



*Independent Examiner's Report of the Chacewater  
Neighbourhood Development Plan*

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## **SECTION 1 Contents**

### **CONTENTS**

<b>Section 1</b>	
Contents.....	3
<b>Section 2</b>	
Summary.....	4
<b>Section 3</b>	
Introduction.....	5-7
<b>Section 4</b>	
The Report.....	8-34
1. Appointment of the Independent Examiner.....	8
2. Qualifying Body.....	8
3. Neighbourhood Plan Area.....	8
4. Plan Period.....	8
5. Cornwall Council Regulation 15 assessment of the plan.....	8
6. Site Visit.....	8
7. Consultation Process.....	8
8. Regulation 16 Consultation and Comment on Responses.....	9
9. Compliance with the Basic Conditions.....	9
10. Planning Policy.....	10
11. Other Relevant Policy Considerations.....	11-13
12. Chacewater Neighbourhood Development Plan Policies.....	15-34
<b>Section 5</b>	
Conclusions and Recommendations.....	35

## **SECTION 2**

### **2. Summary**

*As the Independent Examiner appointed by Cornwall Council to examine the Chacewater Parish Neighbourhood Development Plan, I can summarise my findings as follows:*

- 1. I find the Chacewater Parish Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Chacewater Parish Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Chacewater Parish Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. The Chacewater Neighbourhood Development Plan has been examined, as required under the National Planning Policy Framework 2012. The plan going forward to referendum should remove reference to the National Planning Policy Framework 2018.*
- 6. At the time of my examination the adopted local plan was the Cornwall Local Plan 2016.*

## **SECTION 3**

### **3.Introduction**

#### **3.1. Neighbourhood Plan Examination.**

*My name is Deborah McCann and I am the Independent Examiner appointed to examine the Chacewater Parish Neighbourhood Development Plan.*

*I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.*

*My role is to consider whether the submitted Chacewater Parish Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Chacewater Parish Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.*

*The Chacewater Parish Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*

*The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case.*

*In the examination of the Chacewater Neighbourhood Development Plan I did not consider it necessary to hold a Hearing.*

#### **3.2. The Role of Examiner including the examination process and legislative background.**

*The examiner is required to check whether the neighbourhood plan:*

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated*

*neighbourhood area.*

*The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).*

*As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:*

*1. The Plan can proceed to a Referendum*

*2. The Plan with recommended modifications can proceed to a Referendum*

*Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community’s intent in producing their neighbourhood plan.*

*3. The Plan does not meet the legal requirements and cannot proceed to Referendum*

*I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Chacewater Parish Neighbourhood Development Plan go to Referendum.*

*In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:*

*- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

*I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:*

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- Contributes to the achievement of sustainable development; and*
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

*There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:*

*"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—*

*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 2017."*

*The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.*

*Cornwall Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Unitary Authority must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and*

*then “made” by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.*



## **SECTION 4**

### **4. The Report**

#### **4.1. Appointment of the Independent examiner**

*Cornwall Council appointed me as the Independent Examiner for the Chacewater Parish Neighbourhood Development Plan with the agreement of Chacewater Parish Council.*

#### **4.2. Qualifying body**

*I am satisfied that Chacewater Parish Council is the Qualifying Body.*

#### **4.3. Neighbourhood Plan Area**

*The designated Chacewater Parish Neighbourhood Area covers the parish of Chacewater.*

*Cornwall Council designated the Chacewater Neighbourhood Area on the 28th March 2017.*

*The Basic Conditions Statement submitted with the Chacewater Parish Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Chacewater Parish Neighbourhood Development Plan.*

#### **4.4. Plan Period**

*It is intended that the Chacewater Parish Neighbourhood Development Plan will cover the period 2018-2030.*

#### **4.5. Cornwall Council initial assessment of the Plan (Regulation 15).**

*Chacewater Parish Council submitted the draft Chacewater Neighbourhood Development Plan to Cornwall Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. Cornwall Council made an initial assessment of the Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria on the 16<sup>th</sup> of November 2018.*

#### **4.6 Site Visit**

*I carried out an unaccompanied site visit on the 6<sup>th</sup> March 2019 to familiarise myself with the Neighbourhood Plan Area.*

#### **4.7. The Consultation Process**

*The Chacewater Parish Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.*

*The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):*

*(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;*

*(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and*

*(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.*

*Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.*

*A list of statutory bodies consulted is included in the Consultation Statement.*

#### **4.8.Regulation 16 consultation by Cornwall Council and record of responses.**

*The Cornwall Council placed the Chacewater Parish Neighbourhood Development Plan out for consultation under Regulation 16 for the statutory six-week period from the Thursday 20 December 2018 and 7 February 2019 for seven weeks due to the consultation covering the Christmas period.*

*A number of representations were received during the consultation period and these were made available by Cornwall Council as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.*

#### **4.9. Compliance with the Basic Conditions**

*The Chacewater Parish Neighbourhood Development Plan working Group produced a Basic Conditions Statement. The purpose of this statement is for the Neighbourhood Development Plan Working Group to set out in some detail why they believe the Neighbourhood Development Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as*

*submitted is correct.*

*I have to determine whether the Chacewater Parish Neighbourhood Development Plan:*

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
- 5. There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:*

*"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—*

*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 2017."*

*Documents brought to my attention by the Unitary Authority for my examination include:*

