

# **Illogan Parish Neighbourhood Development Plan**

## **Independent Examiner's Report**

December 2018

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## **Summary**

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

The examination was carried out in October/November 2018 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 30 October 2018.

The plan is based on extensive engagement with the local community and provides a distinct set of policies, relevant to the needs of local people. Illogan Parish is large parish, comprising a number of settlements and the housing needs identified in the Cornwall Local Plan can be met by housing allocations within the newly defined settlement boundaries.

Subject to a number of modifications set out in this report, I conclude that the Illogan Parish Neighbourhood Development Plan meets the Basic Conditions and I am pleased to recommend that it should proceed to referendum.

I recommend that the referendum should be confined to the Neighbourhood Plan area.

Barbara Maksymiw

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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. Illogan Parish is situated on the north coast of Cornwall. It is situated between the conurbation of Camborne, Pool and Redruth to the south and the dramatic Cornish Coast to the north. The history of the Parish is rooted in the mining and associated industries. Today there are a number of distinct settlements – the main ones being Illogan, Park Bottom, Tolvaddon and Tehidy. The rest of the parish is mainly agricultural in character. Distinctive elements of the rural landscape include the Tehidy Country Park and the North Cliff AONB which extends northwards to the North Cornwall coast.

3. The purpose of this report is to assess whether the Illogan Parish Neighbourhood Development Plan (NDP) complies with the relevant legislation and meets the Basic Conditions, which such plans are required to meet. Where necessary, the report makes recommendations about changes or modifications to the plan to ensure that it meets the legislative requirements.

4. The report also makes a recommendation about whether the NDP should proceed to the referendum stage. If there is a positive recommendation at referendum, the NDP can be “made” by Cornwall Council and so become part of the wider development plan and then used by Cornwall Council to determine planning applications in the plan area.

## **2. Appointment of the independent examiner**

5. I have been appointed by Cornwall Council with the agreement of Illogan 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 NDP meets the Basic Conditions together with a number of legal requirements.

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

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

8. I must also consider whether the NDP meets the Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). A plan meets the basic conditions<sup>2</sup> if:

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

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

- the making of the neighbourhood plan is not likely to have significant effects on a European site <sup>3</sup> or a European offshore marine site <sup>4</sup> either alone or in combination with other plans or projects and
- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as

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

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

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

<sup>4</sup> As defined in the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007

it is not about a neighbourhood development order).

10. As independent examiner, having examined the plan, I am required to make one of the following recommendations:

- that the plan as submitted can proceed to a referendum; or
- that the plan with recommended modifications can proceed to referendum; or
- that the plan does not meet the necessary legal requirements and cannot proceed to referendum

11. The independent examiner can only recommend modifications to ensure that the NDP meets the Basic Conditions and other legislative requirements, or for the purpose of correcting errors.

12. If the plan can proceed to referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

13. Cornwall Council will consider the examiner's report and decide whether it is satisfied with the examiner's recommendations and will publicise its decision on whether the plan will be subject to referendum, with or without modifications. If a referendum is held and results in more than half of those voting in favour of the plan, the Council must "make" the neighbourhood plan a part of its development plan. The plan then becomes part of the development plan for the area and is a statutory consideration in guiding future development and determining planning applications in the area.

#### **4. Compliance with matters other than the basic conditions**

14. Illogan Parish Council decided to set up a neighbourhood plan group in 2015. A formal submission was made to Cornwall Council to designate the parish as a Neighbourhood Area on 22 December 2014. On 8 September 2015, Cornwall Council designated Illogan Parish as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. The designated area covers the parish of Illogan and does not cover any other Neighbourhood Area and the qualifying body is Illogan Parish Council. The preparation of the plan has been managed by a Steering Group made up of Parish councillors and community volunteers.

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

16. The Illogan Parish NDP therefore meets the requirements set out in para 7 above.

## **5. The examination process**

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

18. The general rule<sup>5</sup> is that an examination is undertaken by the consideration of written representations only. Having considered all the information before me, including the representations made to the submitted plan (the Regulation 16 responses), I was satisfied that the Illogan Parish NDP could be examined without the need for a public hearing.

