was 2814 persons living in 1242 houses. It was designated as a neighbourhood area on 1 April 2015. As the iconic milepost on the main A390 identifies, the town of Lostwithiel is located approximately 8.5 miles to the north east of St Austell and 22 miles to the north east of Truro. It is approximately equidistant between St Austell and Liskeard. Much of the neighbourhood area is in agricultural use.
- 5.2 The town of Lostwithiel dominates the neighbourhood area. It sits on either side of the A390. It is a town defined by its natural setting in the valley of the River Fowey as it runs in a north-south direction towards the English Channel at Fowey. The GWR railway line also takes advantage of this natural setting as part of its route from Exeter to Penzance. This setting influences the topography of the town in a very significant fashion. As the Plan comments ‘the town is embedded in the wooded valleys of the River Fowey and its tributary streams, combining public green spaces with accessible woodland and open-country spaces’. The town centre and the railway station are located at the foot of the valley. More modern development is located on higher ground to the north, the west and the east.
- 5.3 The town of Lostwithiel is both historic and attractive. There are several surviving buildings from the sixteenth and seventeenth centuries around a cote of mediaeval buildings. Its attractiveness is reinforced by the strong grid pattern of streets (North Street, Fore Street and South Street) running from the A390 down to the River Fowey. Many of the traditional buildings are constructed from local stone. The town centre is a designated conservation area and has a wide selection of listed buildings. The character and attractiveness of Quay Street continues to demonstrate the town’s long-standing trade association with the River Fowey.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Cornwall Local Plan Strategic Policies 2010 – 2030, the associated Community Network Areas Section, and the saved policies from the Restormel Local Plan 2001. The Local Plan 2030 sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period. Unless I indicate otherwise any references in this report to ‘the Local Plan’ are to the Local Plan 2010-2030.
- 5.5 The Local Plan sets out a comprehensive range of policies. Whilst they are all applicable to the neighbourhood area in their different ways the following policies have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy 2	Spatial Strategy
Policy 3	Role and Function of Places

Policy 5	Business and Tourism
Policy 9	Rural Exception schemes
Policy 14	Renewable and local carbon energy
Policy 24	Historic Environment
Policy 26	Flood risk management and coastal change

- 5.6 The Local Plan includes a parallel plan addressing Community Network Area Sections. As its title suggests this part of the development plan identifies specific issues in different communities in Cornwall. Lostwithiel falls within Section PP9 of this part of the Plan. In particular it is within the St Blazey, Fowey and Lostwithiel Community Network Area. Key community aspirations for the area include the delivery of affordable housing, the regeneration of villages and the local economy.
- 5.7 Cornwall Council has embarked on the preparation of a Site Allocations Development Plan Document. It was submitted for examination in October 2017. Consultation on proposed modifications to that document concluded in October 2018. Its focus is on the delivery of strategic growth in the larger settlements. As such it has limited impact on the neighbourhood area.
- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Site Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 24 October 2018. The weather was warm and bright and allowed me to see the town in its full Autumnal splendour.
- 5.10 I drove into the area along the A390 from the east. This gave me an initial impression of the setting and the character of the neighbourhood area. I parked off Cott Road and looked around the bulk of the area within the town on foot.
- 5.11 I looked initially at that part of the neighbourhood area around the railway station and the River Fowey. I saw first-hand its attractive setting. I looked at the sites covered in Policies TT1 to TT3.
- 5.12 Thereafter I looked at the town centre. I saw its rather relaxed mix of retail, commercial and residential uses. I saw the way in which the combination of the street pattern, the use of vernacular materials and traditional building styles created an environment that is both attractive and distinctive. I spent a quiet 15 minutes in the Church and its churchyard. I saw the very imposing ancient stone and the rather more daunting stocks in the doorway.

