



Landulph Parish Neighbourhood Development Plan

Basic Conditions Statement 2018 – 2030

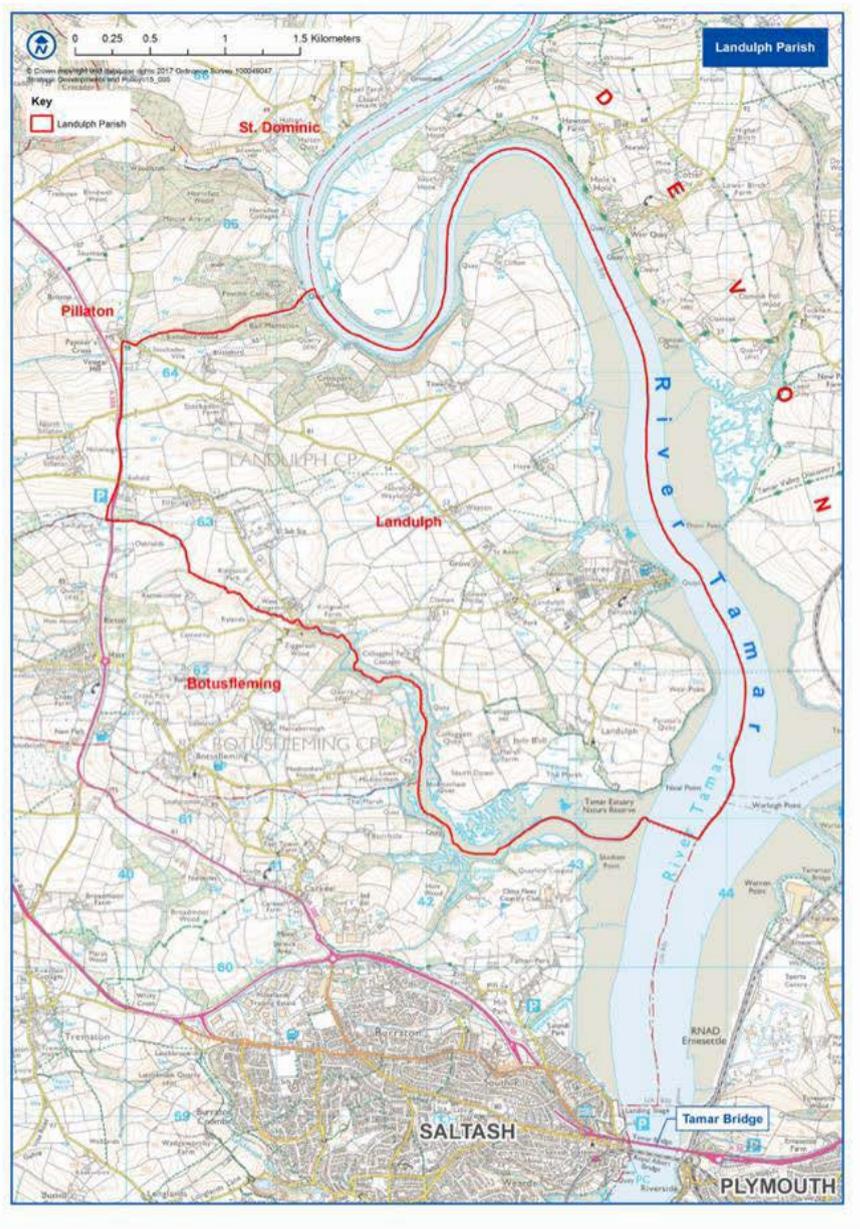


Town and Country Planning Act 1990 (as amended) Statement under paragraph 8(2) of Schedule 4B

Produced by the Landulph Parish Neighbourhood Development Plan Steering Group

Date document produced: 17 November 2018

Landulph Parish Council Neighbourhood Development Plan Proposal Submitted by Landulph Parish as the Qualifying Body for the Landulph Parish Neighbourhood Development Plan Area comprising the Parish of Landulph.



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1 INTRODUCTION

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

2 BACKGROUND TO THE LANDULPH NEIGHBOURHOOD DEVELOPMENT PLAN

Responsibility for production of the Landulph Parish Neighbourhood Development Plan was undertaken by Landulph Parish Council, who delegated the task to a voluntary steering group, working in partnership with Cornwall Council (CC). The plan is based on consultation with local people, businesses and others with an interest in the area, over a 36 month period.

3 SUPPORTING DOCUMENTS AND EVIDENCE

The Landulph Parish Neighbourhood Development Plan is supported by the following documents: Consultation Statement; Evidence Base Summary and a statement from Cornwall Council on whether there is a need for Strategic Environmental Assessment or Habitat Regulation Assessment of the plan.

4 BASIC CONDITIONS TO BE MET

Schedule 4B (Para 8) to the Town and County Planning Act (1990) sets out the following basic conditions that Neighbourhood Development Plans must meet:

8 (1) The examiner must consider the following:

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),
 - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,
 - (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
 - (e) such other matters as may be prescribed.
- (2) A draft neighbourhood development plan meets the basic conditions if:
- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
 - (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,

- (e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
 - (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
 - (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.
- (6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).

5 HOW THE LANDULPH PARISH NEIGHBOURHOOD DEVELOPMENT PLAN MEETS THE BASIC CONDITIONS

How the draft Landulph Parish Neighbourhood Development Plan meets the basic conditions (as required by 1(a) and sub-paragraph 2) is set out in Sections 5 – 11 of this Basic Conditions Statement.

5.1 The Landulph Plan has been written in accordance with the basic conditions 1-5 below:

- 1 Must have appropriate regard for national policies and guidance; issued by the Secretary of State.
- 2 The policies must contribute to the achievement of sustainable development.
- 3 Must be in general conformity with the strategic policies contained in the Cornwall Local Plan for the area.
- 4 Does not breach and is otherwise compatible with EU Obligations;
- 5 The prescribed conditions are met and have been complied with in relation to the Neighbourhood Plan Proposal.

5.2 Para 1b. Whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L.

The provision of 61E(2), 61J and 61L as amended by s38C(5)(b) is a reference to the provision of 38A and 38B.

The following is submitted in respect of 38A and 38B.

38A

- 1) Landulph Parish Council is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP) for its own parish.
- 2) The Landulph Parish NDP expresses policies relating to the development and use of land solely within the neighbourhood area.
- 3) *to 12) are essentially post examination procedures.*

38B

- 1) a) The NDP covers the period up to and including 2030, some 12 years. This period has been chosen to align with the Cornwall Local Plan, prepared by Cornwall Council.
- 1) b) The NDP does not include any provision for excluded development such as national infrastructure
- 1) c) The NDP does not relate to more than one neighbourhood area. It relates only to the Landulph Parish Neighbourhood Area as designated by Cornwall Council on 15 May 2015.

A copy of the decision notice confirming designation of the Landulph Parish Neighbourhood Area is attached in Appendix 1.

