

**St Stephen by Launceston Rural Parish**

**Neighbourhood Development Plan 2018 – 2030**

**Submission Version April 2018**

Draft Report 1<sup>st</sup> August 2019 to Cornwall Council of  
Examination into St Stephen by Launceston Rural Parish Development Plan 2018 – 2030  
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**1<sup>st</sup> August 2019**

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## **1.0 INTRODUCTION AND ROLE OF THE INDEPENDENT EXAMINER**

- 1.1** Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the St Stephen by Launceston Rural Parish Neighbourhood Development Plan Submission Version April 2019 (the Plan) which is intended to cover the period from 2018 up to 2030.
- 1.2** The rural Parish of St Stephen by Launceston, comprising the villages of Langore and Dutson together with the hamlets of Truscott, Newmills and Trewithick and their surrounding countryside, lies within North Cornwall, part of Cornwall Council's administrative area, wrapping across the northern (Lanstephen) part of the historic town of Launceston. This small rural parish has its western half bisected east-west by the road between Egloskerry and Lanstephen and is bisected north-south by the B3254 as it runs between Yeolmbridge and Lanstephen. It is bounded by the River Kensey and Launceston town to the south, Devon to the east and the River Ottery to the north, with neighbouring rural parishes to the west, north, east and even to the south alongside Launceston.
- 1.3** The Plan refers to noteworthy history associated with its physical and social development, character, historic buildings and high quality landscape setting, defining the composition of its population and housing stock (including escalating property values).
- 1.4** The Plan advises that the population of the Parish according to the 2011 Census was 308 persons in 166 households. The Plan advises that the Parish Council applied to Cornwall Council in November 2015 to seek designation as a Neighbourhood Area and confirms this was approved on 28<sup>th</sup> January 2016 by Cornwall (CC). The Parish Council have with the assistance of local residents, consultants, Officers and Members of the Council undertaken progressive and extensive consultation exercises, conducted a number of separate, progressive consultation events, as indicated in a Consultation Statement and prepared both the initial Draft seeking confirmation as to whether Strategic Environment Assessment (SEA) would be required and (following the requisite six-week pre-submission consultation) the revised Submission versions of the Neighbourhood Plan.
- 1.5** My role as an Independent Examiner, when considering the content of a Neighbourhood Plan, is limited to assessing whether the submission version of the Neighbourhood Plan meets the 'basic conditions', and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a Neighbourhood Plan or to examine other material considerations. Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following 'basic conditions';
- it must have appropriate regard for national policy;
  - it must contribute towards the achievement of sustainable development;
  - it must be in general conformity with the strategic policies of the development plan for the local area;
  - it must be compatible with human rights requirements, and;
  - it must be compatible with EU obligations.

- 1.6** In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the Examiner must make a report on the submission version of the plan containing recommendations and reaching one of the following three concluding recommendations:
- (a) that the submission version of the Plan is submitted to a referendum, on the basis it meets all the legal requirements, or
  - (b) that subject to modifications specified in the Examiner's report being made to the submission version of the Plan and that the modified submission version of the plan proceeds to a referendum, or
  - (c) that the submission version of the Plan does not proceed to referendum on the basis that it does not meet the legal requirements.
- 1.7** If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the St Stephen by Launceston Neighbourhood Area, to which the Plan relates. I make my recommendations on this aspect at the end of this Report.
- 1.8** I am independent of the qualifying body, associated residents, business leaders and the local planning authority. I do not have any interest in any land that may be affected by the Plan and I possess the appropriate qualifications and experience required to undertake the Examination.

## **2.0 BASIC CONDITIONS**

- 2.1** I now consider the extent to which the Plan meets the "basic conditions". A Basic Conditions Statement (St Stephen by Launceston Rural Parish Neighbourhood Development Plan 2016-2030 Statement of Basic Conditions) was prepared in May 2018 by St Stephen by Launceston Rural Parish Council. This Statement explains requirements the Neighbourhood Development Plan must meet under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 to satisfy the basic conditions tests, what these comprise and how the Plan meets these tests, including the contribution that the Plan makes towards the achievement of sustainable development and its general conformity with the strategic planning policies for the development of the area. This Statement has been supplied to me by Cornwall Council, together with the other examination documents including the Submission Version of the Plan (April 2019), the Consultation Statement (May 2019), Pre-Submission Consultation Regulation 16 Representations and Responses (March 2019) and Strategic Environmental Assessment Determination Report (Jan 2018).
- 2.2** The Basic Conditions Statement demonstrates how the Neighbourhood Plan conforms with provision made under sections 61E (2), 61J and 61L of the Town & Country Planning Act 1990, as amended by s38C(5)(b). I am content that the St Stephen by Launceston Rural Parish Neighbourhood Development Plan, has been submitted by a qualifying body, St Stephen by Launceston Rural Parish Council, in accordance with requirements and processes set out in the Town & Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012. St Stephen by Launceston Rural Parish Council as a qualifying body is thus entitled to prepare a Neighbourhood Development Plan for its area.

