

Crowan Parish Neighbourhood Development Plan

Independent Examiner's Report

May 2019

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Contents

Summary

1. Introduction
2. Appointment of the independent examiner
3. The role of the independent examiner
4. Compliance with matters other than the basic conditions
5. The examination process
6. Consultation
7. Compliance with the basic conditions
8. Neighbourhood Plan policies
9. Conclusions and recommendations

Appendix 1 Background Documents

Appendix 2 Examiner's questions

Summary

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

The examination was carried out in March/April 2019 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 27 March 2019.

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. Crowan Parish is a large parish, comprising five principal settlements and the housing needs identified in the Cornwall Local Plan can be met by infilling and rounding off within the newly defined settlement boundaries.

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

Independent Examiner

May 2019

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. Crowan Parish is situated in the south west of Cornwall, between Camborne and Helston. It has existed as a parish since the thirteenth century and the history of the Parish is rooted in the mining, fishing and farming associated industries. Today there are a number of distinct settlements – the principal ones being Crowan, Leedstown, Nancegollan, Praze-an-Beeble and Townshend. The east of the parish is an upland area of small stock and dairy farms, often shaped by miner’s smallholdings while to the west of the parish there are larger arable and intensive, double cropping horticultural interests. Distinctive elements of the rural landscape include part of the Cornish Mining World Heritage Site, to the west of the Parish, and an Area of Great landscape Value to the east.

3. The purpose of this report is to assess whether the Crowan 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 Crowan 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 ¹ that:

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

8. I must also consider whether the 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 conditions² if:

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

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

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

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

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

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

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

Environmental Impact Assessment development (this does not apply to this examination as it is not about a neighbourhood development order).

10. Regulation 32 and Schedule 2 to the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017⁵.

11. 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

12. 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.

13. 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. Crowan Parish Council committed to preparing a neighbourhood plan in November 2013 and an

⁵ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

initial Steering Group was set up in December 2013, followed by a second Steering Group which was formed in September 2016. A formal submission was made to Cornwall Council to designate the parish as a Neighbourhood Area on 30 January 2014. On 14 April 2014, Cornwall Council designated Crowan Parish as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. The designated area covers the parish of Crowan and does not cover any other Neighbourhood Area and the qualifying body is Crowan Parish Council.

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 Crowan 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 rule⁶ 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 Crowan 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 27 March 2019.

21. On 5 March 2018 an updated version of the National Planning Policy Framework (NPPF) was published for consultation and on 24 July 2018 the final version of the NPPF was subsequently published. Paragraph 214 of the Framework confirms the transitional arrangements for plans which were already under examination:

⁶ PPG para 004 ref id 41-004-20140306

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.⁷

22. As the Crowan NDP was submitted for examination on 7 December 2018, in advance of the 24 January 2019 deadline, the NDP has been assessed against the guidance in the former NPPF.

6. Consultation

Consultation process

23. 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.

24. In line with the Neighbourhood Planning (General) Regulations 2012⁸, 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.

25. 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. One of the challenges they faced is that the parish is a rural community scattered across many solitary homes and hamlets as well as the five villages. Nonetheless the Steering Group carried out a parish-wide questionnaire; engaged with local groups; attended local shows and events; and posted information and all consultation material on the Parish Council website, local noticeboards and the local Parish magazine. The extensive public engagement activities are summarised in Appendix 4 of the Consultation Statement.

26. 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 Vision for Crowan Parish has been clearly shaped by the views and priorities of the community. The Vision for the parish is:

⁷ National Planning Policy Framework: 24 July 2018

⁸ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

“In 2030, the Crowan Parish will be an even better area to live and/or work as the character of the Crowan Parish countryside will have been retained, whilst in the five main settlement communities at Crowan, Leedstown, Nancegollan, Praze-an-Beeble, and Townshend the community facilities and services will have been improved”

Representations received

27. 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 14 July 2018 and 31 August 2018. This generated 19 written responses and 83 verbal comments from attendees at consultation events.