19. During the course of the examination it was necessary to clarify several matters with Cornwall Council and the Parish Council. The questions I asked and the responses to them are set out in Appendix 2 to this report. I am therefore satisfied that I had all the information I required to carry out the examination.

20. As part of the Neighbourhood Plan Examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made an unaccompanied site visit to the area on 30 October 2018.

21. On 5 March 2018 an updated version of the National Planning Policy Framework (NPPF) was published for consultation. As this was not yet the final version of the NPPF, I have not taken it into account in my consideration of the Illogan Parish NDP.

22. The final version of the NPPF was subsequently published on 24 July 2018. Paragraph 214 of the Framework confirms the transitional arrangements for plans which were already under examination:

*The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.*<sup>6</sup>

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

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

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

## 6. Consultation

### *Consultation process*

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

25. In line with the Neighbourhood Planning (General) Regulations 2012<sup>7</sup>, the Steering Group has prepared a Consultation Statement for the NDP which sets out how the group approached public consultation, who was consulted and the outcomes.

26. Throughout the plan preparation process, the Steering Group has carried out a very wide range of activities and events in order to consult and engage as wide a range of people as possible – including parish-wide questionnaires to residents and businesses; holding meetings and exhibitions in the parish meeting rooms and a stall at the Parish Fair and setting up a dedicated NDP website and Facebook page. The extensive public engagement activities are summarised in Section 3.6 of the Consultation Statement.

27. The first formal consultation on the Pre-Submission Draft NDP took place between 1 March and 12 April 2018.

28. It is clear from the Consultation Statement that the Steering Group has engaged widely with the local community and kept people informed as the plan progressed. This consultation process has helped to develop the vision for the plan and ensure that the community's Mission for Illogan has been clearly shaped by the views and priorities of the community. The Mission for the parish is:

*“Retain and enhance the Parish of Illogan’s unique rural settlements through appropriate development and by ensuring that existing and proposed infrastructure is reflective of the community’s needs”*

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

### *Representations received*

29. Preparing the NDP has involved two statutory six-week periods of public consultation. The first, on the Pre-Submission Regulation 14 Draft Plan, took place between 1 March and 12 April 2018. This generated 21 responses – six from Cornwall Council, three from statutory bodies and twelve from members of the public and other respondents

30. The second consultation on the Submission Draft NDP was managed by Cornwall Council and took place between 29th August to 10th October 2018. In all, 31 representations were received – four from public bodies, four from Cornwall Council and 23 from members of the public and other respondents.

31. 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.

32. From the evidence in front of me, it is apparent that the Illogan NDP has been subject to appropriate and extensive community engagement involving much time and effort by the Steering Group. 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**

33. In my role as independent examiner I must assess whether the Plan meets the Basic Conditions<sup>8</sup> set out in the Regulations as described in paras 7-9 above.

34. I have considered the Illogan Parish NDP Basic Conditions Statement produced by the Steering Group, and other supporting documentation, to assist my assessment which is set out below.

### *National Policy*

35. 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

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

in Local Plans and plan positively to shape local development. Included in the twelve core principles of the NPPF<sup>9</sup> is a requirement for neighbourhood plans which provide a practical framework within which decisions on planning applications can be made in a confident and consistent manner. Policies also should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.

36. Appendix Three of the Basic Conditions Statement sets out a brief assessment of how each of the policies in the NDP has responded to the core principles set out in the NPPF. The NDP therefore satisfies the basic condition that it has regard to national policies and advice.

#### *Sustainable development*

37. The qualifying body has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF<sup>10</sup>.

38. The third section of the Basic Conditions Statement, entitled “Contribution to the Achievement of Sustainable Development” sets out a comprehensive assessment of how the plan contributes to the three aspects of sustainable development, complemented by further detail in the Table on pages 8, 9 and 10 and in Appendix Three.

39. I therefore conclude that this Basic Condition is met.

#### *Development Plan*

40. The NDP also has to demonstrate that it accords with the strategic policies of the Development Plan. In terms of the wider planning of Cornwall as a whole, the Neighbourhood Development Plan has been prepared in the context of the Cornwall Local Plan (CLP), which was adopted in November 2016. There is therefore an up to date development plan in place.