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

The Landulph Parish NDP has been subject to Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment. The Cornwall Local Plan has undertaken a Habitats Regulations Assessment (HRA). The screening exercise for the Landulph Parish NDP concluded that there are European sites that could be affected by the proposals within the Landulph Parish NDP, but that there would not be likely to be significant effects and therefore it was agreed that an HRA was not necessary.

- 4) Refers to the publication of NDPs once made by a local planning authority in accordance with the regulations.
- 5) Clarifies what is excluded development.

5.3 Para 1(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates.

It is not considered that there is any benefit or reason for extending the area for the referendum beyond the Designated Neighbourhood Plan Area.

5.4 Paragraph 1(e) such other matters as may be prescribed.

There are no other prescribed matters.

6 CONFORMITY WITH GUIDANCE ISSUED BY THE SECRETARY OF STATE - THE NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 2a

A draft neighbourhood development plan meets the basic conditions if:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan.***

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

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

1. be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date and be based on joint

working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;

2. not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
3. proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
4. always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
5. take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
6. support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
7. contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
8. encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
9. promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
10. conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

11. actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
12. take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

6.3 These principles have been embodied throughout the production of the NDP which has also had regard to the following key policy areas as evidenced below and summarised in Appendix 2.

6.4 Building a Strong, Competitive Economy

6.4.1 NPPF Para 21 states that LPA's should plan positively for local inward investment to match and meet anticipated needs over the plan period. Support should be given to existing business whilst identifying priority areas for infrastructure provision and environmental enhancement. Planning should operate to encourage and not act as an impediment to sustainable growth and policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.

6.4.2 A key theme of the Landulph Parish NDP is to support and strengthen the local employment base and attract businesses to contribute towards the NPPF objective of building a strong, competitive economy.

6.4.3 Landulph is too small to need a specific policy on employment. The Landulph NDP aim is to build on and improve the current thriving community including the business community. The Landulph NDP is based on the Cornwall Local Plan that includes Policy 2 Spatial Strategy and Policy 5 Business and Tourism which encourage business development.

6.5 Ensuring the Vitality of Town Centres

6.5.1 The Landulph NDP area does not include a town, only rural settlements.

6.6 Promoting Sustainable Transport

6.6.1 Improving movement around the plan area is a key theme of the NDP with the long-term aspiration of improving movement by all modes including walking, cycling, public transport as well as the private car.

6.6.2 NPPF states that transport systems need to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. The following specific policies of the NDP seek to address these issues:

- 6.6.3 In addition, the NPPF states that plans should ensure that developments which generate significant movements are located where the need to travel will be minimised and where the use of sustainable transport modes can be maximised. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping leisure, education and other activities.

Policy 2: Roads and Parking

Proposals that enable opportunities for walking, cycling and the use of public transport will be encouraged, in view of the poor road access in most parts of the Parish.

6.7 Delivering a Wide Choice of High Quality Homes

- 6.7.1 NPPF states that to boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period
- set out their own approach to housing density to reflect local circumstances.

- 6.7.2 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the NPPF states that local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community;
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

6.7.3 The approach to housing development set out in the NDP is consistent with this guidance, with the stated long-term aspiration of providing good quality new housing to support Landulph as a whole. No homes are required by the Cornwall Local Plan in the Community Network Area that the plan sits within. The Landulph NDP allows for approximately 20 dwellings from 2018 - 2030, affording flexibility over the plan period for additional housing growth as required by local needs.

Non-site-specific policies include:

Policy 1 sets out the criteria against which housing developments will be tested.

6.8 Requiring good design

6.8.1 The NPPF attaches great importance to the design of the built environment with “*good design seen as a key aspect of sustainable development*” (para 56). Neighbourhood Plans are therefore expected to “*develop robust and comprehensive policies that set out the quality of development that will be expected for the area*”, based on stated objectives for the future of the area. Policies should not however attempt to impose architectural styles or particular taste or stifle innovation.

6.8.2 Policies should aim to ensure that developments:

- *“will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks.*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping.”*

6.8.3 The need to ensure the quality of design of new development is keenly felt in the plan area and has featured highly throughout previous public consultation. A key long-term objective of the plan is to ensure that new development is the best that can be achieved to complement the quality of the historic buildings in the area.

6.8.4 Specific policies that seek to secure good design are:

Part iv of Housing Policy 1 which requires that:

Building styles, height, design, materials and roof scape are in keeping with the individual character and reflect the local distinctiveness of Landulph parish, including its Conservation Area and making a contribution to the rural nature of the Tamar Valley AONB. Development should also conserve, enhance and promote the existing nature of the buildings found in the immediate vicinity of its location, to avoid an excessive variety of building form.

6.9 Promoting Healthy Communities

- 6.9.1 The NPPF highlights the important role planning can play in facilitating social interaction and creating healthy and inclusive communities. It suggests that authorities should create a shared vision with communities of the residential environment and facilities they wish to see. Production of the Landulph NDP has involved extensive consultation and engagement with the local community as detailed in the accompanying consultation statement, including specific consultation with, for example, young people and the elderly.
- 6.9.2 NPPF states that planning policies should aim to achieve places which promote:
- Opportunities for meetings between members of the community
 - Safe and accessible environments
 - Safe and accessible developments
- 6.9.3 With regards to social, recreational and cultural facilities it comments that policies should:
- *“plan positively for the provision and use of shared space, community facilities ... and other local services to enhance the sustainability of communities and residential environments;*
 - *Guard against the unnecessary loss of valued facilities and services....;*
 - *Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
 - *Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.*
- 6.9.4 The NDP contains policies to promote healthy communities through Policy 2 (Roads and Parking) and Policy 4 (Waterfront, Quays, Beaches, Slipways and Pathways).

6.10 Meeting the challenge of climate change, flooding and coastal change

- 6.10.1 Local Authorities are encouraged to adopt proactive strategies to mitigate and adapt to climate change, taking into account flood risk. Para 95 of the NPPF states that in order to support the move to a low carbon future, LPA's should plan for new development in location and ways which reduce greenhouse gas emissions, actively support energy efficiency improvements to existing buildings, set local requirements for sustainable buildings that are consistent with the Government's zero carbon policy and adopt nationally described standards.
- 6.10.2 The Landulph Parish area contains flood zone designations along the River Tamar, as defined by the Environment Agency.
- 6.10.3 Policy criteria will help to provide for sustainable opportunities, provide the opportunity to reduce vehicular movement and increase more sustainable forms of transport such as walking and cycling. New development is required to be of a high quality, designed to incorporate open space and link strongly to Green Infrastructure provision, all of which will contribute towards mitigating and adapting to climate change and reducing greenhouse emissions.
- 6.10.4 Almost all of Landulph Parish lies within various designated areas such as the AONB, SSSI, and Conservation Area – see Appendix A of the Landulph Parish NDP. A key objective of the Landulph NDP is to protect and enhance the unique landscape character, in particular of the AONB and other designations such as waterfronts, footpaths and historic features.