- 5.13 I continued to the south and west to look at the western parts of the neighbourhood area. I found my way to Rose Hill and looked at the proposed extension to the development boundary. I was able to see the views back over the town and the wider landscape setting of the town.
- 5.14 I then walked back towards the main road and worked my way up Tanhouse Lane. I saw one of the proposed local green spaces. I then cut through to Bodmin Hill. I saw the school and walked up to St Nicholas Park.
- 5.15 I then looked at that part of the neighbourhood area around Restormel Road. In doing so I looked at Character Zone 6 given its proposed policy implications in the Plan. I saw the well-maintained and landscaped graveyard.
- 5.16 I finished my visit by driving around some of the outlying parts of the neighbourhood area. I drove up to the Golf Course. I left the neighbourhood area along the B3268 towards Bodmin.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Lostwithiel Neighbourhood Plan:
- a plan led system - in this case the relationship between the neighbourhood plan, the adopted Cornwall Local Plan 2010-2030 and the saved elements of the Restormel Local Plan 2003;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the

future of the neighbourhood area within the context of its position in the settlement hierarchy. It includes a series of policies that seek to safeguard the quality and nature of its natural environment and designates local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and employment development (Policies HH2 and Be1-3 respectively). In the social role, it includes various policies on affordable housing. In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on solar energy (Policy EH1), on the heritage assets (Policy EH2) and on local green spaces (Policy SS3). The Town Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in Cornwall in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan. Indeed, it positively seeks to deliver the ambitions of the Local Plan in the neighbourhood area.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Town Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It also includes a series of Actions and Aspirations which the Plan recognises cannot be delivered directly through the planning process. These Aspirations are appropriately identified both in a separate part of the Plan and in a different colour to the land use policies. They are also incorporated within the appropriate subject chapter. I am satisfied that this duplication does not confuse the role or the structure of the Plan.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Part 1)

- 7.8 This introductory part of the Plan sets the scene for the range of policies. It does so in a comprehensive yet proportionate way. The Plan is presented in a professional way. It is colourful and makes a very effective use of tables and maps. A very clear distinction is made between its policies and the supporting text. It also draws a very clear connection between the Plan's objectives and its resultant policies.
- 7.9 Part 1 of the Plan is arranged around topic chapters. They relate well to the character of the town and its various issues. The initial pages identify the purpose of the Plan, and how it was prepared. They then provide some overall information on the size and

the location of the town. This leads into the establishment of a Vision for the town and the identification of associated objectives.

7.10 The substance of Part 1 of the Plan is set out in the following chapters:

- Town and Country Environment;
- Housing;
- Employment and the Local Economy;
- Transport and Travel;
- Community Wellbeing and Recreation;
- Lostwithiel Character Zones.

7.11 A key success of the Plan is the way in which the factual and background information in Part 1 directly informs the various policies in Part 2. This provides a high degree of assurance and authenticity to the Plan and the way in which it has been prepared. In particular the Housing section of Part 1 provides a very detailed context to Policy HH2 which sits at the heart of the Plan. This is also the case with the very impressive work on Character Zones.

7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy EH1 Solar Energy

7.13 The policy sets a positive context for the development of solar energy proposals. The approach supplements that already contained within CC documents. In particular I am satisfied that it is in general conformity with Policy 14 of the Local Plan.

7.14 This policy has three components. The first addresses rooftop and large-scale photovoltaic cell arrays. The second requires compliance with CC's Supplementary Planning Document on Renewable Energy. The third addresses the need for a management plan for large scale arrays.

7.15 I recommend modifications to certain elements of the policy so that they have the clarity required by the NPPF. In an overlapping way the modifications ensure that the policy components are designed to be implemented through the development management process and to provide clarity to the decision maker and the potential investor alike.

In a) replace:

- **'Support' with 'Development proposals'.**
- **'only' with 'will be supported'.**

In b) replace:

- **‘Applicants should use’ with ‘Development proposals should demonstrate how they have considered and incorporated the contents of’**

In c) replace:

- **‘include’ with ‘identify and implement’.**
- **‘must’ with ‘should’.**

Policy EH2 Protecting the Heritage

- 7.16 The policy recognises that new development has the opportunity to promote and protect the town’s rich heritage. Its approach has regards to national policy and is in general conformity with Policy 24 of the Local Plan.
- 7.17 I recommend that the initial format of wording in the policy is modified for the same reasons as I described for Policy EH1. I also recommend a modification to ensure that the policy requires a developer to comply with all the criteria. Finally, I recommend that the title of the policy is modified.