41. Appendix Three of the Basic Conditions Statement sets out a brief assessment of how each of the policies in the NDP conforms generally with the relevant strategic policies in the CLP. In most cases, 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.

42. Various departments in Cornwall Council have provided comments on the plan as it has progressed through each stage of preparation and the Council’s report dated 2 August 2018

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

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

confirms the Council's view that the NDP is legally compliant and can proceed to examination.

43. From my assessment of the plan's policies in the rest of my report, it is evident that the strategic policies of the adopted CLP have generally been carried through to the NDP. Therefore, subject to the recommended changes set out in Section 8 below, I conclude that the NDP is in general conformity with the strategic policies of the development plan and therefore this basic condition is met.

#### *Basic Conditions – conclusions*

44. I have considered the Basic Conditions Statement, the supporting evidence and representations made to the Illogan Parish NDP and I am satisfied that the Plan as submitted follows the general principles set out in national planning policy and contributes to the achievement of sustainable development. It sets out a positive vision for the parish and policies to protect its distinctive character while accommodating development needs.

45. At a practical level, however, a number of the policies in the Submission NDP need some adjustment to ensure that they comply with the NPPF and the strategic guidance in the CLP. I have therefore suggested a number of modifications in Section 8 below to help ensure that the plan accords with national and strategic guidance and therefore meets the basic conditions.

#### *European obligations and Human Rights Requirements*

##### *1. Strategic Environmental Assessment (SEA)*

46. 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.

47. A Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Screening Assessment of the Illogan Parish NDP was carried out in February 2018 to assess whether it required SEA or HRA. I note that the document attached as Appendix 4 to the Basic Conditions Statement is dated 28 February 2017, but the text in the third paragraph of page 11 states that the Assessment was requested on that date, rather than completed. This needs to be corrected.

- **Recommendation: Substitute “completed” for “requested” in fifth paragraph, third line of Page 11 of Basic Conditions Statement**

48. The Screening Report concluded that a full SEA did not need to be undertaken and an HRA is not required. Consultation bodies were invited to comment and no concerns were raised.

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

## *2. Human rights requirements*

50. A short section in the Basic Conditions Statement explains how the NDP is aligned with the objectives of the Equalities Act 2010, since the NDP complies with the policies in the CLP which itself was subject to a Comprehensive Impact Assessment. I have also seen from the Consultation Statement that a wide range of bodies, representing a number of different interest groups, has been consulted and engaged with during the preparation of the plan.

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

## *3. Other Directives*

52. I am not aware of any other European Directives that would apply to this NDP, and in the absence of any evidence to the contrary, I am satisfied that the plan is compatible with EU obligations.

## **8. Neighbourhood Plan policies**

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

54. The Plan is very clearly written and is illustrated by many beautifully presented and annotated plans. The plan has a clear structure distinguished by separate sections. For each policy there is a Vision, an Objective and Evidence then the policy is distinguished by a separate text box. This makes the plan very clear and, along with the excellent mapping, this will ensure that the plan is easy to use in future.

55. On a point of detail, there is no date on the front of the main NDP document and I suggest this is added.

- **Recommendation: Add a date to the front cover of the NDP Document**

56. All of the policies relate to the development and use of land and none cover excluded development, such as minerals and waste, so the statutory requirements and guidance set out in Planning Practice Guidance<sup>11</sup> are met.

57. As part of this examination, my report includes a series of recommended modifications to ensure that the policies are expressed concisely and precisely in order to comply with the basic conditions. Where I have suggested modifications, these are identified in **bold text**. The recommended modifications relate mainly to issues of clarity and precision and are designed to ensure that the plan fully accords with national and strategic policies. I have considered the policies in the order they appear in the Plan, by section and comment on all of the policies, whether I have suggested modifications or not. Where I consider that the supporting paragraphs need amendment to help explain and justify the plan policy, I have made comments to that effect.

#### 1. Introduction

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

#### 2. Illogan Parish NDP -The Preparation Process

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

#### 3. About Illogan Parish

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

#### 4. Illogan Today

61. This section describes the Parish as it is today and includes three maps which show the settlement boundaries of the three main settlements and recent planning consents for new housing development.