6.11 Conserving and enhancing the natural environment

- 6.11.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment and states that plans should allocate land with the least environmental or amenity value, where consistent with other policies in that Framework.
- 6.11.2 Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value, with distinctions being made between the hierarchy of international, national and locally designated sites so that protection is commensurate with each site's status and gives appropriate weight to its importance and the contribution that it makes to wider ecological networks.
- 6.11.3 Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure;

6.11.4 The Landulph Parish area includes the Tamar Valley AONB and has areas designated as Sites of Special Scientific Interest, Great Landscape Value, County Wildlife Sites. It includes Cargreen conservation area and the whole Parish is within a Zone of Influence Natura 2000. The landscape of the area is highly valued by the local population.

6.11.5 Specific policies in the NDP aimed at conserving and enhancing the natural environment are:

Policies 1, 2, 3 and 4 contain provisions to preserve and enhance the green infrastructure and natural environment.

6.12 Conserving and enhancing the historic environment

6.12.1 The NPPF sets out guidance on how local planning authorities should develop positive strategies for the conservation and enjoyment of the historic environment, taking into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local:
 - character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.

6.12.2 The NDP has identified a number of buildings and spaces with special heritage character which contribute to Landulph Parish's image and identity, see Appendix A of the NDP.

Policy 4 reflects the historic importance of the quays and river traffic in the development of Cargreen. In particular, the Policy seeks to protect and preserve the Waterfront, Quays, Beaches, Slipways and Pathways in the Parish, consistent with NPPF guidance.

7 CONTRIBUTION TO THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

Paragraph 2(d)

A draft neighbourhood development plan meets the basic conditions if -

- (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development*

- 7.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF, therefore, is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.
- There are three elements to sustainable development: economic, social and environmental. These require the planning system to perform a number of roles: an economic role - contributing to building a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 7.2 The Landulph Parish NDP contributes to the achievement of sustainable development by:
- Planning positively for housing growth to meet the needs of present and future generations by meeting housing need up to the year 2030;
 - Promoting energy efficient design and technology;
 - protecting and enhancing the natural, built and historic environment of Landulph Parish.
- 7.3 The NPPF also indicates that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking to ensure that Plans are deliverable.
- 7.4 With regards to future infrastructure requirements, this is being addressed at Cornwall-wide level through work being undertaken in association with the Cornwall Local Plan, such as the Strategic Housing Market Assessment (SHMA) and Infrastructure Delivery Plan (IDP). This will in turn be used to inform production of CC's Community Infrastructure Levy (CIL) which will be used to assist with the delivery of critical infrastructure requirements. In setting CIL, CC will need to ensure that the level set will not prejudice the delivery of new development.

- 7.5 NPPF states that the Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised within the neighbourhoods where development takes place and at the present time it is proposed that some 25% of CIL will be allocated to those areas with a Neighbourhood Development Plan in place.

8 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN FOR THE AREA.

Paragraph 2(e)

A draft neighbourhood development plan meets the basic conditions if -

- (e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)*

- 8.1. One of the basic conditions that neighbourhood plans must satisfy is that they are in general conformity with the strategic policies of the adopted development plan for the local area, i.e. the high-level strategic elements in the local plan that are essential to delivering the overall planning and development strategy for the local area. S.38 of the Planning and Compulsory Purchase Act 2004 defines “development plan” as the development plan documents (DPDs) adopted for the area and Schedule 8 extends this to include saved local plans.

The Cornwall Local Plan

- 8.2 Following Local Government Reorganisation in 2009, Cornwall Council was formed from the County Council and previous District and Borough Councils in Cornwall. Work subsequently commenced on a new Cornwall Local Plan. The plan was Submitted to the Secretary of State in February 2015 and the Inspector’s decision letter was received on the 23rd of September 2016. The Cornwall Local plan was formally Adopted in November 2016.
- 8.3 The Local Plan provides strategic policy guidance for the whole of Cornwall. The plan also continues to use some of the existing Saved Policies of the predecessor Local and Borough Plans for the purposes of development management to supplement those of the Adopted Local Plan and as such conformity with these policies will continue to be relevant up until the Site Allocations DPD is Adopted.
- Policy 2 of the Local Plan sets out the spatial strategy for Cornwall, consisting of the following principles: Respecting and enhancing quality of place – maintaining and respecting the special character of Cornwall, recognising that urban and rural landscapes, designated and undesignated are important;
 - Providing solutions to current and future issues – assisting the creation of resilient and cohesive communities; and

- Generating and sustaining economic activity – improving conditions for business and investment in Cornwall.

- 8.4 Policy 2a sets out key targets for the Local Plan, including the headline requirement for a minimum 52,500 homes up to 2030, 38,000 full time jobs and 704,000 square metres of employment space and at least 318 permanent pitches for Gypsies and Travellers, 60 transit pitches and 11 plots for Travelling Show people.
- 8.5 Policy 3 of the Local Plan (Role and function of places) sets out the hierarchy of settlements in Cornwall .
- 8.6 The broad scale of development proposed in the NDP is consistent with the Local Plan. The neighbourhood plan provides criteria by which applications can be structured to meet the Local Plan requirement for employment land. The plan makes allowance for around 20 dwellings over the plan period.
- 8.7 Section 9 of this Basic Condition Statement demonstrates specifically how the NDP conforms to the key strategic policies and objectives of the local plan. The term 'general conformity' is not defined in law but the use of the adjective 'general' is clearly intended to introduce some degree of flexibility, the extent of which will depend upon the planning judgement of the decision maker and the particular circumstances of the case.
- 8.8 The ambition of the NDP is aligned with and positively supports the strategic needs and priorities of the wider local area and promotes development consistent with the requirements of the Local Plan.
- 8.9 A detailed assessment of the policies contained in the NDP and their relationship to policies in the Local Plan is set out in the following section and summarised in Appendix 2.

DETAILED CONSIDERATION OF LANDULPH PARISH NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES:

9.1 HOUSING

Landulph NDP Policy 1: New Development

1. Proposals for minor housing development and redevelopment (where minor housing development is defined as 5 or fewer dwellings) that meet the criteria set out within Policy 3 of the Local Plan will be supported where:
 - i. the total number of housing permissions, through the course of the NDP period, facilitate the delivery of approximately 20 dwellings; and where,
 - ii. proposals for all new housing developments are 'standalone' and do not adjoin sites which are/have been either:
 - a) subject to the determination of a current planning application;
 - b) to an extant planning approval; or,
 - c) developed within the NDP period.
 - iii. the development seeks to preserve open views and protect the residential amenity of neighbours, minimise any loss of trees, hedges or other natural features that form part of the character of the parish, and maintain or enhance biodiversity, in acknowledgement of the Tamar Valley AONB Management Plan.
 - iv. building styles, height, design, materials and roof scape are in keeping with the individual character, reflect the local distinctiveness of Landulph parish, including its Conservation Area to make a contribution to the rural nature of the Tamar Valley AONB. Development should also conserve, enhance and promote the existing nature of the buildings found in the immediate vicinity of its location, to avoid an excessive variety of building form.
2. Affordable or low-cost housing may be delivered by Cornwall Local Plan Policy 9 (Rural Exception Schemes) and is encouraged in order to sustain an evolving community.
3. The inclusion of fire sprinklers in housing specifically for elderly or disabled residents is a requirement.