*(a) The Chacewater Neighbourhood Development Plan:*

*This is the main document, which includes the policies developed by the community.*

*(b) The Consultation Statement:*

*This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Chacewater Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.*

*(c) Basic Conditions Statement.*

*This is a statement setting out how Chacewater Parish Neighbourhood Development Plan Working Group considers that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitats Regulations Assessment and addresses how the plan contributes to the*

*achievement of sustainable development.*

*(d) Chacewater NDP Local Landscape Character Assessment*

*(e) Chacewater NDP Local List 2018*

*Comment on Documents submitted*

*I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Chacewater Parish Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.*

#### **4.10 Planning Policy**

##### **4.10.1. National Planning Policy**

*National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) 2012. During the course of my examination the government published the revised NPPF.*

*The revised NPPF provides for transitional arrangements as follows:*

*“214. 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.*

*(69) For neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.*

*(22) During the transitional period for emerging plans submitted for examination (set out in paragraph 214), consistency should be tested against the previous Framework published in March 2012.”*

*Therefore, for the purposes of my examination the relevant national policy document is the NPPF (2012).*

*To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing*

*development in their area that is outside the strategic elements of the Local Plan”.*

*The Chacewater Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.*

*I have examined the Chacewater Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan does meet the Basic Conditions in this respect.*

#### **4.10.2. Local Planning Policy- The Development Plan**

*Chacewater is within the area covered by Cornwall Council. The relevant development plan is the Cornwall Local Plan 2016*

*I have considered the Strategic policies of the Development Plan and the Policies of the Chacewater Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Cornwall Local Plan 2016.*

#### **4.11. Other Relevant Policy Considerations**

##### **4.11.1 European Convention on Human Rights (ECMR) and other European Union Obligations**

*As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.*

*The Chacewater Parish NDP Steering Group requested that Cornwall Council screen the Neighbourhood Plan for Strategic Environmental Assessment and Habitat Regulations Assessment on 13th July 2018. Natural England, the Environment Agency and Historic England were consulted as part of the screening process. The screening opinion concluded that:*

*“Based on the scale and location of development proposed in the draft plan and the sensitivity of the parish environment, Cornwall Council is of the opinion that the Chacewater Parish NDP is unlikely to have significant effects on the environment or on European Sites and that SEA and HRA is therefore not required.”*

*I am satisfied with this conclusion.*

##### **4.11.2 Sustainable development**

*The Basic Conditions Statement sets out in detail how the plan addresses achieving sustainable development. I am satisfied having regard to this document and other*

*relevant documents, policies and legislation that the Chacewater Neighbourhood Development Plan does, subject to the recommended modifications, contribute to achieving sustainable development and meets the Basic Conditions in this respect.*

*The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.*

*I am satisfied that the Chacewater Neighbourhood Development Plan has done so.*

*I am therefore satisfied that the Chacewater Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.*

#### **4.11.3 Excluded development**

*I am satisfied that the Chacewater Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*

#### **4.11.4 Development and use of land**

*I am satisfied that the Chacewater Neighbourhood Development Plan covers development and land use matters.*

#### **4.11.5 The Neighbourhood Plan Vision Strategic Aims and Policies**

##### **General comments**

*Planning Guidance on preparing neighbourhood plans and policies is clear, it states:*

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*

*Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”*

*In order to provide clarity and to ensure that the policies in the Chacewater Neighbourhood Development Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:*

- Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.*
- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.*

*As previously stated, the Chacewater Neighbourhood Development Plan has been examined as required, under the provisions of the National Planning Policy Framework 2012. Whilst the format of the Plan has been very helpful to me in my examination it is not necessary to include all the policy and NPPF paragraph references within the body of the plan, these would be better located within the Basic Conditions Statement. In addition, it is necessary to ensure that any references to the NPPF in the Plan should be to the NPPF 2012 and not the NPPF 2018.*

*As I have found it necessary to modify a number of policies it will also be necessary to modify the supporting text within the plan to align with the modified policies. The details of these modifications are set out within my comments on the related policies. My comments on policies are in blue with the modified policies in red with deleted wording shown ~~as~~ and modified wording shown as.*

## **VISION**

*An inviting, outward looking and inclusive parish that respects its unique heritage, its natural environment, its countryside, its community, its character and identity. A parish that looks forward, embraces sustainable change, supports realistic business growth, appropriate housing and the services which underpin them.*

## **OBJECTIVES**

*The Chacewater Parish Neighbourhood Development Plan (NDP) is for everyone. It provides a framework for our future, in terms of development, planning, infrastructure management, personal well-being, business and community involvement. This document draws together all that matters to each and every one of us. We therefore wish to maintain a keen focus on the environment, our unique heritage and the countryside for which we have responsibility.*

- We also need to maintain our Public spaces, retain our Commercial services,*

Medical provision and Transportation links whilst improving our Road Safety and Traffic Management infrastructure. A vital concern relates to making our parish as attractive as it can be to live, visit or work in.

- We need to embrace change and recognise our contribution towards the demand for housing, which should be met by sustainable development with a sense of identity. Nothing can be achieved, however, without the full involvement of the community, so we must continually encourage initiative, invention and inclusivity, embracing ideas from all age groups.
- In this way, we can promote both personal and wider development by cultivating a responsible social conscience and behavioral attitude at the same time as protecting the things we currently benefit from and value most. In short, this is our time and opportunity to manage our future together!