62. In response to my query about the shading used to depict the committed housing sites shown in the maps on pages 10 and 11, the Parish Council has confirmed that this is a technical problem arising from overlapping layers of shading. This can be resolved when the final version of the plan is prepared.

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

- **Recommendation: Amend “On site or with permission” notation and key for maps on pages 10 and 11 to use a single form of shading**

#### 5. Key themes, future vision and policies

62. I have no comments on the introduction to this section on page 13. My comments and recommendations on the each of the NDP policies is set out below.

#### *Homes and Development*

63. Table 1 in this section provides a very useful summary of the NDP Housing Requirement and how it relates to Illogan Parish. Cornwall Council’s Affordable Housing Team has suggested that para 5.17 requires some amendment to align with their most recent guidance and I agree this would be helpful. Given that para 5.12 acknowledges that there is likely to be a shortfall in affordable housing provision in the plan area over the plan period, I agree it would also be helpful to add in the data about current planning consents in order to provide a baseline for future monitoring of the plan.

- **Recommendation: Delete “although only 61 have Illogan as first choice” at the end of the first sentence of para 5.17. Delete second sentence of para 5.17. Add “(22 affordable homes)” after “Spar Lane”; “(8 affordable homes)” after “Glebe Field “and “(11 affordable homes)” after “Tolvaddon” in the third sentence of para 5.17. Add as a new fourth sentence “This means that a combined total of 41 new affordable homes are currently being developed, which falls short of current affordable housing need.”**

#### *Policy PH1a: Settlement Boundaries*

64. This policy guides development within the newly defined settlement boundaries. In response to my query, the Parish Council confirmed that the boundaries had been drawn up to reflect planning consents at the time that the plan was being finalised. The policy itself would benefit from a cross reference to CLP Policy 3, which deals with the role and function of places.

- **Recommendation: Add “and Cornwall Local Plan Policy 3” at the end of Policy PH1a**

65. Three representations sought changes to the new settlement boundaries to accommodate further development. The first, at Harmony Terrace, Bassett Road, Illogan would extend development into the open countryside and could not be considered as small-scale infilling. Furthermore, it is a prominent site and development here would intrude into the existing open gap

between settlements, thus harming the area's rural character. No change to the settlement boundary is therefore required.

66. The second representation concerns land to the rear of Collingwood on Mount Whistle Road, South Tehidy. The settlement boundary in this part of South Tehidy is in two parts – to the west of Collingwood the rear gardens of properties are, for the most part, included within the boundary. At Collingwood and to the east of it, the rear gardens are excluded. There is therefore an issue of potential precedent if the settlement boundary is extended to include the land to the rear of Collingwood, potentially opening up a rather larger area for development. Given that needs in the Parish can be met by other means, in these circumstances, I consider that no amendment to the settlement boundary is required.

67. The third representation proposes an extension to the settlement boundary at the rear of Colborne Avenue such that the new boundary, rather than following the line of the disused railway, it follows field boundaries and includes properties at Downs Farm, the Barn and on the eastern side of Trevalyan Road. The settlement boundary in this location is also the boundary of the Protected Gap which the NDP seeks to protect through policy PH1c.

68. The suggested extension to the settlement boundary would potentially open up an extensive area for residential development. As the housing needs of the NDP can already be met through infilling and development on previously developed land, further allocations are not required. Furthermore, an extension of the settlement boundary would result in a significant intrusion into the Protected Gap and cause harm to the open countryside character of this part of the plan area. No change to the settlement boundary is therefore required.

*Policy PH1b: Rural Exception Sites*

69. This policy aligns with and reinforces guidance in CLP Policy 9 and I have no comments to make.

*Policy PH1c: Protected Gaps*

70. This policy aligns generally with the guidance in the CLP, although I note that there are no "visually important green corridors" marked in Figure 6, only one protected gap. I therefore recommend that policy PH1c is amended accordingly.

- **Recommendation: Delete "gaps and visually important green corridors" from policy PH1c and substitute "protected gap". Change the title of Figure 6 to "Protected Gap"**

### *Policy PH2: Housing Mix*

71. This policy aligns with and reinforces guidance in CLP Policy 6 and I have no comments to make

### *Policy PH3 Design:*

72. This policy generally accords with guidance in CLP policy 12, but would benefit from some strengthening to ensure that high standards of design are sought and achieved in all new development.