28. The second consultation on the Submission Draft NDP was managed by Cornwall Council and took place between 10 January until 21 February 2019. In all, 17 representations were received – five from public bodies, four from Cornwall Council, one from a neighbouring Parish Council and seven from members of the public and other respondents.

29. 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.

30. From the evidence in front of me, it is apparent that Crowan 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

31. In my role as independent examiner I must assess whether the Plan meets the Basic Conditions⁹ set out in the Regulations as described in paras 7-10 above.

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

⁹ Para 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

National Policy

33. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Included in the twelve core principles of the NPPF¹⁰ 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.

34. Appendix Four of the Basic Conditions Statement sets out a comprehensive assessment of how each of the policies in the NDP has responded to the core principles set out in the NPPF and supports the achievement of sustainable development. The NDP therefore satisfies the basic condition that it has regard to national policies and advice.

Sustainable development

36. The qualifying body has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF¹¹.

37. Pages 4 to 6 of the Basic Conditions Statement set out a comprehensive assessment of how the plan contributes to the three aspects of sustainable development, complemented by further detail in Appendix Four.

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

Development Plan

39. 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.

¹⁰ NPPF (2012) para 16 and 17

¹¹ NPPF 2012) para 18-219

40. Appendix 4 of the Basic Conditions Statement also tests the policies of the NDP against sustainability criteria, national policy in the NPPF and 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.

41. 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 7 December 2018 confirms the Council's view that the NDP is legally compliant and can proceed to examination.

42. 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

43. I have considered the Basic Conditions Statement, the supporting evidence and representations made to the Crowan 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.

44. 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)

45. 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.

46. A Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Screening Assessment of the Crowan Parish NDP was carried out by Cornwall Council in June 2018 to assess whether it required SEA or HRA.

47. The Screening Report concluded that a full SEA did not need to be undertaken. The HRA screening report stated that although there are no European Sites within the Parish, the Fal and Helford SAC lies approximately 15km to the south east of the NDP area. Policy 22 of the Cornwall Local Plan puts in place a strategic solution for mitigation of recreational impact from development . A full HRA screening was therefore not required. Consultation bodies were invited to comment and no concerns were raised.

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

2. Human rights requirements

49. A short section in the Basic Conditions Statement, entitled “Comprehensive Impact Assessment Implications” 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.

50. 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

51. 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

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

53. 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 Background and an Intention section and then the policy is distinguished by a separate yellow text

box. This makes the plan very clear and, along with the excellent mapping, will ensure that the plan is easy to use in future.

54. 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 Guidance¹² are met.

55. 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

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

2. Crowan Parish NDP The Preparation Process

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

3. NDP Sustainability Appraisal

58. This section refers to a light touch Sustainability Appraisal having been carried out. In response to my query, the Parish Council confirmed that this reference was out of date as only a Strategic Environmental Assessment and a Habitat Regulations Assessment Screening Report had been carried out. Also, the references to the assessment against sustainability criteria should be to tables in the Basic Conditions document. This section therefore needs some updating.

- **Recommendation : Delete paragraphs 3.1 and 4.1 and reword first paragraph at top of page 5 to read “In order to ensure that the plan considers environmental, social and economic issues, the Crowan Parish NDP Steering Group carried out an assessment of the policies in the NDP against the three strands of sustainable development . This is set out**

¹² Planning Practice Guidance PPG para 004

in the Basic Conditions Statement, alongside an assessment of the how the policies perform against the NPPF and the policies in the Cornwall Local Plan. The Steering Group also requested Cornwall Council to screen the Neighbourhood Plan to determine whether for Strategic Environment Assessment or Habitat Regulations Assessment was required.”
Renumber subsequent paragraphs accordingly.

4. Crowan Parish : Background

59. This section provides a brief background to the Parish and I have no comments to make.

5. Crowan NDP : The Vision

60. This section outlines the Vision for the NDP and how it is linked to the five objectives. I have no comments to make.