- 9.1.1 The above policy is in conformity with the following policies of the adopted Local Plan.

9.1.2 Cornwall Local Plan:

Policy 1 – Presumption in favour of sustainable development: sets out the presumption in favour of sustainable development as defined in the NPPF.

Policy 2 – Spatial strategy: sets out the principles for development in Cornwall. The priorities being to support the special character and landscapes of Cornwall; creation of resilient communities and improving conditions for business and investment in Cornwall, including economic priorities for named towns.

Policy 3 – Role and function of Places: the scale and mix of uses should be proportionate to the role and function of places.

Policy 7 – Housing in the countryside: sets out the special circumstances where new housing in the countryside will be allowed.

Policy 8 – Affordable housing: sets the threshold for affordable housing contributions or provision on site, the percentage required for each parish or main town and the split between affordable rented and intermediate housing.

Policy 9 – Rural Exception sites: sets out the approach to schemes outside of but adjacent to existing built up areas where they would comprise between 50 and 100% affordable housing.

Policy 12 – Design: sets out the principles that will be applied to all applications in terms of setting design principals and potential impacts on existing individuals and properties.

Policy 13 – Development Standards: sets standards for new development in terms of sufficient internal space, open space, layout, parking and accessibility. Developments of more than 10 dwellings should provide 25% accessible homes.

Policy 16 – Health and wellbeing: sets out the approach to avoiding pollution, managing Air Quality Management Areas, maximising opportunities for physical activity and encouraging open space provision.

Policy 21 – Best use of land and existing buildings: sets out support for reusing brownfield and poorer quality land, reusing buildings and increasing building densities.

Policy 22 – European Protected Sites: a requirement for funding, mitigation or management applied to sites for development within defined distances (zones of influence) from European designated sites

Policy 23 – Natural Environment: sets out the approach to be applied to local, national and internationally designated landscapes, biodiversity, geodiversity and habitats.

Policy 24 – Historic Environment: sets out the criteria and principles to be applied to designated and non-designated heritage assets including Listed Buildings, Scheduled Ancient Monuments and Conservation Areas.

Policy 25 – Green Infrastructure: sets out the objective to protect and improve green infrastructure, including buffering natural spaces, improving access and managing green spaces and assets.

Policy 26 – Flood risk management and coastal change: sets the criteria to be applied to development to increase flood resilience, reduce flood risk and safeguarding land where it is functional flood storage.

Policy 27 – Transport and accessibility: sets the objectives to reduce the need to travel through location of development, improving public transport and encouraging active travel modes (walking and cycling).

9.2 Landulph Parish NDP Policy 2: Roads and Parking

1. Development, including affordable housing and business use, will be supported where off-road parking is provided which must be commensurate with the size of the development and results in no significant reduction in pre-existing parking provision.
2. Proposals that enable opportunities for walking, cycling and the use of public transport will be encouraged, in view of the poor road access in most parts of the Parish.

9.2.1 The above policy is in conformity with the following policies of the adopted Local Plan.

9.2.2 Cornwall Local Plan:

Policy 1 – Presumption in favour of sustainable development: sets out the presumption in favour of sustainable development as defined in the NPPF.

Policy 12 – Design: sets out the principles that will be applied to all applications in terms of setting design principals and potential impacts on existing individuals and properties.

Policy 13 – Development Standards: sets standards for new development in terms of sufficient internal space, open space, layout, parking and accessibility. Developments of more than 10 dwellings should provide 25% accessible homes.

Policy 16 – Health and wellbeing: sets out the approach to avoiding pollution, managing Air Quality Management Areas, maximising opportunities for physical activity and encouraging open space provision.

Policy 23 – Natural Environment: sets out the approach to be applied to local, national and internationally designated landscapes, biodiversity, geodiversity and habitats.

Policy 25 – Green Infrastructure: sets out the objective to protect and improve green infrastructure, including buffering natural spaces, improving access and managing green spaces and assets.

Policy 27 – Transport and accessibility: sets the objectives to reduce the need to travel through location of development, improving public transport and encouraging active travel modes (walking and cycling).

9.3 Landulph Parish NDP Policy 3: Street Lighting

Proposals for development will be supported where it is demonstrated that if external lighting is required it protects the night sky as far as possible in terms of:

1. Number, design specification and position of lamps.
2. Full shielding (at the horizontal and above) of any fixture exceeding 500 initial lumens and evidence of limited impact of unshielded lighting through use of adaptive controls, and
3. Correlated colour temperature limit of 3000 Kelvins or less

9.3.1 The above policy in conformity with the following policies of the adopted Cornwall Local Plan.

9.3.2 Cornwall Local Plan:

Policy 1 – Presumption in favour of sustainable development: sets out the presumption in favour of sustainable development as defined in the NPPF.

Policy 12 – Design: sets out the principles that will be applied to all applications in terms of setting design principals and potential impacts on existing individuals and properties.

Policy 13 – Development Standards: sets standards for new development in terms of sufficient internal space, open space, layout, parking and accessibility. Developments of more than 10 dwellings should provide 25% accessible homes.

Policy 16 – Health and wellbeing: sets out the approach to avoiding pollution, managing Air Quality Management Areas, maximising opportunities for physical activity and encouraging open space provision.

Policy 23 – Natural Environment: sets out the approach to be applied to local, national and internationally designated landscapes, biodiversity, geodiversity and habitats.

9.4 Landulph NDP Policy 4: Waterfront, Quays, Beaches, Slipways and Pathways

1. Development will be supported provided that:
 - i. it does not encroach upon nor inhibit existing public access to, or enjoyment of, the River Tamar, its beaches, quays, slipways and pathways, having regard to current and subsequent guidance of the Tamar Valley AONB (MP), Cornwall and Isles of Scilly Landscape Character Study, other relevant guidance and the historic features of Cargreen.
 - ii. it is designed and located to conserve and enhance specific landscapes of the Tamar Valley AONB, biodiversity corridors, areas of tranquility and historic features that contribute to the local character and quality of the area of the Tamar Valley AONB.
 - iii. it acknowledges the local importance of valued green and open spaces, and makes provision for the long-term maintenance of any green infrastructure directly related to the development - see Appendix A.
 - iv. it has no adverse impact on the Plymouth Sound and Estuary SAC and Tamar Estuaries Complex SPA. See Appendix A5 for map.

9.4.1 The above policy is in conformity with the following policies of the adopted Cornwall Local Plan.

9.4.2 Cornwall Local Plan:

Policy 1 – Presumption in favour of sustainable development: sets out the presumption in favour of sustainable development as defined in the NPPF.

Policy 7 – Housing in the countryside: sets out the special circumstances where new housing in the countryside will be allowed.