- 2.3** St Stephen by Launceston Rural Parish Neighbourhood Development Plan covers the entire Parish area. I am content that the St Stephen by Launceston Rural Neighbourhood Development Plan meets the requirements of The Town & Country Planning Act 1990, s61G in relation to the designation of the Plan area and that the proposed Neighbourhood Plan does not relate to more than one neighbourhood area and that there are no other Neighbourhood Development Plans in place within this neighbourhood area.
- 2.4** In relation to the Plan period it is essential that the St Stephen by Launceston Neighbourhood Development Plan contains explicit reference to its starting point as well as its end point. The Plan's front cover page and text contain clear reference to its starting point as 2016 and end as 2030. What the Plan's cover does not state is the date of its publication or the date it is 'made' part of the Development Plan for the area, but this can readily be incorporated in the 'made' version of the Plan.
- 2.5** Section 5 "Vision" on page 16 of the Tur Langton Neighbourhood Plan explains that "*In 2030, the natural environment, agriculture and built heritage will define St Stephen by Launceston Rural Parish. The Parish will be very rural in character, with plenty of access along footpaths and quiet lanes for both the local community and visitors, whilst accommodating enough development to enable local people to continue to live and work in the parish.*" Section 6 then confirms the clear objectives of the Plan for Housing, Heritage, Natural Environment, Design, Built Environment, Renewable Energy, Community Facilities and Recreation, Infrastructure, Commercial and Economy.
- 2.6** I note that the Cornwall Local Plan (CLP) was adopted in November 2016.

**Appropriate Regard to National Policies and Guidance, including National Planning Policy Framework (NPPF)<sup>1</sup>**

- 2.7** Presumption in favour of sustainable development: NPPF 2018 advises that all plans should be based upon the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally. Paragraph 13 of the NPPF 2018 acknowledges the application of presumption in favour of sustainable development will have implications for communities' engagement in neighbourhood planning. Neighbourhoods are encouraged to develop plans supporting the strategic development needs set out in Local Plans (including policies on housing and economic development) and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. The Basic Conditions Statement asserts the Neighbourhood Development Plan is planning positively, enabling delivery of new housing of high quality within existing built-up areas respecting the character, form and design of existing dwellings by defining a development limit. The current Cornwall Local Plan sets the housing need and distribution across the District and Cornwall Council advise that the remaining housing requirement for the Community Neighbourhood Area (CAN) should be pro rata distribution based upon households amongst the CNA parishes by taking the 2010 apportionment of 500 (excluding any Parishes with a principal settlement wholly within the AONB from the proportionate distribution). Cornwall Council have advised that St Stephen by Launceston Rural Parish contains 4% of CAN households and (minus 12 completions/commitments within the Parish) the 2018-2030 target is just 7 additional dwellings.

<sup>1</sup> Paragraph 214 of NPPF 2018 identifies the transitional arrangements in place to address circumstances where Neighbourhood and Local Development Plans are already in preparation prior to the replacement of NPPF 2012 with the current version NPPF 2018 that allow such plans to continue to be considered under NPPF 2012. It comments that plans submitted before 24 January 2019 will be examined on the basis of NPPF 2012.