- **Recommendation: In first line of Policy PH3 substitute “high standard” for “good” and add “in line with CLP policy 12” at the end of the first sentence.**

### *Policy PH4 Development in Existing Private Gardens*

73. This policy seeks to restrict development in existing private gardens, which the supporting text explains is an issue that has been identified as a problem particularly in Tehidy, where most of the larger plots are situated. In response to my query, the Parish Council has confirmed that the policy would apply across the whole plan area. I suggest, therefore, that this is made clearer in the supporting text.

- **Recommendation: Add as a new sentence at the end of paragraph 5.25 “Although most of the large plots are located in Tehidy, Policy PH4 will apply across the whole NDP area.”**

### *Facilities and Amenities*

#### *Policy FA1 Protecting Services and Amenities*

74. Policy FA1 seeks to protecting existing retail facilities and encourage further provision, where it is associated with housing development. However, the policy only seems to cover the former so I suggest it is reworded so that it is expressed more positively, in line with CLP policy 4.

- **Recommendation: Reword first sentence of Policy FA1 to read “Community facilities, sports facilities and village shops should, wherever possible, be retained and new ones supported.” Delete “whilst remaining consistent with the scale and function of local services” in the second sentence of Policy FA1**

#### *Policy FA2: Protecting Sports Facilities*

75. This policy overlaps with Policy FA1 so I suggest the two policies are merged into one policy, as recommended in para 74 above

- **Recommendation: Delete Policy FA2 and renumber subsequent policies accordingly**

*Policy FA3: Surplus Community Buildings*

76. This policy builds on the guidance in CLP policy 4 and I have no comments to make.

### *Transport and Traffic*

77. In response to earlier comments, the text of CLP Policy 27 has been added in below Paragraph 5.38. However, this addition, does not really address the issues raised by respondents to the residents' survey which are summarised at the top of page 28. I therefore suggest that a new policy TT1 is added. The partial quote from CLP Policy 27 on page 32 is confusing and I suggest it is deleted.

- **Recommendation: Add new policy TT1 to read "All new development should provide new or upgrade existing walking and cycling links to local services and public transport facilities, appropriate to the scale of the development." Renumber existing TT1 as TT2. Delete the partial quote from CLP Policy 27 on page 32**

*Policy TT1: Residential Parking*

78. I have no comments on this policy.

### *Environment and Heritage*

*Policy PEH1: Development Outside Settlement Boundaries*

79. This policy does not comply with the NPPF or the CLP, in that it could potentially much more permissive of development in the open countryside. I therefore suggest that it is amended so that there is a clearer focus on maintaining the separation of the settlements. The partial quote from this policy at the foot of page 32 is confusing so I suggest it is deleted.

- **Recommendation: Delete Policy PEH1 and yellow box entitled "Cornwall Local Plan Policy 23" on page 32. Replace Policy PEH1 with "Any development in the open countryside outside the defined settlement boundaries should maintain, and wherever appropriate, enhance the landscape character of the open gaps between settlements"**

80. The partial quote from CLP Policy 24 on page 33 is confusing and I suggest it is deleted.

Paragraphs 5.45 to 5.47 then go on to make a case for the area of land to the south of the North Cliff AONB to be designated as an Area of High Landscape Value; this is mapped on Figure 10 as the proposed Tehidy Area of Great Landscape Value.

81. In response to my query, Cornwall Council has confirmed that the power to designate an area as an Area of Great Landscape Value (AGLV) from the Town and Country Planning Act 1947; furthermore, this would be a strategic designation which would have to be made through the Cornwall Local Plan. If the community wish to lobby for the designation of an area of AGLV between the AONB and South Tehidy, then the Council's advice was that this could be lobbied for in a future review of the Cornwall Local Plan. To support any case for such designation, a full landscape character assessment would be required.

82. In order to comply with the strategic guidance regarding AGLV in the current adopted Local Plan, then, the NDP requires some redrafting.