Policy 12 – Design: sets out the principles that will be applied to all applications in terms of setting design principals and potential impacts on existing individuals and properties.

Policy 16 – Health and wellbeing: sets out the approach to avoiding pollution, managing Air Quality Management Areas, maximising opportunities for physical activity and encouraging open space provision.

Policy 21 – Best use of land and existing buildings: sets out support for reusing brownfield and poorer quality land, reusing buildings and increasing building densities.

Policy 22 – European protected sites: requirement for funding, mitigation or management applied to sites for development within defined distances (zones of influence) from European designated sites

Policy 23 – Natural Environment: sets out the approach to be applied to local, national and internationally designated landscapes, biodiversity, geodiversity and habitats.

Policy 24 – Historic Environment: sets out the criteria and principles to be applied to designated and non-designated heritage assets including Listed Buildings, Scheduled Ancient Monuments and Conservation Areas

Policy 25 – Green Infrastructure: sets out the objective to protect and improve green infrastructure, including buffering natural spaces, improving access and managing green spaces and assets.

Policy 26 – Flood risk management and coastal change: sets the criteria to be applied to development to increase flood resilience, reduce flood risk and safeguarding land where it is functional flood storage.

9 COMPATABILITY WITH EU REGULATIONS

Paragraph 2f

A draft neighbourhood development plan meets the basic conditions if -

(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

10 Sustainability Appraisal (SA)

- 10.1 An SA of the Local Plan was carried out in 2018. This was submitted to the statutory environmental bodies: English Heritage, Natural England and the Environment Agency and was also made publicly available on the Cornwall Council website:
<http://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/cornwall-local-plan/sustainability-appraisal-and-habitat-regulation-assessment>. The SA has now been adopted as part of the Local Plan.
- 10.2 There is no requirement for an NDP to carry out a Sustainability Appraisal, but the Landulph NDP policies have been developed to take account of the three dimensions of sustainability which are economic, environmental and social.
- 10.3 Cornwall Council were asked to carry out a Sustainability Environmental Assessment (SEA) screening for the draft Landulph NDP in March 2018. In April 2018 Cornwall Council advised that no SEA or Habitats Regulation Assessment (HRA) would be required.
- 10.4 The Equality Act 2010 places a duty on all public authorities to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a “protected characteristic” and those who do not.
- 10.5 The Landulph Parish Neighbourhood Plan’s vision, objectives and policies all aim to foster community cohesion and social inclusion.

Conclusion

- 10.6 The NDP is considered compatible with relevant EU obligations.

11 PRESCRIBED CONDITIONS AND PRESCRIBED MATTERS.

- 11.1 *Paragraph 2g A draft neighbourhood development plan meets the basic conditions if*
-
(g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

There are no other prescribed matters.

12 CONCLUSION

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

APPENDIX 1 - Landulph Parish Designation of Confirmation of a Neighbourhood Area

Cornwall Council

Dolcoath Avenue Camborne Cornwall TR14 8SX

Email: planning@cornwall.gov.uk

Tel: 0300 1234151

Web: www.cornwall.gov.uk



Application number:
PA15/00008/NDP

Applicant:

Katherine Williams
Landulph Parish Council
6 Rashleigh Avenue
St Stephens
Saltash
Cornwall
PL12 4NS

**Town And Country Planning Act 1990 (As Amended)
The Neighbourhood Planning (General) Regulations 2012**

Designation of a Neighbourhood Area

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY APPROVES**, the designation of a Neighbourhood Area to be used for the creation of a Neighbourhood Development Plan as set out in the following application received on 16th March 2015 and accompanying plan(s):

Proposal: The designation of the Parish of Landulph as a Neighbourhood Area

Relevant Body Landulph Parish Council

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.



DATED: 15 May 2015

**Phil Mason
Head of Planning, Housing and
Regeneration**

REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

The Cornwall Council has considered the proposed Designation of the Neighbourhood Area and finds that:

- The area proposed is appropriate to be designated as a Neighbourhood Area;
- The Parish Council is a relevant body for the purposes of Section 61G of the 1990 Act; and
- No substantive objection has been made to the designation of the area under Regulation 6

It is therefore considered that the Designation of the Neighbourhood Area should be approved.

APPENDIX 2: Table of Landulph Neighbourhood Plan Policy Links

NDP Policy	NPPF	Cornwall Local Plan
<p>Policy 1: Housing</p> <p>1. Development limited to 5 or fewer units on one site, approximately 20 over the plan period. Protect and preserve residential amenity and bio diversity. Building design enhance existing character</p> <p>2. Welcome affordable housing.</p> <p>3. Include fire sprinklers for vulnerable residents.</p>	<p>3. Supporting a prosperous rural economy.</p> <p>4. Promoting sustainable transport.</p> <p>6. Delivering a wide choice of high quality homes.</p> <p>7. Requiring good design.</p> <p>8. Promoting healthy communities</p> <p>10. Meeting the challenge of climate change, flooding and coastal change.</p> <p>11. Conserving and enhancing the natural environment.</p>	<p>1. Sustainable development</p> <p>2. Spatial strategy</p> <p>3. Role and function of places</p> <p>8. Affordable housing</p> <p>12. Design</p> <p>13. Development standards</p> <p>16. Health and well-being</p> <p>21. Best use of land and existing buildings</p> <p>22. European protected sites</p> <p>23. Natural Environment:</p> <p>24. Historic Environment:</p> <p>25. Green infrastructure;</p> <p>26. Flood risk management and coastal change.</p>
<p>Policy 2: Roads and Parking</p> <p>1. Development to provide off road parking</p> <p>2. Opportunities for walking, cycling and the use of public transport will be encouraged</p>	<p>4. Promoting sustainable transport.</p>	<p>1. Sustainable development</p> <p>12. Design</p> <p>13. Development standards</p> <p>16. Health and well-being</p> <p>23. Natural Environment</p> <p>25. Green infrastructure;</p> <p>27. Transport and accessibility</p>
<p>Policy 3: Street Lighting</p> <p>If external lighting is required it protects the night sky as far as possible</p>	<p>7. Requiring good design.</p> <p>11. Conserving and enhancing the natural environment.</p>	<p>1. Sustainable development</p> <p>12. Design</p> <p>13. Development standards</p> <p>16. Health and well-being</p> <p>23. Natural Environment:</p>
<p>Policy 4: Waterfront, Quays, Beaches, Slipways and Pathways</p> <p>Development does not encroach on public access to the River Tamar conserve and enhance specific landscapes of the Tamar Valley AONB, biodiversity corridors and historic features, acknowledge the local importance of valued green and open spaces</p>	<p>7. Requiring good design.</p> <p>11. Conserving and enhancing the natural environment.</p> <p>12. Conserving and enhancing the historic environment</p>	<p>1. Sustainable development</p> <p>12. Design</p> <p>22. European protected sites</p> <p>23. Natural Environment:</p> <p>24. Historic Environment:</p> <p>26. Flood risk management and coastal change.</p>