#### **COMMENT**

*I am satisfied that the vision and objectives of the Chacewater Neighbourhood Development Plan reflect the consultation process and flow through to the policies developed.*

#### **POLICIES**

##### **Objective 1 - Natural Environment (Biodiversity – Flora & Fauna)**

**BIO1: Safeguard and Enhance the Natural Environment. Developers must avoid adverse impact upon the character, distinctiveness, local significance of any site that will have a negative impact on the Natural Environment. All sites outside the 5 main parish settlements of Chacewater, Twelveheads, Scorrier, Wheal Busy and Blackwater (See Fig 1 below) must comply with CLP 23: sensitivity, beauty, capacity, bio-geodiversity, conservation and landscape.**

#### **COMMENT**

*Please refer to my general comments. The policy lacks clarity and as currently worded would be difficult to apply in the determination of a planning application. For clarity the policy should be modified as follows:*

**BIO1: Safeguard and Enhance the Natural Environment. To protect the character, local distinctiveness and significance of the Parish of Chacewater developers must should avoid adverse impact upon the character, distinctiveness, local significance of any site that will have a negative impact on the Natural Environment. All sites outside the 5 main parish settlements of Chacewater, Twelveheads, Scorrier, Wheal Busy and Blackwater (See Fig 1 below) must comply with CLP 23: sensitivity, beauty, capacity, bio-geodiversity, conservation and landscape.**



**BIO2: Effective Management and Protection of Trees.** Development proposals must retain and maintain designated trees and seek to protect others. Where removal of trees is unavoidable, a detailed tree appraisal and re-planting scheme must first be agreed.

#### COMMENT

Please refer to my general comments. The policy relating to protecting trees is already set out at a national and local level and does not need to be repeated in this Plan. In addition, it is unclear whether the second sentence of the policy is intended to relate to protected trees or unprotected trees. For clarity the policy should be modified as follows:

**BIO2: Effective Management and Protection of Trees.** Development proposals must should where possible retain and maintain designated trees and seek to protect others. Where removal of designated trees is unavoidable-proposed, a detailed tree appraisal and re-planting scheme must first be agreed.

**BIO3: Improve Wildlife Areas, Green Spaces and Public Rights of Way (PRoW).**

Development must recognise and allow for wildlife forage areas, corridors and green spaces as these encourage, enhance, underpin and sustain the green infrastructure of the Parish and its surrounding area.

#### COMMENT

Please refer to my general comments. The policy as currently worded would be difficult to apply in the determination of a planning application. In addition, Public Right's of Way are not administered by the planning system and policies in a Neighbourhood plan can only relate to the Neighbourhood Plan Area itself and not the surrounding area. For clarity and to meet the Basic Conditions the policy should be modified as follows:

**BIO3: Improve Wildlife Areas and Green Spaces and ~~Public Rights of Way (PRoW)~~.**

Development proposals should, where relevant ~~must~~ recognise and allow for wildlife forage areas, corridors and green spaces as these encourage, enhance, underpin and sustain the green infrastructure of the Parish and its surrounding area.

**BIO4. Species.** Developers must demonstrate compliance with best practice as set out in the Cornwall Biodiversity SPD in relation to the creating new habitats, e.g. Bee bricks, Bird/Bat boxes and hedgehogs' corridors.

## **COMMENT**

*I have no comment on this policy.*

**BIO5: Protect and Develop Open Spaces for the future. Applicants must be cognisant of the need to protect and enhance valued community space from unwanted development. This would include woodlands, PRow and open access areas shown on OS Map 104 and Land Use designations 1, 2 and 3 in Fig. 6 below.**

## **COMMENT**

*I have no comment on this policy.*

**BIO6: Encourage better Environmental practices. As contaminated water run-off can critically impact the natural environment of the Parish (e.g. the valley bottom), applicants must focus on where this might occur as part of any development. Development which would be likely to have an adverse impact will not be supported.**

## **COMMENT**

*The run off of contaminated water is controlled by the Environment Agency. In order to meet the Basic Conditions this policy should be deleted.*

### **Objective 2 - Historic Environment (Heritage)**

**HE1: Safeguard and Enhance the Historic Environment. New development in Chacewater Parish must safeguard and enhance its special historic architectural and landscape character. This will be achieved by protecting and conserving designated or undesignated areas, sites, structures and buildings that fall into any of the following categories:**

- **World Heritage Site (WHS) status.**
- **Scheduled Monuments, e.g. Key aspects of the Great Wheal Busy site. • Listed Buildings and/or Sites.**
- **Chacewater Conservation Area.**
- **Site(s) of Special Scientific Interest (SSSI).**
- **Chacewater Parish Local List.**
- **Currently undesignated sites (and potential sites) of heritage value.**

## COMMENT

*This policy mixes seeking protection of the natural and built environments, issues more appropriately dealt with under separate policies. The policy framework for Sites of Special Scientific Interest is set at a national level as is policy for Designated, Non-Designated Heritage assets and Conservation Areas. There is no need for the Neighbourhood Plan to repeat these policies. There is an overlap between HE1, HE2, HE3, HE4, HE5, HE6 and HE7. As currently worded the policy does not have regard for the existing policy framework and therefore does not meet the Basic Conditions. For clarity and to meet the Basic Conditions the policy should be combined with HE2, HE3, HE4, HE5, HE6 and HE7 and modified as follows:*