Crowan Parish NDP : Objectives

61. These objectives are linked to the Vision in Section 5 and I have no comments to make.

7. Crowan Parish Housing Statement

62. Table 1 in this section provides a very useful summary of the NDP Housing Requirement. Although paragraphs 8.1 and 8.2 seek to explain how the housing requirement was calculated, the text is confusing , particularly with regard to the references to “a further 70 dwellings” which refers to the target for the Helston and South Kerrier CNA and “around 12 new dwellings” which is the figure for the NDP. As this is an important part of assessing how the NDP meets the strategic policies of the CLP , and therefore meeting the basic conditions, these paragraphs need to be reworded. An objector has mentioned that although reference to the Helston and South Kerrier Community Network Area is referred to in the NDP, it is not explained. I suggest a short explanation is added to paragraph 8.1. In addition, the references to the number of dwellings to be provided are variously “ a minimum of”, “approximately” and “around” twelve dwellings. References should be consistent to ensure clarity and I suggest the term “a minimum of” is used.

- **Recommendation : Add new sentence at start of para 8.1 to read “ The Cornwall Local Plan identifies nineteen different Community Network Areas (CNA) and the plan provides more detailed local guidance relevant to the needs and priorities of each community. Crowan Parish lies in the Helston and Kerrier CNA which covers 18 parishes, including the town of Helston and the Lizard Peninsula.”** Reword second sentence of Para

8.1 to read “Figures supplied by Cornwall Council are presented in Table 1 and show that the Local Plan Target for the wider Helston and Kerrier CNA is 1100 dwellings over the period 2010-2030 and, taking commitments and completions into account, the remaining Local Plan target is for 70 dwellings over the period 2017-2030. The Crowan NDP’s share of this target is 17% which amounts to a minimum of 12 dwellings.” Delete first sentence of para 8.2. In first line of Para 8.3 , change “approximately” to “a minimum of”

Crowan Parish NDP Policies

63. My comments and recommendations on the each of the NDP policies is set out below.

Policy HT1- Development Boundaries(Area Wide)

64. The very modest housing requirements for the NDP area are to be met by infilling within defined settlement boundaries and the Steering Group’s approach to defining these boundaries for the five main settlements in the parish is set out in Appendix A.

65. A number of representations have been made about the settlement boundary on the south side of the village of Crowan. In particular concern is expressed about a small part of the New Generation Daffodil site being included in the settlement boundary.

66. On my site visit I saw that the New Generation Daffodil site is an extensive area of land which has been in horticultural and agricultural use in the past, but now appears unused. Included in the site are eleven agricultural buildings which range in size and construction. The northern boundary of the site is fairly clearly defined as the back garden walls of the houses which face along the village street, running from Greystones to the east and Crowan Cottages to the west.

67. There have been a number of pre applications and planning proposals in this general location – both to extend existing gardens to the south and for residential development at the northern end of the site. As the Consultation Statement acknowledges, there are differing views about whether it would be best to accommodate some form of development which would tidy up the site in the immediate vicinity of existing properties by making a small extension to the settlement boundary or for it to continue in its current unused state.

68. Policy 3 of the CLP, allows the development of previously developed land (PDL) on the edge of settlements in certain circumstances. However, the site is not previously developed land as the National Planning Policy Framework 2012 sets out a definition of PDL and this specifically excludes

"land that is or has been occupied by agricultural or forestry buildings". In general terms, therefore, development of the New Generation Daffodil site would constitute development in the open countryside.

69. The Steering Group used a number of different criteria to define settlement boundaries which are set out in Appendix A to the Plan. The most relevant ones in the context of defining the settlement boundary for Crowan are : criteria (c) *"Where development is in close proximity to the edge of the built up area of the village, but the development is different in character, in that it forms part of the open countryside will be excluded"* and criteria (g) *"Boundaries should follow clearly defined features eg field boundaries, roads, streams ,walls, fences etc."*. As the site is different in character to the rest of the village, in that it is land in former agricultural/horticultural use, inclusion of the site within the development boundary would not meet the requirements of criteria (c). Also, although the northern boundary of the site is well defined, the other boundaries, and particularly the southern boundary, are not, so criteria (g) is not met.