APPENDIX 3 – Summary of Policies of the Cornwall Local Plan (2016)

Policy	Title	Summary
1	Presumption in favour of sustainable development	Sets out the presumption in favour of sustainable development as defined in the NPPF
2	Spatial Strategy	Sets out the principles for development in Cornwall. The priorities being to support the special character and landscapes of Cornwall; creation of resilient communities and improving conditions for business and investment in Cornwall, including economic priorities for named towns.
2a	Key targets	Sets out the minimum housing number requirement as well as targets for employment space and jobs, Gypsy and Traveller provision, student and nursing and specialist accommodation.
3	Role and function of places	Sets out the hierarchy of settlements with growth figures for the main towns and by Community Network area for the rest of Cornwall. Also sets out the principles for development of the Eco-communities and defines infill growth.
4	Shopping, services and community facilities	Sets out the approach the Council will take to the retail hierarchy as well as specific policies for protecting primary shopping areas and rural shops and facilities.
5	Business and tourism	Sets out the approach to the location of and requirements for new employment and tourism space as well as the requirements for releasing employment space if no longer viable.
6	Housing mix	Sets out the requirements for mix of housing types and tenure on schemes of 10 dwellings or more. Sites of 200+ dwellings require additional specialised housing.
7	Housing in the Countryside	Sets out the special circumstances where new housing in the countryside will be allowed.
8	Affordable Housing	Sets the threshold for affordable housing contributions or provision on site, the percentage required for each parish or main town and the split between affordable rented and intermediate housing.
9	Rural Exceptions Sites	Sets out the approach to schemes outside of but adjacent to existing built up areas where they would comprise between 50 and 100% affordable housing.

10	Managing Viability	Sets out the approaches expected to be considered where a site cannot deliver the required proportion of affordable housing on site.
11	Gypsies and Travellers and Travelling Show people	Sets out the criteria that will be applied to assessing sites for permanent and transit pitches for Gypsies and Travellers and Travelling Show people.
12	Design	Sets out the principles that will be applied to all applications in terms of setting design principals and potential impacts on existing individuals and properties.
13	Development Standards	Sets standards for new development in terms of sufficient internal space, open space, layout, parking and accessibility. Developments of more than 10 dwellings should provide 25% accessible homes.
14	Renewable and low carbon energy	Supports energy efficiency and renewable energy proposals (turbines require an allocation in Neighbourhood Plans), setting out the criteria to be applied in relation to impacts on people and the AONB.
15	Safeguarding renewable energy	Safeguards existing facilities and resources for renewable energy.
16	Health and well-being	Sets out the approach to avoiding pollution, managing Air Quality Management Areas, maximising opportunities for physical activity and encouraging open space provision.
17	Minerals – general principles	Sets out the principles applied to mineral development proposals.
18	Minerals safeguarding	Safeguards minerals resources, reserves and mineral related development from sterilisation and inappropriate development.
19	Strategic Waste management principles	Sets out the criteria applied to new waste facilities including extensions to existing sites and protection of existing facilities.
20	Managing the provision of waste management facilities	Sets out the approach to new or improved facilities for waste management, including energy recovery facilities.
21	Best use of land and existing buildings	Sets out support for reusing brownfield and poorer quality land, reusing buildings and increasing building densities.

22	European protected sites – mitigation of recreational impacts from development	A requirement for funding, mitigation or management applied to sites for development within defined distances (zones of influence) from European designated sites
23	Natural environment	Sets out the approach to be applied to local, national and internationally designated landscapes, biodiversity, geodiversity and habitats.
24	Historic environment	Sets out the criteria and principles to be applied to designated and non-designated heritage assets including Listed Buildings, Scheduled Ancient Monuments and Conservation Areas
25	Green Infrastructure	Sets out the objective to protect and improve green infrastructure, including buffering natural spaces, improving access and managing green spaces and assets
26	Flood risk management and coastal change	Sets the criteria to be applied to development to increase flood resilience, reduce flood risk and safeguarding land where it is functional flood storage.
27	Transport and accessibility	Sets the objectives to reduce the need to travel through location of development, improving public transport and encouraging active travel modes (walking and cycling).
28	Infrastructure	Seeks to ensure that contributions are taken from development to provide necessary social, economic and green infrastructure for Cornwall.

APPENDIX 4 - Cornwall Council Statement on the need for Strategic Environmental Assessment and Habitat Regulation Assessment of the Landulph Parish Neighbourhood Plan

Jenny Turnage
Landulph Neighbourhood Plan
Email: secretary@landulphplan.org.uk

Date: 19th April 2018

Dear Jenny,

Landulph Parish Neighbourhood Development Plan – SEA and HRA Screening

As requested I have screened the Landulph Parish Neighbourhood Development Plan (NDP) to see whether the plan requires Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA.)

As required by the SEA regulations I produced a screening opinion for the neighbourhood plan and consulted the statutory bodies, Natural England, Historic England and the Environment Agency. I also asked Natural England to confirm whether or not HRA was required under the HRA directive.

Based on the scale and location of development proposed, Cornwall Council is of the opinion that the Landulph Parish NDP is unlikely to have significant effects on the environment or on European Sites and that SEA and HRA is therefore not required.

This view is confirmed by the consultation bodies; the full screening opinion report and the responses from Natural England and Historic England being emailed to you separately (19th April 2018).

As this is a draft plan, if significant changes or additions are made to your plan I would advise you to have it rescreened.

Yours sincerely,

Zoe Bernard-John
Senior Development Officer
Tel: 07585 647333
Email: Zoe.Bernard-John@cornwall.gov.uk

Landulph Parish NDP (5.2.18 version)
Strategic Environmental Assessment
Habitats Regulations Assessment
Screening Report

5 March 2018

Contents

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3. Criteria for Assessing the Effects of the Neighbourhood Plan	38
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1. Introduction

1.1 This screening report is designed to determine whether or not the contents of the Landulph Parish Neighbourhood Development Plan (the NDP) requires a Strategic

Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. The report also considers whether Habitats Regulations Assessment is required under Article 6 or 7 of the Habitats Directive.

1.2 The purpose of the Landulph Parish NDP is to guide development within the parish.

The vision of the parish is: 'In 2030 Landulph Parish will be a vibrant rural community comprising heritage, built and natural environments. Within this envelope, farms and small businesses will thrive, producing a balanced economic and social community.' (p8) There are objectives for Development, Historic and Natural Environment and Community facilities (Objectives, section 6) and four policies to deliver these objectives. The strategy for housing delivery is to support small scale sites subject to a number of criteria to minimise impact on the environment. There are not allocations and a settlement boundary is not drawn. (Policy 1: New Housing - Unallocated Small Scale Developments, p14)

1.3 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the Neighbourhood Plan and the need for a full SEA or HRA..

2. Legislative Background

2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the

Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005)

2.2. The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

2.3 However, Neighbourhood Plans are not Local Development Documents and are not required to be subject to sustainability appraisal by legislation (although it is advisable to carry out some form of sustainability assessment.)