In the title add ‘of the Town’ after ‘Heritage’

Replace ‘Support will be given for’ with ‘Development’

After ‘survivals’ add ‘will be supported’

At the end of criterion (c) replace the full stop with ‘; and’

Policy HH1 Flood Risk

- 7.18 This policy takes a precautionary approach towards potential new development within flood zones 2 or 3 of the Tanhouse Stream.
- 7.19 The policy is supported by appropriate evidence. I recommend a detailed modification on its wording.

Replace ‘No development...permitted’ with ‘Proposals for built development will not be supported’.

Policy HH2 The Development Boundary and Requirements

- 7.20 This policy sits at the heart of the Plan. It defines a development boundary for Lostwithiel. It then applies a policy context to proposed developments which would sit either within or outside of the identified development boundary. It also addresses the need for affordable housing and development within its identified Character Zones. The significance of the policy is reflected in the degree of comments from organisations, developers and the public.
- 7.21 The definition of the development boundary has been applied following an analysis of a series of potential development cells around the existing limits of the settlement at the time the work on the Plan began. The Plan makes a judgement about the

appropriateness or otherwise of including the various cells within an extended development boundary. The sites considered are shown on Figure 2.1 and are set out in further detail in Annex H1. In general terms I am satisfied that the approach taken is robust and proportionate to the task in hand.

- 7.22 The identification of a new and extended development boundary is underpinned by a wish to provide flexibility for the town to provide its residual requirement to provide new housing to meet the strategic requirements in the Local Plan up to 2030. Part 1 of the Plan provides extensive commentary on current developments, existing commitments and the residual figure. It also provides an estimated on the anticipated capacity of the four cells proposed to be incorporated within the development boundary. Their combined capacity exceeds the residual figure. In this regard the Plan has regards to national policy (NPPF paragraph 47) to the extent that it would boost significantly the supply of housing land in the neighbourhood area.
- 7.23 The policy also requires any new development within the proposed development boundary to reflect the scale and density of existing dwellings in the various Character Zones of the town. This work is described in Part 1 of the Plan, Figure 1.7 and paragraphs 146-149. It is a compelling exercise that proportionately describes the various character zones.
- 7.24 Gladman Developments Limited comment that the definition of a development boundary has the clear ability to preclude proposals which would otherwise result in sustainable development. It comments in particular that the approach conflicts with the positive approach to new development as set out in national policy. I have considered this representation carefully. However, I am satisfied that the approach adopted meets the basic conditions in general, and has regard to national policy in particular. Firstly, it recognises the layout and topography of the town. These matters have been properly researched as part of the preparation of the Plan. Secondly the Plan has positively sought to identify sites to meet the residual requirement in Lostwithiel. Thirdly the proposed development boundary provides sufficient flexibility to achieve and exceed that residual figure. Finally, the structure of the policy also supports the development of certain new houses adjacent to the development boundary.
- 7.25 The plan proposes the incorporation of four cells into an extended development boundary. Cells 21/22 are located to the west of the town centre in the Rose Hill area. The other two lie to the east of the town off Grenville Road/Grenville Meadows (Cells 11/12). I looked at these sites carefully when I visited the town last month. I saw that in their different ways that they would sit as natural urban extensions of the town. I also saw that they had been carefully selected to respect the challenging topography of the town.
- 7.26 I have taken into account the various representations made on this important part of the Plan. They suggest that the concentration of new residential development in these two parts of the town has the ability to create modern, estate type development which may be alien to the natural evolution of the town as it has grown over many

years. Many of the local representations suggest that development would be more appropriate on a wider selection of smaller sites including Cells 14/15/25/26/28.