**HE1: Safeguard and Enhance the Historic Environment. New development in Chacewater Parish affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and the development plan.**

~~*must safeguard and enhance its special historic architectural and landscape character. This will be achieved by protecting and conserving designated or undesignated areas, sites, structures and buildings that fall into any of the following categories:*~~

**HE1 a World Heritage Site (WHS)-status. Proposals which would impact on the Cornish Mining World Heritage Site must comply with the WHS Management Plan and follow the assessment procedures of the WHS Supplementary Planning Document**

~~*• Scheduled Monuments, e.g. Key aspects of the Great Wheal Busy site. • Listed Buildings and/or Sites.*~~

**HE1 b Chacewater Conservation Area. Development proposals should preserve or enhance the character and appearance of the Chacewater Conservation Area in accordance with national policy and the development plan.**

~~*• Site(s) of Special Scientific Interest (SSSI).*~~

~~*• Chacewater Parish Local List.*~~

~~*• Currently undesignated sites (and potential sites) of heritage value.*~~

**HE1c Historic landscape character. Proposals should respect and enhance the historic character of the landscape, making reference to the Chacewater Local Landscape Character Assessment.**

**HE2: Cornish Mining WHS. Development proposals must comply with the WHS Management Plan and follow the assessment procedures set out in the WHS SPD.**

**COMMENT**

**Please see comments on HE1**

**HE3: Listed Buildings and Historic Character. Proposals must demonstrate that they respect and enhance the character, appearance and setting of Listed Buildings. There is a presumption in favour of retaining and conserving historic fabric and detail; the use of traditional local methods and materials for construction and repair will be promoted.**

**COMMENT**

**Please see comments on HE1**

**HE4: Chacewater Conservation Area and its Setting. Proposed development must preserve and enhance the special character and appearance of the Chacewater Conservation Area (iaw the Chacewater CAMP)<sup>54</sup> and must not adversely impact the character, appearance, historic fabric or setting of structures and features within the CA. Proposed development beyond the CA boundary which could affect its setting must be assessed in terms of the potential impact.**

**COMMENT**

**Please see comments on HE1**

**HE5: Protecting the Heritage. Proposals for development affecting a heritage asset must consider the significance, local, national and international importance of its historic fabric, features and setting; using as a minimum the Historic Environment Records (HER) and must respect the WHS status. Support will be given for proposals that promote and protect the heritage of the Parish through the sensitive renovation and conversion of key historic buildings and survivals.**

**COMMENT**

**See Comment on HE1**

**HE6: Demolition of Historic Buildings/Structures. The demolition of any buildings or structures which contribute to the character of the area must be avoided.**

## COMMENT

See comment on HE1

**HE7: Historic Archaeological and Landscape Character. Proposals must respect and enhance the historic/archaeological character and appearance of the landscape.**

## COMMENT

See comment on HE1

**Objective 3 - Landscape, Green & Open Spaces**

**LGOS1: Protecting and Enhancing the Landscape. New development will only be supported where it enhances the character of our Parish and safeguards its significance and distinctiveness, which includes our water courses.**

## COMMENT

*This policy is overly restrictive and does not meet the Basic Conditions. In order to meet the Basic Conditions, the policy should be modified as follows:*

***LGOS1: Protecting and Enhancing the Landscape. New Development proposals should have regard ~~will only be supported where~~ how it enhances ~~the~~ for the character of our ~~the~~ Parish and safeguards its significance and distinctiveness, which includes our water courses.***

**LGOS2: Managing and Protecting Existing Green and Open Spaces. Applicants will be required to preserve the character, setting, accessibility, general quality and appearance of any green and open space, in recognition of their special landscape, archaeological, historic and community value.**

## COMMENT

*Planning policy cannot include requirements for the ongoing management of land. For clarity and to meet the Basic Conditions the policy should be modified as follows:*

***LGOS2: Managing and Protecting Existing Green and Open Spaces. Applicants will be required to preserve the character, setting, accessibility, general quality and appearance of any green and open space, in recognition of their special landscape, archaeological, historic and community value.***

**LGOS3: Development Assessments. The Developer must demonstrate how they have assessed the site and its context, how they have used that assessment to inform design and how they will mitigate any potential harm.**

## COMMENT

*Information on site assessment should normally be included in a Design and Access Statement where this is required. However, I assume that this policy is intended to relate to development which impacts on landscape, biodiversity and geodiversity. For clarity the policy should be modified as follows:*

***LGOS3: Development Assessments. Proposals which have an impact on the landscape character, biodiversity or geodiversity of Chacewater Parish must comply fully with policy 23 of the CLP. The Developer must demonstrate how they have assessed the site and its context, how they have used that assessment to inform design and how they will mitigate any potential harm.***

***LGOS4: Protect and/or Develop our Public Realm. Any development must provide, maintain or improve access to and create a positive relationship with public spaces***

## COMMENT

*Not all development proposals will impact the public realm. As currently worded the policy is overly restrictive and lacks clarity. For clarity and to meet the Basic Conditions the policy should be modified as follows:*

***LGOS4: Protect and/or Develop our Public Realm. Any development affecting the public realm should must provide, maintain or where possible improve access to and create a positive relationship with public spaces***