70. From my site visit , I could see that the risk involved in making a small extension to the development boundary, as proposed in the Reg 16 version of the NDP, might be that the site would be developed in a piecemeal and incremental way, rather than as part of a comprehensive scheme which such an extensive and unused site would require. Nonetheless, development of former agricultural and horticultural land would in any case constitute development in the open countryside, and would be contrary to strategic guidance in the CLP. I also recognise the point made by representors about settlement boundaries needing to be drawn up in a consistent manner in line with defined criteria. I therefore recommend that the settlement boundary on the south side of Crowan village is redrawn to follow the boundaries of the rear gardens of the properties which face along the village street.

- **Recommendation : Redraw the settlement boundary on the south side of Crowan village to follow the boundaries of the rear gardens of the properties (Greystones to Crowan Cottages) which face along the village street**

71. There are two versions of the Parish Settlement Maps in the plan – on pages 11 to 15 and on pages 35 to 39, with the second set of plans having a figure number and key. In response to my query, the Parish Council confirmed that one set of plans would be adequate. I therefore suggest that the first set of plans is replaced by the second set. Some consequential rewording of policy HT1 is required.

- **Recommendation : Delete maps on pages 11 to 15 of the plan and replace with Figures 3-7. Reword first sentence of Policy HT1 to read “ Development boundaries for the settlements of Crowan, Leedstown, Nancegollan, Praze-an-Beeble and Townshend are defined in Figures 3-7”**

Policy HT2 – Local Housing Need

72. Some minor rewording of the supporting text for the policy is required to improve clarity for future users of the plan. In particular , it needs to be clear that any assessment against local connection criteria should be against the current guidance from Cornwall Council. Also, it needs to be explained more clearly how this policy will be monitored.

- **Recommendation : Add “current” before “parish local connection criteria” in first sentence of para 9.6. Reword para 9.7 to read “The amount of housing provided will be monitored at regular intervals by the Parish Council against the housing needs expressed in the Homechoice Housing Register.”**

Policy HT3 - Conversion of Buildings in the Countryside

73. As this policy deals with the conversion of buildings in the countryside, the reference to “for the settlement” in HT3(ii) is not necessary.

- **Recommendation : Delete “for the settlement” in HT3(ii)**

Policy HT4 - Design

74. The last paragraph of this policy deals with development proposals within the World Heritage Site and the Area of Great Landscape Value and overlaps with Policy HLE1 which deals with the same topic, but in more detail. The guidance in Policy HT4 is therefore superfluous and should be deleted.

- **Recommendation : Delete second paragraph of Policy HT4. Reword Para 9.11 to read “To preserve and enhance the character of the whole Crowan Parish”**

Policy HT5 – Self-Build

75. This policy deals with self-build housing , but as drafted does not provide sufficiently clear guidance. In response to my query, the Parish Council suggested it should be reworded to improve clarity and Cornwall Council confirmed that the reworded version would be in general conformity with their emerging Housing SPD.

- **Recommendation : Delete first line of Policy HT5 and replace with “Proposals for self-build dwelling(s) on exceptions sites will only be supported for applicants who:”**

Policy HT6 – Housing for Elderly and Infirm People

76. Cornwall Council has suggested some rewording of the title of the policy so that it refers to people who require additional access arrangements. Associated changes to the policy wording are also required. I agree this would be helpful. In response to my query, the Parish Council confirmed that the reference to “Appendix xx” in para 9.14 should be to “Appendix B – Population and Demographics”.