Neighbourhood plans

are produced under the Localism Act 2011. The Localism Act requires neighbourhood plans to be compatible with EU and Human rights legislation, therefore, depending on their content, neighbourhood plans may trigger the Strategic Environmental Assessment Directive and Habitats Directive and unless they choose to complete a full SA plans will need to be screened for SEA separately.

2.4 National Planning Policy Guidance (NPPG) advises that in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment.

Potential triggers may be:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan

2.5 Habitats Regulation Assessment (HRA) is a separate process which is required for all plans and projects which are not wholly directly connected with or necessary to the conservation management of a European site's qualifying features. This also requires screening as a first step to ascertain whether a plan is likely to have significant adverse effects on the integrity of 'European' sites. European sites in

Cornwall include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs.) If the screening identifies likely significant effects Appropriate Assessment of the Plan will be required and the need for SEA is also automatically triggered.

2.6 This report therefore includes screening for SEA and HRA and uses the SEA criteria and the European Site Citations and Conservation Objectives/Site Improvement Plans to establish whether a full assessment is needed.

3. Criteria for Assessing the Effects of the Neighbourhood Plan

3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

SCHEDULE 1 Regulations 9(2)(a) and 10(4)(a)

CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT

1. The characteristics of plans and programmes, having regard, in particular, to

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to wastemanagement or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

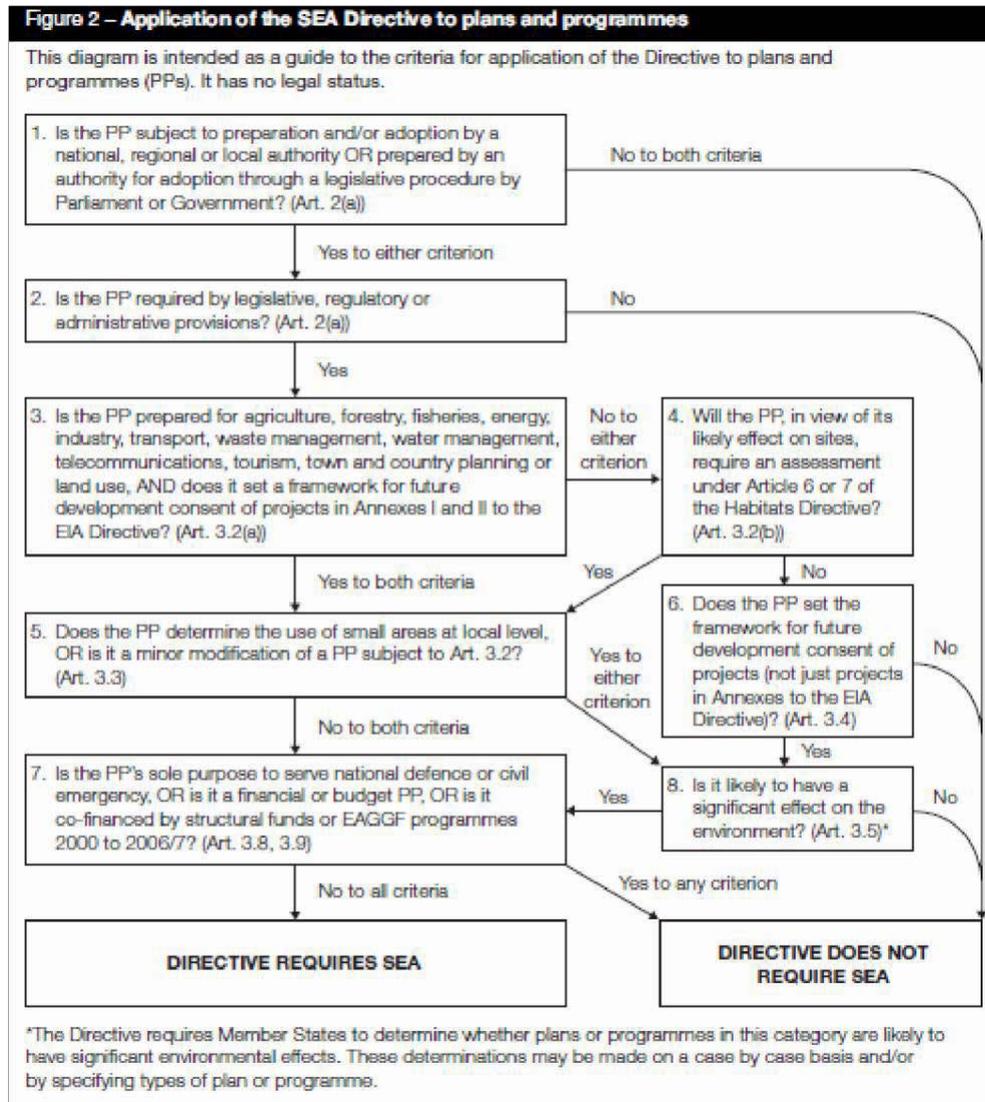
- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,

- the effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: Annex II of SEA Directive 2001/42/EC

4. Assessment

4.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required¹.



¹Source: A Practical Guide to the Strategic Environmental Assessment Directive

Landulph Parish Neighbourhood Plan SEA and HRA Screening Report

4.2 HRA screening: Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites? The table below appraises the effect of allocations or policies within the NDP which have the potential to significantly affect European sites within or with a pathway of impact from the NDP. The precautionary principle must be used when assessing whether adverse effects are significant.

NDP Allocation or Policy : Policy 1: New Housing - Unallocated Small Scale Developments

European Site	Designated features/ habitats	Conservation Objectives	Pathways of impact	Mitigation	LSE	Screen in or out?
Tamar Estuaries Complex SPA Plymouth Sound and Estuaries SAC	Little Egrets, Avocet, Overwintering shelduck, black tailed godwit, whimbrel, dunlin, curlew and redshank (SPA) Atlantic salt meadows , Estuaries, Large shallow inlets and bays, Intertidal mudflats and sandflats, Reefs, Subtidal sandbanks	Tamar Estuaries Complex SPA Plymouth Sound and Estuaries SAC	Recreation	Strategic solution in place through Cornwall Local Plan Policy 22	No	Out

Landulph parish is within the Zone of Influence for the Tamar Estuaries SPA/Plymouth Sound SAC. The NDP does not increase development above the level allocated in the Cornwall Local Plan: there is a strategic solution for mitigation against possible LSE from recreational impact provided by Policy 22 and contributions will be required from future developments in the parish, to provide mitigation.