- 7.27 Plainly there will be a wide and varied permutation of cell-based development options to provide the capacity to meet the residual housing requirement in the town. Nevertheless, the various cells identified by the Town Council, including those to the north and west of the town would have their own development challenges, including topography. As such I am satisfied that the proposed development boundary is supported by proper evidence and research and meets the basic conditions. In coming to this conclusion, I am aware that several local residents have queried the basis on which planning permission (PA14/05685) was granted on the site off Grenville Road (Cell 11). However, this is both a factual and a historic matter and beyond the remit of this examination. CC has advised that it was considering a current outline planning application (PA18/05607) on the site at the time this examination was proceeding.
- 7.28 When I visited the town, I also looked at the proposed development boundary at St Nicholas Park, off Bodmin Hill. This matter was raised in one of the representations from a local resident. In summary part of the wider curtilage of a dwelling is excluded from the proposed development boundary. I sought advice from the Town Council on the approach it had taken to this site through the clarification note process. I was advised that the Steering Group had visited the land concerned and concluded that it did not meet one of its criteria for sites to be included within the development boundary. On balance I am satisfied that the proposed development boundary is appropriately defined.
- 7.29 I recommend modifications to the different components of the policy in the following areas so that its overall effect has the clarity required by the NPPF:
- Clarifying the support that will be offered to development within the development boundary (paragraph a) and combining this approach with that already included in paragraph (f)
 - Restructuring the order of the criteria so that they have a natural flow and provide clarity both to the decision maker and the developer;
 - Ensuring that paragraph b) has regards to national policy. The recommended modification acknowledges that, by definition, exception sites cannot be identified either on site or within a policy; and
 - Ensuring that paragraph d) is in general conformity with the Cornwall Local Plan Policy 9. As submitted, it does not address the suitability of the site to accommodate development in environmental terms.

Replace a) and f) with:

‘Development proposals within the development boundary will be supported where they comply with other development plan policies in general and high-quality design in particular. The layout of new development should reflect the scale and density of development in the identified Character Zones, making

sensitive use of the local topography and avoiding development on the skyline surrounding the town. The design of proposals and the use of materials within the conservation area should be in accordance with those of its Character Zone’.

Reposition paragraph d) so that it follows paragraph a).

Within this criterion:

- Replace ‘permitted’ with ‘supported’.
- Replace ‘a majority.... or site area) of housing’ with ‘at least 50% of the total number of dwellings’.
- At the end of the paragraph add: ‘Any such new development should be well-related to the physical form of the town and appropriate in scale, character and appearance’.

Reposition paragraph b) so that it follows the modified paragraph d) (as above).

Within this paragraph replace ‘on Rural Exception.... Parish’ with ‘where they meet the special circumstances identified in paragraph 55 of the NPPF (2012) and, where appropriate, provide evidence that the scale and the need for development responds to the local affordable housing needs of Lostwithiel Parish’.

In e) replace ‘Parish’ with ‘neighbourhood area’.

In paragraph 176 replace ‘extends’ with ‘provides a local dimension to’.

Policy HH3 Redundant Buildings

- 7.30 This policy provides a local dimension to the national approach to the use of redundant buildings as set out in paragraph 55 of the NPPF. It does so to good effect. Its approach has a focus on the design and integrity of the building concerned.
- 7.31 I recommend a modification to ensure that the policy requires a developer to comply with all the criteria.

At the end of criterion (e) replace the full stop with ‘; and’.

Policy HH4 Design and Access Requirements

- 7.32 This policy sets out the Plan’s requirements for the submission and the content of Design and Access Statements. Its approach is commendably comprehensive. At its heart is an ambition that new development should reflect the town’s character and heritage through the incorporation of a range of trees, hedgerows and other landscape features.
- 7.33 Within the wider context of the policy it nevertheless takes on a process format. In particular it concentrates on the details to be included in Design and Access

Statements rather than the resulting outcomes of planning applications. As such I recommend two modifications to the policy. They will ensure that it has the clarity required by the NPPF. The first modifies the format of the policy so that it will inform the outcome of planning applications. The second modifies the details of the wording used.