- **Recommendation: Change title of Policy HT6 to “Housing for the elderly and people who require additional access arrangements”. Reword Policy HT6 to read “ Proposals to build housing which meets the needs of the ageing population within the settlement boundaries will be supported. For exception sites, where an element of market housing is required to support the viability of the proposal, the provision of smaller homes with ground floor accommodation which is designed for people with access and movement difficulties will be supported as part of the open housing market offer.” In para 9.14 change Appendix xx to “Appendix B – Population and Demographics”**

Facilities, Amenities and Services

Policy FAS1 – Recreational Areas- Open spaces, Playing fields and sports

77. In response to my query, the Parish Council confirmed that this policy deals with the public open spaces, recreational and sports areas which are listed in Appendix C. I also saw that they are all mapped on Figure 8. In order to ensure that the policy is clear for future users of the plan, I suggest that more direct references to these are made in the Policy FAS1.

- **Recommendation : Add after “Recreational Areas “ in first line of Policy FAS 1 “listed in Appendix C and mapped in Figure 8”**

Policy FAS2- Community/Village – Rooms and Halls

78. Some minor fine-tuning of the supporting text and the wording of the policy are required to improve clarity.

- **Recommendation : Delete “to be” in second line of para 9.17. Add “it does “ before “not have” in FAS2(ii). Delete “provide” at the start of FAS2(iii) and add “will be provided” at the end of the clause**

Policy FAS3- Toilet Facilities

79. Some minor fine-tuning of the wording of the policy is required to improve clarity. The last sentence of the policy duplicates guidance in FAS2 about existing community uses which are no longer viable and should be deleted.

- **Recommendation : Add “it does” before “not have” in FAS3(ii). In FAS3(iii) change “affording” to “it affords”. Delete “Where it is to alternative community use” at the end of Policy FAS3**

Policy FAS4 – Car Parking

80. This policy deals with car parking and I have no comments to make.

Policy FAS5 – Retail, Hospitality and Consumer Services

81. As currently drafted , this is not a land use planning policy, in that it refers to work that the Parish may do in the future to identifying community assets. In response to my query, the Parish Council confirmed that to date, no community assets had been listed. Cornwall Council confirmed that the protection of community assets is covered by Policy 4 of the Cornwall Local Plan. I therefore recommend that the policy is deleted .

- **Recommendation : Delete Policy FAS5, policy heading and paragraphs 9.24 and 9.25. Renumber subsequent policies and paragraphs accordingly.**

Policy FAS6 – General Infrastructure

82. The reference to satisfactory service levels for general infrastructure in Policy FAS6 is not a planning matter; however, the provision of such services is an issue for planning policy , so a minor amendment is required, to ensure the policy meets the basic conditions.

- **Recommendation: Delete “to be assured of satisfactory service levels” and substitute “provided” in Policy FA6**

Policy FAS7- Public Rights of Way

83. This policy deals with public rights of way and I have no comments to make.

Policy FAS8 – Telecommunications- Range of Services

84. This policy deals with telecommunications services and I have no comments to make.

Policy FAS9 – Telecommunications- Masts etc

85. This policy deals with telecommunications masts and I have no comments to make.

Policy FAS10 -Transport and Links - Improvement

86. I have no comments to make

Policy FAS 11 -Transport and Links- Sustainability and Special Needs

87. I have no comments to make

Policy FAS12 – Education, Health and Social Care

88. Generally, the NPPF and PPG encourages planning policies to be positively worded so I suggest that some modifications are made to policy FAS12.

- **Recommendation : Reword Policy FAS12 to read “Development proposals that improve or increase education, health and social care provision for parish residents and visitors will be supported.”**

Employment and Tourism

89. This section introduces the employment and tourism policies in the NDP. Paragraphs 9.43 and 9.44 require some punctuation and fine tuning so that they provide a clearer context for the policies which follow.