- **Recommendation: Delete from end of second sentence of paragraph 5.46 “so dealt with through the Cornwall Local Plan” and substitute “and the only route for it to be designated as an AGLV is for the Parish Council to lobby for it to be designated as part of any review of the Cornwall Local Plan”. Add a new third sentence to read “Any such case would need to be supported by a full landscape character assessment”. Delete “Proposed Tehidy AGLV” and associated yellow shading from Figure 10. Change title of Figure 10 to “Illogan Parish - North Cliff AONB and Protected Gap”. Delete partial quote from CLP Policy 24 on page 33**

83. Paragraph 5.48 outlines the issues with regard to indirect flood risk and the areas at risk from surface water flooding from rainfall are shown in Figure 11. However, there is no associated NDP policy, only a direct quote from CLP policy 24 on page 36. This is confusing so I suggest that the text in the yellow box is deleted and a short explanatory paragraph is added to the NDP to explain that flood risk issues will be covered by guidance in CLP24.

- **Recommendation: Delete yellow text box on page 36 entitled “Cornwall Local Plan Policy 26”. Add new paragraph 5.49 to read “Guidance on flood risk issues and new development is set out in Cornwall Local Plan Policy 26”. Renumber subsequent paragraphs accordingly**

### *Leisure and Recreation*

#### *Policy PLR1: Local Green Spaces*

84. Policy PLR1 seeks to designate a number of open spaces as Local Green Spaces. Guidance in the NPPF is quite explicit about the circumstances in which Local Green Spaces should be designated. Specifically, Paragraph 77 of the NPPF 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*

85. The policy makes a distinction between different types of proposed Local Green Space and this is carried through to the notations used to denote each area in Figure 14. This distinction has no implications in terms of how policy PLR1 would be applied so I suggest that it is removed. My recommendations are dealt with alongside other changes to the policy in para 92 below.

86. The mapping on Figure 14 is at a small scale, causing difficulties in identifying the exact location of each site. In response to my query, the Steering Group has provided larger scale plans which help to identify the smaller Local Green Spaces in Illogan and Tehidy.

- **Recommendation: Add larger scale location plans for Local Green Space designations for Illogan and Tehidy, entitled Figure 15 and 16 respectively, immediately after Figure 14. Add “,15 and 16” after “figure 14” in first line of Policy PLR1**

87. I also asked for supporting evidence for each of the designations and the Parish Council explained that, although, they had not carried out a comprehensive assessment of local demand for Local Green Space, there was strong evidence from the community consultation events for protecting green spaces in the parish for development. This, however, does not provide the rigorous assessment required by NPPF paragraph 77 so I have therefore considered each proposed Local Green Space in some detail.

88. From my site visit, I could see that the areas proposed as LGS varied considerably in size and character. Illogan Park, Park Bottom Park and Tolvaddon Park (sites 1,2 and 3) are recreational parks which are well used by the community and I therefore agree that they should be designated as Local Green Space. Site 6 is a grassed plot between two dwellings and does not seem to provide any

recreational value so cannot be considered as Local Green Space. Sites 4,5,7,8, 9,10,11 and 12 are small areas of amenity open space, and as such, provide some element of informal recreational value. Site 13, at Manningham Woods, is an area of rough woodland, with apparently limited public access which lies outside the proposed development boundary. In response to my query, Illogan Parish Council provided updated mapping for the site and more detailed information about public access and designated routes to the woods; I therefore agree that it should be designated as a LGS. Site 14 is the Illogan Churchyard and Cemetery and I could see from my site visit that it is a place of some recreational value and tranquillity, so valued by the local community. It therefore should be designated as an LGS.

89. Four areas of “Private Green Space” are proposed; however, this distinction is unhelpful as, by their very nature, Local Green Spaces should be open to and used by the wider community.

90. Land at Halgoss Farm (Site 15) is described as an attractive green buffer on the edge of Tehidy which supports local wildlife. I saw on my site visit that there is limited public access to the site. In response to my query, Illogan Parish Council confirmed that it supports a variety of wildlife, including owls, bats, badgers and deer and there was some evidence of the historical and archaeological value of the site. For these reasons, then, it meets the requirements of NPPF para 77(b) and should be designated as LGS.