In the initial part of the policy replace ‘must include a’ with ‘will be supported where the relevant’ and ‘showing’ with ‘indicates’.

In the following sentence and in part (b) replace ‘must’ with ‘should’.

At the end of criterion (xi) replace the full stop with ‘; and’.

Policy HH5 Off-Street Parking Requirements

- 7.34 This policy addresses the need for off-street car parking requirements.
- 7.35 The policy meets the basic conditions. In particular it will ensure that new residential development in the neighbourhood area will provide for its own needs. It will also help to safeguard existing on street and other car parking in and around the town centre for retail and tourism uses.

Policy HH6 Housing Density

- 7.36 This policy establishes the Plan’s ambitions for bespoke housing density in particular parts of the town. The first relates to density where new proposals are at the outer edge of the development boundary and therefore are adjacent to the surrounding countryside. The second refers to development in Character Zone 6. I looked at this Character Zone when I visited the town last month.
- 7.37 I am satisfied that both components of the policy are appropriate to the neighbourhood area and distinctive to its character. Nevertheless, I recommend modifications to both policies so that they have clarity to be applied through the development management process. In particular in the first part of the policy the submitted wording provides no context for ‘lower’ density.

In the first part of the policy replace:

- **‘must’ with ‘should’;**
- **‘lower density’ with ‘density compatible with its immediate surroundings’**

In the second part of the policy replace ‘permitted’ with ‘supported’

Policy BE1 Commercial Fascias and Hoardings

- 7.38 This policy relates to the installation of fascias and hoardings in the designated conservation area.

- 7.39 I am satisfied that the policy is both robust and distinctive to the neighbourhood area. It will consolidate the policies already available to CC to control new development in the conservation area. In general terms it meets the basic conditions.
- 7.40 However within this supporting context I recommend two modifications to the policy. The first ensures that the first criterion has regards to national policy. The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the 'character or appearance of a conservation area'. The submitted policy refers only to character. Whilst I appreciate that the difference is marginal it has the ability to be significant in its application. The second introduces detailed modifications to the wording used.

**Replace 'are to be' with 'will be supported where they would be'.
After 'character' insert 'or appearance'.**

Policy BE2 Change of Use

- 7.41 This policy has two related parts. The first sets out to safeguard business and commercial properties in the neighbourhood area. The potential loss of retail space in the town centre is particularly highlighted in paragraph 186 of the Plan. The second offers support for new employment development in the neighbourhood area.
- 7.42 I am satisfied that the Plan has taken an appropriate and considered approach to this important matter. It is a policy which is at the very heart of the future sustainability of the town. It is also in general conformity with Policy 5 of the Local Plan. It acknowledges that some changes of use are permitted development. These rights have changed significantly in recent years. There is the potential for further changes in legislation within the Plan period. On this basis I recommend a modification to address this matter.
- 7.43 I also recommend other modifications so that the policy has the clarity required by the NPPF and is in general conformity with Policy 5 of the Local Plan.

Replace 'Apart from.... rights' with 'Insofar as planning permission is required'.

Replace 'be resisted' with 'will not be supported'.

Start a new sentence after 'will not be supported' (see above). Replace 'and applications for' with 'Development proposals that would involve' and 'permitted' with 'supported'.

After criterion b) add:

'(c) the proposal would result in the provision of better-quality employment space allowing for mixed use

(d) the existing business premises are unsuitable to continue as business use due to environmental considerations'

In the second part of the policy replace 'encouraged' with 'supported'.

Policy BE3 Home-Based Enterprises

- 7.44 This policy offers support to home-based enterprise. It appropriate incorporates environmental safeguards.
- 7.45 Many such proposals may not need planning permission as a material change of use will not take place based on the ongoing balance between residential and commercial uses at the given premises. I recommend a modification to address this point. I also recommend the deletion of the word ‘encouraged’. Whilst I acknowledge that the Town Council wish to encourage such development it has little significance or applicability in policy terms.