- **Recommendation : Reword para 9.43 to read “The following issues/themes are significant to the Parish: reliance on agriculture and horticulture; the imbalance with other parts of the County in relation to tourism and transport links to the towns where major job opportunities are more prevalent; under investment and provision of facilities to encourage the growth of SMEs and micro-businesses; patchy access to high-speed broadband”**
- **Reword Para 9.44 to read “ This Plan will concentrate on the above within the defined development boundaries where Town & Country Planning Use Classes A1, A2, A3, B1, B8, C1 and D1 are in scale with their surrounds and compatible with adjoining uses. Outside the development boundaries, the re-use of brown- field sites or redundant buildings might be appropriate, provided it is not in conflict with other policies in this Plan and the Cornwall Local Plan .”**

Policy EP1 – Employment and Tourism – Brownfield Sites

90. This policy requires some amendment to ensure that it complies with the strategic guidance in the CLP and therefore meets the basic conditions. Also, the Parish Council is not the decision-making body in relation to planning applications, so the reference to it in the policy needs to be deleted.

- **Recommendation : Reword Policy EP1 to read “ The re-use of brownfield sites for employment creation purposes as well as proposals to upgrade existing employment land and premises will generally be supported , provided the requirements of CLP policies 5 and 21 are met.”**

Policy EP2 – Employment and Tourism – New Business

91. I have no comments to make on this policy.

Policy EP3 – Employment and Tourism – Diversification

92. The reference to “the EP2” settlements is not particularly clear and I suggest a minor rewording to improve clarity and to ensure it meets the basic conditions.

- **Recommendation : After “Outside ” in Policy EP3 add “the boundaries of the settlements defined in policies HT1 and EP2”. Delete “EP2 settlements” in the same sentence.**

Policy EP4 – Employment and Tourism – Local Retail, Hospitality and Services

93. I have no comments to make on this policy.

Heritage, Landscape and Environment

Policy HLE1 – Heritage Landscape and Environment – Boundaries, Flora and Fauna

94. Natural England has commented that this policy should be amended to ensure that it complies with the guidance in the NPPF; thus, the reference to “preserve or improve” should be changed to “protect and enhance”. Cornwall Council has also suggested that the policy should be strengthened with regard to the protection of woodland, ancient woodland and ancient/ veteran trees. An objector has also suggested that opportunities to plant new trees should be encouraged.

- **Recommendation : In first line of Policy HLE1 change “preserve or improve” to “protect and enhance”. Add as new second, third and fourth sentences : “Designated and undesignated woodland and ancient veteran trees should be protected and enhanced. Where the removal of trees is unavoidable, a detailed tree appraisal and re-planting scheme should be agreed. Proposals to plant and establish new woodland areas will be supported, provided the proposal complies with other policies in the Neighbourhood Development Plan.”**

Policy HLE2 – Heritage Landscape and Environment – Local Characteristics

95. I have no comments on this policy.

Policy HLE3 – Heritage Landscape and Environment – Flooding

96. Unlike other policies, there is no introductory text to explain the background to this policy. I therefore suggest that additional text is added to the Background and Intention sections for the Heritage and Landscape Policies on page 28.

- **Recommendation : Add new paragraph 9.52 to read “Due to the geography of Crowan Parish, the severe floods seen in other parts of the country do not occur. However, in periods of heavy rain, certain locations in the Parish could be susceptible to flooding. These areas are mapped in Appendix J.” Renumber existing para 9.52 as para 9.53. Add new final sentence at end of paragraph to read “To ensure any new development takes account of areas potentially at risk from flooding”. Add “and Maps” after “Parish Flood Plan” in Policy HLE3.**

Renewable Energy

Policy RE1 – Renewable Energy

97. My only comment on this policy is that criteria RE1(iii) is not relevant as Crowan Parish is neither within or bordering an AONB, nor the undeveloped coast. I therefore suggest it is deleted.

- **Recommendation : Delete criteria RE1(iii) and renumber subsequent clauses accordingly.**

9. Conclusions and Recommendations

98. I have examined the Crowan 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.

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

100. I am also required to consider whether the referendum area should be extended beyond the Crowan 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 April 2014.