91. Land at Primrose Farm, Illogan (Site 16) is an extensive, triangular shaped area of land. A notice on the site confirms that it is private land with no public access. A representation confirmed that the north eastern portion of the site, which has recently been the subject of a pre-application, does not contain any protected wildlife species (fauna or flora). In these circumstances it is difficult to see how the designation complies with the guidance in para 77 of the NPPF. Nonetheless it is an important open area which is valued by the community and helps maintain the separation between the communities of Illogan and South Tehidy. I therefore suggest that it is added as a western extension to the Spar Lane Protected Gap.

- **Recommendation: Change notation on LGS16 Land at Primrose Farm, Illogan to PH1c Protected Gap. Amend Figure 6 and 10 accordingly. Delete LGS16 from Policy PLR1 and Figure 14. Delete paragraphs 5.55 and 5.57**

92. Sites 17 and 18 are both very well used and maintained Training Pitches and Sports Ground for Illogan RBL with a range of supporting facilities, including changing rooms and facilities for spectators, so they should be designated as Local Green Spaces.

- **Recommendation: Delete headings “Public Parks”, “Open Green Space”, “Woodland”, “Churchyard and Cemetery” and “Private Green Space” from Policy PLR1. Add updated map for LGS13 Manningham Woods. Delete LGS6 (Land south of Lamanva Close, Illogan). Renumber remaining Local Green Spaces accordingly. Amend key to Figure 14 and use green shading for each site designated in the revised list of Local Green Spaces.**

## **9. Conclusions and Recommendations**

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

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

95. I am also required to consider whether the referendum area should be extended beyond the Illogan Neighbourhood Development Plan area. I see no reason why it would be necessary to alter or extend the plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area approved by Cornwall Council in September 2015.

## **APPENDIX 1: Background Documents**

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

- Illogan Parish Neighbourhood Development Plan 2016-30 (undated)
- Illogan Parish Neighbourhood Development Plan 2016-2030 Consultation Statement 27 July 2018
- Illogan Neighbourhood Development Plan 2018-2030 Basic Conditions Statement 10 July 2018
- Cornwall Council: Illogan Neighbourhood Development Plan – 2016 to 2030 – Legal Compliance and Examination Stage: 2 August 2018
- Cornwall Local Plan: Strategic Policies 2011-2031: Adopted November 2016
- 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

### Illogan Parish Neighbourhood Development Plan Examination

#### Request for further information and questions from the Examiner to Cornwall Council and Illogan Parish Council

I have carried out a preliminary review of the Neighbourhood Development 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.

##### *1. Mapping*

In the Settlement Boundary maps on pages 10 and 11, the housing development sites which are on site or with planning permission are denoted on the maps as both purple and brown hatching. However, the key only shows purple hatching. Please can you confirm which is correct?

##### *2. Proposed Area of Great Landscape Value*

Paragraphs 5.45 to 5.46 make a case for the area south of the North Cliff AONB to be designated as an Area of Great Landscape Value, reflecting a proposal in the former unadopted Kerrier Local Plan. Is there any supporting evidence that could be used to justify this designation? I would also like Cornwall Council's views on how such a designation, if supported by appropriate evidence, might be brought into effect.

##### *3. Policy PH4 Development in Existing Private Gardens*

The supporting text to Policy PH4 refers to particular parts of the plan area where development in private gardens is considered to be an issue – eg at South Tehidy - and then goes on to refer to the negative impacts of such development on the North Cliff AONB, the Tehidy Country Park, ancient woodland and wider landscape. The policy itself seems to apply to the whole of the plan area and all gardens and makes no distinction between gardens within settlement boundaries and gardens in the countryside. Can I check that my understanding is correct? If this is the case, the supporting text may need to be amended and it would be helpful to have any suggestions you could make to improve clarity.

#### *4. Local Green Spaces*

The mapping of each proposed Local Green Space in Figure 14 is at a small scale, making it difficult to identify the exact location of each site, particularly for the very small Local Green Spaces. Please can you provide larger scale maps for the smaller sites? It would also be helpful to have the supporting evidence which was used to justify each LGS designation.

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

1 November 2018