***LGOS5: Redundant Buildings Outside Settlement Areas. Proposals for residential conversion and re-use of redundant buildings, will only be supported if:***

- any existing building, by reason of its form, bulk, design and materials is in keeping with its surroundings, sympathetic to the character of its location and enhances its immediate setting;***
- the building is capable of conversion without significant extension and use traditional materials where possible;***
- any conversion would not result in the character, appearance, architectural or historic integrity of the building or its setting being adversely affected;***
- any residential conversion is compatible with surrounding landscape use and must not result in the character or appearance of the open countryside being adversely affected by ancillary residential activity or structures;***
- safe/convenient access and adequate parking is provided without adverse***

*environmental impact.*

#### **COMMENT**

*I have no comment on this policy.*

#### **Objective 4 - Quality of Design and Sustainability**

**QD1: Design Considerations. As a whole, any development will, in design, scale, height, aesthetic appeal and materials, be in harmony with its surrounding buildings. Designs must suit a range of age and social groups, home working and mobility and reflect the unique character of the community landscape and its position at the heart of a WHS.**

#### **COMMENT**

*It is unclear whether this policy is aimed at a specific type of development. In addition, there is overlap with policy QD3. For clarity and to meet the Basic Conditions the policy should be combined with QD3 and modified as follows:*

**QD1: Design Considerations. As a whole, any development will, in Proposals will be supported which:**

- respond to the design, scale, height, aesthetic appeal appearance and materials, be in harmony with its of surrounding buildings. Proposals which provide designs which suit must suit a range of age and social groups, home working and mobility and reflect the unique character of the community landscape and its position at the heart of a WHS will be supported.**
- QD3: Build Considerations. Any planning application should be in strict compliance with Cornwall Local Plan (CLP) Policy 12.2, protecting residential amenity by not adversely affecting any immediate neighbour.**
- Developments should also be built from materials that harmonise with the immediate locality, achieve high standards of sustainable build and demonstrate how the design, construction and operation will minimise the use of fossil fuels and natural resources.**

**QD2. Design and Access Statement. New development must include a Design and Access Statement showing how it follows national and local policy and guidance, including this Plan. The Statement must ensure that the development reflects the character and heritage of the Parish.**

## COMMENT

*The type of development which requires Design and Access Statements is set out in Planning Guidance and is not a land use policy. In order to meet the Basic Conditions this policy should be deleted.*

**QD3: Build Considerations.** Any planning application should be in strict compliance with Cornwall Local Plan (CLP) Policy 12.2 by not adversely affecting any immediate neighbour. Developments should also be built from materials that harmonise with the immediate locality, achieve high standards of sustainable build and demonstrate how the design, construction and operation will minimise the use of fossil fuels and natural resources.

## COMMENT

*See comments on policy QD1.*

**QD4: Carbon Reduction Technologies.** All planning applications and developments must accord with CLP Policies 13 and 14 in terms of standards and use of renewable and low carbon energy technology.

## COMMENT

*I have no comment on this policy.*

**QD5: Flood Resilience and Surface Run Off.** By design and in compliance with CLP Policy 26, any development must not only defend itself against potential flooding but also ensure that surface run off is retained on site. Appropriate water attenuation schemes and Sustainable Drainage Systems (SuDS) are imperative to avoid secondary flooding, especially in valley bottom areas clearly identified in the LLCA.

## COMMENT

*I have no comment on this policy.*

**QD6. Crime Prevention.** All development proposals must consider the need to design out crime, disorder and anti-social behaviour (ASB) to ensure community safety and cohesion.

## COMMENT

*This policy seeks to include matters which fall outside the remit of planning policy. In order to meet the Basic Conditions, the policy should be modified as follows:*

**QD6. Crime Prevention. Designing out Crime** All development proposals must



~~consider the need to design out crime, disorder and anti-social behaviour (ASB) to ensure community safety and cohesion.~~

**QD7: Amenity Area.** Planning applications and developments should, by design, provide or connect to adequate garden amenities and parking to reflect the size of the dwelling(s).

**COMMENT**

*I have no comment on this policy*

**QD8: Private Parking.** Developments must provide sufficient on-site parking for the size and occupancy of the dwelling. Any plans to convert an existing garage or parking area must retain sufficient space to park within the property boundary.

**COMMENT**

*I have no comment on this policy*

**QD9: Adverse Effect.** No development should have an adverse effect on existing landscapes, historic features and their settings.

**COMMENT**

*This policy repeats the intention of policy HE1 and should be deleted.*

**QD10: Homes for Life.** Future developments should be designed to accommodate a change in circumstances and give the occupant the option to remain in the dwelling.

**COMMENT**

*I have no comment on this policy.*

**Objective 5 – The Environment - Renewable & Low Carbon Energy**

**RE1: Community Led Renewable Energy.** Any development proposals for renewable energy schemes in Chacewater Parish will be supported, where they are either:

- **Integrated so that the energy generated can be supplied directly to domestic, business and other buildings in the Parish, thereby reducing energy consumption.**
- **Owned by Parish residents, businesses or community associations and can demonstrate that the development being fully or partly owned through a**

constituted Community Energy England (CEE) scheme.