APPENDIX 1: Background Documents

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

- Crowan Parish Neighbourhood Development Plan 2018-30 V2.3.5 23 November 2018
- Crowan Parish Neighbourhood Development Plan 2018-2030 Consultation Statement 30 November 2018
- Crowan Neighbourhood Development Plan 2018-2030 Basic Conditions Statement 6

December 2018

- Cornwall Council: Crowan Neighbourhood Development Plan – 2016 to 2030 – Legal Compliance and Examination Stage: 7 December 2018
- Crowan NDP May 2018 Pre Submission version - Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report: 4 June 2018
- Cornwall Local Plan: Strategic Policies 2011-2031: Adopted November 2016
- National Planning Policy Framework (NPPF) 2012
- National Planning Policy Framework (NPPF) 24 July 2018
- Planning Practice Guidance March 2014 and subsequent updates

APPENDIX 2

Crowan Parish Neighbourhood Development Plan Examination

Request for further information and questions from the Examiner to Cornwall Council and Crowan 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.

Submission date

Please can you confirm the date on which the Submission version of the NDP was submitted to Cornwall Council? The copy which I have is marked V2.3.5 and is dated 23 November 2018, although I note that

the Consultation Statement is dated 30 November 2018 and the Basic Conditions Statement is dated 6 December 2018.

Pre-submission consultation stage

Appendix 8 of the Consultation Statement provides a summary of the Individual Community Responses received at the Pre-Submission stage. Although I do not need to know about the detail of these responses, please can you confirm how many were received?

Sustainability Appraisal

Section 3 of the NDP refers to the Steering Group carrying out a light touch NDP Sustainability Appraisal report. This does not appear to be on the Parish Council website so I would be grateful if you could send me a copy. On a related matter, I was also checking the Basic Conditions Statement to see if an assessment had been done of the NDP policies against the strategic policies in the Core Strategy. Again, if this is available, please can you send me a copy.

Development boundary maps

There are five Parish Settlement Maps in the NDP between pages 11 and 15 which relate to Policy HT1 – Development boundaries. I think these maps are then repeated again in the Appendices to the plan on pages 35 to 39. As far as I can see, the only difference seems to be that, in the second set of plans, each plan has a figure number and a key added in. Ideally, it would be best just to have one set of plans and I think the second set would be better simply because they have figure numbers and a key. Please can I have the Parish Council's views on this? If I have missed any other differences between the plans, please let me know.

Self-build housing

Policy HT5 on self-build housing talks about proposals for “an affordable self-build dwelling”. Is the intention then that only one affordable self-build house could be built on an exceptions site? Or is a different approach intended?

Housing for elderly and infirm people

In paragraph 9.14, reference is made to an Appendix xx. Please can you provide the necessary details? Is it perhaps Appendix B to the plan?

Recreation areas and open spaces

The first sentence of Policy FAS1 refers to “Recreation areas”. Are these the same as the Open Spaces listed in Appendix C and mapped in Figure 8? If there are differences, please explain these. In addition, Cornwall Council has mentioned that Praze and Beeble Football Club at Fore Street, Praze and Beeble and Clowance Golf Course have been omitted from Appendix C and I think they are also missing from Figure 8. Please can you advise if they should be added and provide appropriate mapping, if required?

Community assets

Policy FAS5 explains that the Parish Council will work to define Community Assets. However, as drafted, it does not appear to be a land use planning policy - rather it is a community objective. Please can you comment? Are there already any Community Assets which have been defined that need to be protected – in which case a land use policy might be appropriate?

Representation

A representation has raised a query regarding the development boundary for Townshend on page 15 of the plan and refers to a tithe map and a property that backs on to a field known as Great Meadow. I am uncertain as to which part of the boundary is being referred to and would be grateful if the Parish Council could provide some clarification.

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

25 March 2019