At the start of the policy add: ‘Insofar as planning permission is required’.

Delete ‘encouraged and’.

Policy TT1 Car Park Allocation

- 7.46 This policy allocates land adjacent to the Cott Road recycling centre for car parking and land to the north of Liddicoat Road for car parking or for communal use. The Town Council clarified that the proposed communal use would relate to communal leisure.
- 7.47 I am satisfied that the policy is appropriate. In particular I am satisfied that CC has adequately screened the Plan for potential environmental effects. It meets the basic conditions.

Policy TT2 Railway Land

- 7.48 This policy takes a similar approach to Policy TT1. In this case it addresses the railway sidings to the immediate east of the railway station.
- 7.49 I am satisfied that the policy is appropriate. In particular I am satisfied that CC has adequately screened the Plan for potential environmental effects. It meets the basic conditions
- 7.50 A representation was received helpfully commenting about the potential impact of this policy on the longer-term reopening of the railway line from Lostwithiel to Fowey. I sought advice from both the Town Council and CC through the clarification note process. Whilst it would seem unlikely that such an ambitious proposal would be implemented within the Plan period, I recommend the insertion of an additional sentence into the supporting text. However, as the Town Council comment the policy affects land adjacent to the sidings rather than directly affect the sidings themselves.

At the end of paragraph 196 add: ‘Policy TT2 relates only to land adjacent to the sidings. Nevertheless, any proposals should take account of emerging long-term ambitions to reopen the disused railway line between Lostwithiel and Fowey’.

Policy TT3 Footbridge Allocation

- 7.51 This policy continues the theme in this section of the Plan. It addresses land adjacent to the railway line and to the north-west of the railway station. It proposes its use for railway use and for car parking. It also highlights the wish to see a footbridge over the railway.
- 7.52 I am satisfied that the policy is appropriate. In particular I am satisfied that CC has adequately screened the Plan for potential environmental effects. Nevertheless, I recommend that its structure is modified so that the focus is on the proposed land uses rather than the building of a footbridge. This approach also extends to the title of the policy.

Replace the title of the policy with ‘Land adjacent to the railway line and the level crossing’.

Replace the wording after ‘safeguarded’ with: ‘for railway use, car parking and the construction of a footbridge over the railway’.

Policy CR1 Community Infrastructure Levy

- 7.53 This policy sits within the wider setting of the Community Wellbeing and Recreation chapter of the Plan. As a whole the Plan’s approach is well-considered and has regard to national advice. Nevertheless, Policy CR1 is not a policy. It correctly describes the process by which the Town Council would apply the local element of the Community Infrastructure Levy in the event that the Plan is ‘made’. On this basis I recommend that it is deleted (as a policy) and repositioned so that it becomes an Action and Aspiration.

Delete the policy

Reposition the submitted policy into the Actions/Aspirations section of the Plan.

Policy CR2 Community Benefits

- 7.54 This policy runs in parallel with Policy CR1. In this case it comments that planning applications should refer to its contribution to relevant community facilities and/or benefits.
- 7.55 As with Policy CR1 this approach is process-driven rather than policy-based. As such I recommend its deletion. However, unlike Policy CR1 its contents are not directly Action/Aspiration based. On this basis I recommend that the policy intent is relocated into the supporting text.

Delete the policy

Reposition the deleted policy at the end of paragraph 203.

Policy CR3 Local Green Spaces

- 7.56 This policy seeks to identify seven green spaces within the town as local green spaces. In their different ways the green spaces are incidental open spaces within residential areas. The old mill pond site off Tanhouse is a private green area.