#### COMMENT

*Policies in Neighbourhood Plans must relate to land use. The second bullet point of this policy relates to the ownership and in order to meet the Basic Conditions should be deleted and the policy modified as follows:*

**RE1: Community Led Renewable Energy. Any development proposals for renewable energy schemes in Chacewater Parish will be supported, where they are either:**

- **Integrated so that the energy generated can be supplied directly to domestic, business and other buildings in the Parish, thereby reducing energy consumption.**

~~• Owned by Parish residents, businesses or community associations and can demonstrate that the development being fully or partly owned through a constituted Community Energy England (CEE) scheme~~

**RE2: Wind Turbine Development. Any proposals for wind turbine development should be located in an area identified as suitable for wind energy production in line with the NPPF.**

#### COMMENT

*Development proposals for wind turbines can only be considered where specific sites have been identified in a Neighbourhood Plan. The Chacewater Neighbourhood Plan has not sought the allocation of any specific sites for wind turbines therefore in order to meet the Basic Conditions this policy should be deleted.*

**RE3: Roof Mounted Solar. Proposals for rooftop solar will be supported where they comply with permitted development rights or can meet required planning tests, though due consideration must be made of the Parish's WHS designation.**

#### COMMENT

*The purpose of permitted development is to remove the need to apply for planning permission for certain types of development in certain circumstances. For clarity the policy should be modified as follows:*

**RE3: Roof Mounted Solar. Where planning permission is required proposals for rooftop solar will be supported where they ~~comply with permitted development rights or can meet required planning tests, though due~~**

**consideration must be made of the Parish's WHS designation.**

**RE4: Ground Mounted Solar Arrays. Applications will be supported for Ground Mounted Solar Arrays provided they meet planning tests set out through this policy area.**

#### **COMMENT**

*I am not clear what the term "set out through this policy area" means. For clarity the policy should be modified as follows:*

**RE4: Ground Mounted Solar Arrays. Applications will be supported for Ground Mounted Solar Arrays provided they ~~meet planning tests set out through this policy area.~~ comply with national policy and the development plan.**

**RE5: Micro Hydro. Schemes proposed within the Parish or the surrounding catchment area would be supported where consistent with Objective Policy RE1.**

#### **COMMENT**

*Neighbourhood Plans can only include policies which relate to the Neighbourhood Plan Area. In order to meet the Basic Conditions, the policy should be modified as follows:*

**RE5: Micro Hydro. Schemes proposed within the Parish ~~or the surrounding catchment area would~~ will be supported where consistent with Objective Policy RE1.**

**RE6: Low Carbon Heat. New development in the Parish will be expected to adhere to the principles of sustainable development and other relevant parts of this Policy area, whilst addressing the following hierarchies:**

#### **Low Carbon Heat Networks:**

- Where there is no existing low carbon heat network, new developments will be expected to deliver one onsite, unless it is demonstrated that this would render the development unviable.**
- Where a developer is unable to deliver a heat network themselves, they need to demonstrate that they have worked with third parties (commercial/community) to assess viability options.**
- Where a heat network option is not currently viable and no third party is interested in its delivery, the development should be designed to facilitate future connection to a heat network, unless it can be demonstrated that a**

*lower carbon alternative is in place, e.g. Passivhaus standard. Heating and Cooling: Any new development will also be expected to demonstrate that heating and cooling systems have been selected according to the following heat hierarchy:*

- *Site-wide renewable Combined heat and power/Combined cooling heat and power.*
- *Site-wide renewable community heating/cooling.*
- *Individual building renewable heating.*

#### **COMMENT**

*The policy as currently worded is overly restrictive, elements of the policy will not be appropriate for all development proposals and whilst it is an aspiration for proposals to meet these standards it cannot be a requirement. In order to meet the Basic Conditions, the first paragraph of the policy should be modified as follows:*

***RE6: Low Carbon Heat. New development proposals in the Parish will be expected to adhere to the principles of sustainable development. ~~and other relevant parts of this Policy area,~~ and where appropriate and achievable whilst addressing the following hierarchies:***

#### **Objective 6 – Housing Need**

***HN1: Settlement Boundaries. Any development must be delivered inside one of the 5 settlement boundaries of Chacewater, Twelveheads, Blackwater, Wheal Busy and Scorrier. (Appendix 5)***

#### **COMMENT**

*The Chacewater Neighbourhood Plan proposes settlement not development boundaries. Policy 3 of the Cornwall Local Plan allows for the infill and rounding off of settlements:*

*“Policy 3: Role and function of places rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;*

- *infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside. Proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished;”*

*Policy 3 is a strategic policy of the Local Plan and as such policy HN1, as currently worded is not in general conformity with the Policy 3 and therefore does not meet the Basic Conditions. For clarity and to meet the Basic Conditions the policy should be combined with policy HN2 and modified as follows:*

***HN1: Settlement Boundaries. ~~Any development must be delivered inside one of the 5~~ This plan establishes settlements boundaries ~~of for~~ Chacewater, Twelveheads, Blackwater, Wheal Busy and Scorrier. (Appendix 5). Only proposals for small scale housing development of infill, rounding off ~~and non-heritage brownfield sites~~ within the settlement boundaries will be supported, so the open countryside is preserved, and agricultural land retained for its primary use.***

***HN2: Land Use. Only proposals for small scale housing development of infill, rounding off and non-heritage brownfield sites within the settlement boundaries will be supported, so the open countryside is preserved, and agricultural land retained for its primary use.***