[8]

Landulph Parish Neighbourhood Plan SEA and HRA Screening Report

4.3 SEA screening: The table below shows the assessment of whether the neighbourhood plan will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Table 1: Establishing the Need for SEA		
Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Will be 'made' by Cornwall Council and used in decision making as part of the development plan.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Localism Act 2011
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	Annex I and II projects are (typically) large scale industrial and commercial processes – the plan does not deal with this scale of development.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b)) (See para 4.2 above)	N	See section 4.2
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The Plan contains land use planning policies to guide development within the parish
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The NDP will be 'made' and used as part of the development plan for determining planning applications in the Plan area
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N/A	
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	See Table 2

**Landulph Parish Neighbourhood Plan
SEA and HRA Screening Report**

Table 2 likely significant effects: Establishing the Need for SEA	
SEA requirement	Comments
The characteristics of plans and programmes, having regard, in particular, to:	
1. the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	The Plan provides local criteria based policies to control the quality of development within the parish. The Plan aims to meet the Local Plan target for housing through small scale windfall development.
2. the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The neighbourhood plan must be in general conformity with the National Planning Policy framework and the Local Plan.
3. the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,	The neighbourhood development plan will be examined against four basic conditions, one of which is whether the plan contributes to sustainable development
4. environmental problems relevant to the plan or programme,	N/A
5. the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	N/A

Landulph Parish Neighbourhood Plan

SEA and HRA Screening Report

Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
6. the probability, duration, frequency and reversibility of the effects,	The NDP provides for around 20 new dwellings over the plan period, up to 2030. This is in line with the Cornwall Local Plan: Strategic policies 2010-2030.
7. the cumulative nature of the effects,	The plan does not seek to increase development rates above local need, or the requirements of the Cornwall Local Plan. Cumulative impacts will be phased over the plan period and criteria in Policy 1 seek to minimise cumulative effects of development by guiding the size of development (number of units to be less than 5 and resistance of neighbouring sites)
8. the transboundary nature of the effects,	Landulph is a rural parish and the level of development will not give rise to transboundary effects
9. the risks to human health or the environment (e.g. due to accidents),	N/A
10. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	Landulph Parish covers an area of approximately 1100 hectares. The 2011 census recorded 247 dwellings, with a population of around 500.

11. the value and vulnerability of the area likely to be affected due to:

- special natural characteristics or cultural heritage,
- exceeded environmental quality standards or limit values,
- intensive land-use,

The River Tamar forms the eastern boundary of the parish and is a designated Plymouth Sound and Estuaries SAC

<http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0013111>

and Tamar Estuaries Complex SPA. (Also Tamar/Tavy Estuary SSSI)

<http://jncc.defra.gov.uk/default.aspx?page=2033>

Tamar Estuary Sites MCZ

<http://publications.naturalengland.org.uk/publication/6037040860758016>

Apart from an area at the east of the parish the majority is designated as part of the Tamar Valley

AONB: <http://www.tamarvalley.org.uk/care/aonb-management-plan/>

Cargreen to Cross Park Wood County Wildlife site

There are areas of Floodzone 2 along the Tamar, in Cargreen and Landulph.

Cargreen Village has a conservation area

There are 16 listed buildings and sites in Landulph Parish:

http://www.heritagegateway.org.uk/Gateway/Results_Application.aspx?resourceID=5

The Tamar Valley and Tavistock WHS is on the other side of the Tamar from Landulph Parish:

<https://www.cornwall.gov.uk/environment-and-planning/conservation/world-heritage-site/areas-places-and-activities/tamar-valley-tavistock/>

**Landulph Parish Neighbourhood Plan
SEA and HRA Screening Report**

12. the effects on areas or landscapes which have a recognised national, Community or international protection status.

The neighbourhood plan proposes a low level of development; it does not allocate sites, but expects this development to come forward as small scale (developments of up to 5 units) infill and rounding off, following the Local Plan Strategic approach in Policy 3: Role and Function of Places. Local plan Policies 23: Natural Environment and 24: Historic Environment also provide a strategic framework to protect natural and historic environment assets.

In addition the NDP adds some local details:

Policy 1 requires development to 'preserve open views and protect the residential amenity of neighbours, will minimise any loss of trees, hedges or other natural features that form part of the character of the parish, and that biodiversity is maintained or enhanced, in acknowledgement of the Tamar Valley AONB Management Plan'; and that

'Building styles, height, design, materials and roof scape are in keeping with the individual character and reflect the local distinctiveness of Landulph parish, including its Conservation Area and making a contribution to the rural nature of the Tamar Valley AONB Policy'. (Policy 1 p14)

Policy 3 requires that: 'new development is designed and located so as to conserve and enhance specific landscapes of the Tamar Valley AONB, biodiversity corridors, areas of tranquillity and historic features that contribute to the local character and quality of the area of the Tamar Valley AONB.' (Policy 3 p 19)

Landulph Parish Neighbourhood Plan SEA and HRA Screening Report

5. Screening Outcome

5.1 As a result of the assessment in section 4.2, it is unlikely there will be any significant environmental effects on European Sites arising from the Landulph Parish NDP and HRA is therefore not required

5.2 The assessment in section 4.3 does not identify significant environmental effects arising from the NDP. SEA is therefore not required.

APPENDIX 5 - Evidence Base Summary

Policy	Page	Public Consultation 1 – Landulph views on development November 2015	Public Consultation 2 – Open Day Report July 2016	Public Consultation 5 – Questionnaire Report February 2017	Other relevant Documents
Policy 1: Housing - Unallocated Small Scale Developments	12	<p>Aspiration for some growth in parish see table 5</p> <p>Overall approximately 20 dwellings see Table 7</p> <p>Desire for affordable/low cost housing see table 6</p> <p>Need to have regard for building design/materials of new developments See table 10</p>	<p>Number of new dwellings See page 6, para 2.1</p> <p>Affordable/low cost housing See page 5, paras 2.1. and 2.1.</p> <p>Building styles See page 6, para 2.1.5 and page 7, para. 2.1.</p>	<p>Aspiration for some growth in parish and types required Section 3 question 3</p> <p>Number of new dwellings Section 3 question 2</p> <p>Building styles Section 3 questions 5 , 6 and 9</p>	Public Consultation 3 – Landulph Housing Needs Survey – Report September 2016

<p>Policy 2: Roads and Parking</p>	<p>15</p>	<p>Concern re extra traffic see pp 5/6 and Table 8</p> <p>Need provision for off road parking - see p 5</p>	<p>Need for provision of off-road parking See page 6 para 2.1 and page 8 para. 2.2</p> <p>Proposals for footpaths and cycling See page 7, para 2.2.</p>	<p>Parking Section 3 questions 7 and 8</p>	<p>Traffic Report – November 2016</p>
<p>Policy 3: Street Lighting</p>	<p>16</p>		<p>Need to have minimum lighting See page 15, para 2.9</p>	<p>Dark skies/minimum lighting Section 3 question 25</p>	
<p>Policy 4: Waterfront, Quays, Beaches, Slipways and Public Spaces</p>	<p>17</p>	<p>Protection of quayside and river frontage - See Table 4</p> <p>Need to preserve amenities and public spaces - See Table 12</p>	<p>Need to protect the Waterfront See page 10, paras 2.3. and 2.3.</p>	<p>Need to preserve amenities and public spaces Section 3 questions 25, 26, 27, 28, 30 and 31.</p>	<p>Landscape Character Area Description CA 27 – Lower Tamar and Tavy Valleys</p>