- 7.57 I sought advice from the Town Council on the extent to which it had carried out a detailed appraisal of the seven sites against the criteria for their designation as local green spaces in paragraph 77 of the NPPF. I was advised that this had not been the case and that the intention of the policy was more simply to retain green spaces within residential parts of the town.
- 7.58 In this context I recommend that the policy and its title are modified so that the green spaces to be safeguarded are referred to as 'incidental open spaces'. The designation of 'local green spaces' as included in the NPPF has particularly onerous planning implications which are not intended by the policy. I also recommend the deletion of 'The Brambles' from the schedule of sites included within the policy. During the examination CC provided clarity on the current condition of the parcel of land concerned, together with a breakdown of extant and current planning application for built development on the site. At the time of the examination the parcel of land was not 'incidental open space'. Plainly it has the ability to be incidental open space in the future in the event that it is laid out as proposed by the initial planning application on the wider associated residential site in 1999. This matter could be addressed in any review of a 'made' Plan.

Modify policy title to read: 'Incidental Green Spaces'.

In the policy replace 'local' with 'incidental'.

Delete 'The Brambles' from the schedule of sites in the policy

In paragraph 207 replace 'local' with 'incidental'.

Policy CR4 Public Open Space

- 7.59 This policy seeks to protect the school playing field from development. The separation of this site from the smaller sites included in Policy CR3 acknowledges the significance and status of the site within the town. I am satisfied that this distinction is appropriate.
- 7.60 The policy also proposes that the site should have greater levels of permitted public access. Through its response to the clarification note the Town Council accepts that this is not a land use matter. It suggests that this part of the policy should become an Aspiration of the Plan. I agree and recommend accordingly.
- 7.61 I also recommend a modification to the policy. As submitted, it does not comment with precision as to the extent of the proposed 'special protection'.

After the first sentence add: 'Proposals for built development will not be supported other than those directly related to the function and operation of the Lostwithiel School on this site'.

Delete the second sentence of the policy.

Reposition the deleted second part of the policy as an additional Action and Aspiration (38).

In paragraph 208 include a full stop after Strategy. Replace the remainder of the first sentence with: 'Aspiration 38 sets out the community's wish to extend public access to this important facility wherever possible'.

Actions and Aspirations

Environment and Heritage (1-12)

- 7.62 This range of projects covers a wide range of environmental improvements. They include pedestrian walkways, guided walks and the development of an Appraisal and Management Plan for the conservation area.
- 7.63 I am satisfied that the various projects are appropriate and distinctive to the neighbourhood area.

Housing (13-16)

- 7.64 The range of projects are related to supporting Community Land Trusts and energy efficiency initiatives.
- 7.65 I am satisfied that the various projects are appropriate and distinctive to the neighbourhood area.

Employment and the Local Economy (17-19)

- 7.66 This section of the projects lists three projects. They relate in their different ways to regeneration and business investment.
- 7.67 I am satisfied that the projects are appropriate and distinctive to the neighbourhood area.

Transport (20-29)

- 7.68 This section of projects is more far-reaching than other sections. They include traffic management measures for the town centre, a pedestrian crossing on the A390, improved shelters and ticketing services and the reintroduction of passenger services on the Lostwithiel to Fowey branch line.
- 7.69 I am satisfied that the projects are appropriate and distinctive to the neighbourhood area. Plainly in most cases there is much work ahead. Nevertheless, I can see how their potential implementation would assist in the longer-term sustainability of the neighbourhood area in their different ways.

Community Wellbeing and Recreation (30-37)

- 7.70 This section of projects is equally ambitious to those in the transport section. They include the development of a wide range of cultural and artistic activities.
- 7.71 In their various ways the projects will assist in delivering the social dimension of sustainable development in the neighbourhood area.

Other matters

- 7.72 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for CC and the Town Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2030. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community. The quality of the submitted Plan is reflected in the limited range of recommended modifications included in this report.
- 8.2 Following my independent examination of the Plan I have concluded that the Lostwithiel Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Cornwall Council that subject to the incorporation of the modifications set out in this report that the Lostwithiel Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Cornwall Council on 1 April 2015.

8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
14 December 2018