#### **COMMENT**

*See comments on HN1*

*The NPPF sets out the policy structure for the development of sites which impact designated or non-designated heritage assets and Conservation Areas and does not permit the blanket exclusion of heritage assets from development. The policy as currently worded is overly restrictive and should be combined with policy HN1.*

***HN3: Size and Scale. Future developments should be small scale and any single development limited to a maximum of 10 dwellings.***

#### **COMMENT**

*The requirement for any residential housing development to be limited to 10 units is overly restrictive. In order to meet the Basic Condition, the policy should be modified as follows:*

***HN3: Size and Scale. Future developments should be small scale. ~~and any single development limited to a maximum of 10 dwellings.~~***

***HN4: Housing Mix. Development proposals that contribute to a mix of affordable, free-market and rented homes - including starter homes, self-build, family dwellings and accessible homes for the elderly, those with disability, impaired mobility or additional needs – will be supported.***

## COMMENT

*I have no comment on this policy*

**HN5: Exception Sites.** Rural exception sites will only be supported if there is a proven local need, as agreed by the Parish Council and adjacent to the edge of the built area, where proposals for housing would not normally be permitted.

## COMMENT

*Policy 9 of the Cornwall Local Plan sets out the policy parameters as regards Exception sites. Including the phrase “as agreed by the Parish Council” exceeds the requirements of Policy 9 and the NPPF. In order to meet the Basic Conditions, the policy should be modified as follows:*

***HN5: Exception Sites.*** Rural exception sites will only be supported where the proposal is in accordance with Policy 9 of the Cornwall Local Plan. ~~if there is a proven local need, as agreed by the Parish Council and adjacent to the edge of the built area, where proposals for housing would not normally be permitted.~~

**HN6: Affordable Housing.** Affordable Housing will be provided at a rate of 35% (CLP Policy 8 refers to Chacewater as Zone 3) of residential developments exceeding 5 in number, subject to viability, on site qualifying infill or rounding off developments.

## COMMENT

*I have no comment on this policy*

### **Economy and Jobs**

**EJ1: Quality Employment.** Development designs will be supported that facilitate high quality, well paid employment in locations that reduce the need to travel but prioritise the use of existing non-heritage brownfield sites.

## COMMENT

*This policy lacks clarity and would be difficult to apply in the determination of a planning application. Planning policy cannot require that employment is “well paid”, as this is not a land use matter. For clarity the policy should be modified as follows:*

***EJ1:-Quality Employment.*** Development designs proposals will be supported that facilitate high quality ~~well-paid~~ employment in locations that reduce the need to travel ~~but~~ will be supported. ~~prioritise~~ The prioritisation ~~use of existing non-heritage brownfield sites~~ is also supported.

**EJ2: Live/Work. Consideration will be given to mixed use development where dwellings may be suitable for craft workplaces.**

**COMMENT**

*As currently worded, this is not a policy. For clarity the policy should be modified as follows:*

**EJ2: Live/Work. Consideration Support will be given to mixed use development ~~where for dwellings which may be~~ are suitable for craft workplaces.**

**EJ3: Retail. In compliance with CLP 4.4, any intention to convert existing retail outlets for housing will be resisted in order to sustain the community infrastructure. (Appendix 6 Figs.16 & 17 refer).**

**COMMENT**

*In some circumstances the change of use from retail to residential use is permitted development. For clarity the policy should be modified as follows:*

**EJ3: Retail. Where planning permission is required and in compliance with CLP 4.4, any-intention applications to convert existing retail outlets premises for housing residential use will be resisted in order to sustain the-community infrastructure. (Appendix 6 Figs.16 & 17 refer).**

**Permitted development**

**EJ4: Employment Sites and Business Premises. Existing employment sites across the Parish, (See Appendix 6 Fig 16), will be safeguarded to retain and promote a diverse mix of businesses providing services to the community and visitors. We do not wish to lose business premises (e.g. Use Classes Order A1, A3, B2, B8, C1, D1 and SG) unless it can be demonstrated that they are no longer viable. In compliance with CLP Policy 5.2, applications for change of use must demonstrate there is no market demand and continuing use is not viable.**

**COMMENT**

*I have no comment on this policy*

**EJ5: Small Scale Business Initiatives. Applications for premises for small-scale start-ups within the Parish located on existing employment sites or to make best use of redundant buildings will be supported where traffic, water run-off and environmental impact will be minimal.**

## COMMENT

*I have no comment on this policy.*

**EJ6: Parking and Travel.** Developments must be in compliance with CLP Policy 27 to ensure adequate parking provision for the size and function of business and include an Effective Travel Plan (ETP) based on green sustainable principles.

## COMMENT

*I have no comment on this policy.*

**EJ7: Business Expansion.** Proposals to upgrade or extend existing employment sites will be supported provided there is no negative impact on the infrastructure and amenities.

## COMMENT

*I have no comment on this policy*

**EJ8: Tourist Accommodation Sites.** Development of new sites or the extension or intensification of existing sites for camping and caravans, will be supported only where there would be no harm to the landscape character of the area.

## COMMENT

*I have no comment on this policy.*

## Getting Around

**GA1: Connectivity with Public Transport.** Any development should closely link with the local public transport infrastructure.

## COMMENT

*It may not be possible or appropriate for “any development”. In order to meet the Basic Conditions, the policy should be modified as follows:*

**GA1: Connectivity with Public Transport.** Where possible Any development should closely link with the local public transport infrastructure.

**GA2: Pedestrian and Cycle Access.** Developers must provide continuous even surfaces and kerbs for pedestrian, cycle and wheelchair users and link them directly with existing footpath and byway networks.

## COMMENT



*It may not be possible in all circumstances to link with existing footpath and byway networks. In order to meet the Basic Conditions, the policy should be modified as follows:*

***GA2: Pedestrian and Cycle Access. Developers must should provide continuous even surfaces and kerbs for pedestrian, cycle and wheelchair users and link them directly, where possible with existing footpath and byway networks.***

***GA3: Provision of Adequate Private Parking. Developers must provide parking within the boundary of the residence to avoid overspill.***

#### **COMMENT**

*This policy lacks clarity. For clarity this policy should be modified as follows:*

***GA3: Provision of Adequate ~~Private~~ Off-Street Parking. Developers must provide off street parking in accordance with adopted standards. ~~within the boundary of the residence to avoid overspill~~***

***GA4: Protection of Public Parking Space. Developments will not be supported if they impact on an already limited public parking space, the primary use of which is directly linked to essential village facilities, e.g. Health Centre. Provision for additional public parking would be welcomed.***

#### **COMMENT**

*I have no comment on this policy.*

***GA5: Traffic Pollution. Developers will be expected to mitigate traffic pollution by including planted areas to absorb pollution and design adequate space for easy manoeuvring of vehicles.***

#### **COMMENT**

*I have no comment on this policy.*

### **Objective 9 – Community Health, Safety & Well-Being (Facilities & Services)**

***CHW1: Protect and Promote Community Facilities and Services. Development proposals should retain, promote and enhance essential community facilities, such as the Health Centre, with dispensary, public toilets and car parking. The loss of community and cultural assets will be resisted unless replacements of better value are provided at an agreed location.***

#### **COMMENT**

*I have no comment on this policy.*

**CHW2: Support the Provision of New Facilities and Services. Development of community, cultural facilities and services in sustainable locations (e.g. Allotments, Play Parks, Fitness Trails, extensions to cycle trails and sporting facilities, etc.) will be supported.**

#### **COMMENT**

*I have no comment on this policy*

**CHW3: Facilities to meet the needs of all sectors of the Community. Developments should provide continuous even surfaces and kerbs for pedestrian and wheeled users to aid safe mobility around the Parish. We would also support:**

- **The provision of safe recreational facilities for all ages.**
- **Safe cycleway and pedestrian links across the Parish and with neighbouring communities; a key priority will be to attract funding via CIL, S106 or Highways England.**
- **Improvement to mobile signal coverage and broadband services.**

#### **COMMENT**

*This policy is a mixes policy and community aspiration. For clarity and to meet the Basic Conditions the policy should be modified as follows:*

**CHW3: Facilities to meet the needs of all sectors of the Community. Developments should provide continuous even surfaces and kerbs for pedestrian and wheeled users to aid safe mobility around the Parish. We would also support:**

- **The provision of safe recreational facilities for all ages.**
- **Safe cycleway and pedestrian links across the Parish and with neighbouring communities; ~~a key priority will be to attract funding via CIL, S106 or Highways England.~~**
- **Improvement to mobile signal coverage and broadband services.**

**CHW4: Promoting Safe & Healthy Living Environment. Developments will support 'Healthy Homes' for the well-being of all occupants and maintain low levels of noise, light and air pollution, they should therefore not adversely impact:**

- *Air and water quality.*
- *Water treatment, supply and sewerage systems.*
- *Flood management systems.*

**COMMENT**

*The wording of this policy lacks clarity and should be modified as follows:*

***CHW4: Promoting Safe & Healthy Living Environment. ~~Developments will~~ To support 'Healthy Homes' for the well-being of all occupants and maintain low levels of noise, light and air pollution, proposals for new residential development they should therefore not adversely impact:***

- *Air and water quality.*
- *Water treatment, supply and sewerage systems.*
- *Flood management systems.*

***CHW5: Waste Reduction and Waste Management. Developers must provide sufficient facility to encourage best practice waste reduction and management.***

**COMMENT**

*I assume that this policy is intended to ensure that new developments provide adequate facility for recycling. For clarity the policy should be modified as follows:*

***CHW5: ~~Waste Reduction and Waste Management. Developers must provide sufficient facility to encourage best practice waste reduction and management.~~ New developments should include adequate provision for recycling.***

## **SECTION 5**

### **Conclusion and Recommendations**

1. *I find that the Chacewater Parish Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012. (as amended)*
2. *The Chacewater Neighbourhood Development Plan has been examined as required under the National Planning Policy Framework 2012. The plan going forward to referendum should remove reference to the National Planning Policy Framework 2018.*
3. *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
4. *The Chacewater Parish Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
5. *The Strategic Environmental and Habitats Regulations Assessment screening meet the EU Obligation.*
6. *The policies and plans in the Chacewater Parish Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Cornwall Local Plan 2016.*
7. *I therefore consider that the Chacewater Parish Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

*Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD*

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*NPIERS Examiner*

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*3<sup>rd</sup> April 2019*