- 2.8** The Statement of Basic Conditions identifies in Table 2 how each of the Policies of the Neighbourhood Plan show regard to the NPPF. The NPPF 2018 explains at paragraph 29, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.
- 2.9** The St Stephen by Launceston Rural Parish Neighbourhood Development Plan includes a statement within Section 5 establishing a very clear Vision for the Parish guided by extensive and progressive rounds of community consultation and engagement. Clearly setting out the extent of consultation prior to the draft Pre-Submission version of the Plan the Consultation Statement is accompanied by a summary of responses received, their analysis and any changes made as a consequence, addressing effectively those representations received as part of the Regulation 14 Consultation, confirming the predominantly minor changes required. A further document "St Stephen by Launceston Rural Neighbourhood Plan Regulation 16 Consultation Responses – Collated" sets out a schedule of those representations received as part of the Regulation 16 Consultation. The Parish Council has clearly sought to translate the vision into a series of meaningful planning policies to plan for sustainable housing growth (bearing in mind the scale of and facilities within the village), protect the character of the area and to determine future planning applications as part of the Development Plan for the District.
- 2.10** Paragraph 29 of the NPPF 2018 requires that non-strategic policies within Neighbourhood Plans should not promote less development than the strategic policies of the Development Plan or undermine those policies and (at footnote 16 that Neighbourhood Plans must be in general conformity with the strategic policies of the Development Plan). Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area. It is clear from the Basic Condition Statement that the County and Parish Councils believe the St Stephen by Launceston Rural Parish Neighbourhood Development Plan is in general conformity with the strategic policies of the 2016 Cornwall Local Plan, striking a positive balance between the physical and policy constraints of the Parish and the requirement to meet local housing demand. The Submission Version of the Plan also clarifies from the outset that its life span has been matched to that of the adopted Cornwall Local Plan (i.e. to 2030) so that it may reasonably rely on the evidential background documentation used in its preparation.
- 2.11** The St Stephen by Rural Parish Neighbourhood Development Plan Statement of Basic Conditions systematically sets out in Table 3 of the Basic Conditions Statement how the Submission Version of the Plan meets NPPF guidance based on the principal topic areas and Cornwall Local Plan policies. The Basic Conditions Statement addresses both the NPPF 2012 and the then emerging draft NPPF 2018. The Basic Conditions Statement may be updated to amend the column referring to the inserting references to the published final version of the NPPF 2018 to assist future decision making. Although transitional arrangements exist for Plans in preparation to be judged under the NPPF 2012 the changes would be modest and make the Plan more up to date. Subject to my comments in section 5 of this report, in relation to various policies of the Plan, I am generally satisfied that the Plan has adequate regard to both national guidance and the Development Plan.

## **Contribution towards Achievement of Sustainable Development**

- 2.12** At Section 7 “NDP Policies” the Neighbourhood Development Plan defines how each of the proposed policies addresses each of the seven key objectives of the Plan which support sustainable development within the Parish. The Plan contributes to the achievement of sustainable development as defined within the NPPF, as outlined in Table 1 of the Basic Conditions Statement prepared by St Stephen by Launceston Rural Parish Council in respect of the Submission Version of the Plan.
- 2.13** I consider that this approach offers a clear analytical framework to test the credentials of the Submission Version of the Plan and consider that the Plan would properly contribute to the objective of sustainable development, subject to various policy amendments that I have recommended below.

## **General Conformity with Strategic Policies for Local Area**

- 2.14** The statutory development plan currently relating to the St Stephen by Launceston Rural Parish Neighbourhood Development Plan area currently comprises the Cornwall Local adopted by Cornwall Council in 2016. The approach to the preparation of the St Stephen by Launceston Rural Parish Neighbourhood Development Plan has been to ensure general conformity with policies of the adopted Local Plan to ensure that the NDP remains relevant for the period of the Cornwall Local Plan. This is demonstrated within the Basic Conditions Statement, with regard to the NPPF and the strategic policies of the Local Plan, which sets out clearly how the Neighbourhood Development Plan conforms with each of the relevant strategic policies of the Cornwall Local Plan, referring to the considerable regard given to the evidence base of that Local Plan, particularly in relation to housing provision. I am, therefore, satisfied that the Neighbourhood Development Plan is in general conformity with the strategic policies in the Cornwall Local Plan.

## **Compatibility with European Union Obligations**

- 2.15** In relation to the St Stephen by Launceston Rural Parish Neighbourhood Development Plan, Cornwall Council provided a “Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report” which at Section 5 confirms “ *The SEA Screening assessment in Section 4.4 shows that there are unlikely to be any significant impacts as a result of St Stephens Draft NDP and a sufficient policy framework exists to ensure protection of the environment. This report therefore concludes that a full SEA is not required.*” And “*With regards to HRA, as the Parish of St Stephen By Launceston lies wholly outside of any zones of influence around any Special Areas for Conservation and Special Protection Areas, it is considered unlikely that there will be any significant environmental effects on European Sites arising from the St Stephen By Launceston NDP. Therefore, that a HRA is not required.*”, confirming the advice in the National Planning Policy Guidance (NPPG), February 2015, which clarifies where a SEA may be required for a neighbourhood plan.
- 2.16** The Regulation 16 consultations did not indicate any parties were discontent with the methodology or finding of the Screening Opinion issued in respect of the St Stephen by Launceston Rural Parish Neighbourhood Development Plan. I therefore consider that a proportionate and focussed approach has been taken through the SEA process for the St Stephen by Launceston Rural Parish Neighbourhood Development Plan and that the assessment has been completed in a timely fashion at the appropriate stage of the Plan preparation. The NPPG advises, at paragraph 030, that it is for the local planning authority to ensure that the strategic environmental assessment requirements have been

met and whether the neighbourhood plan proposal is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive).

- 2.17** I consider in relation to sustainability appraisal, including Strategic Environmental Assessment, the analysis undertaken is sufficient in a neighbourhood planning context and following on from the recent work undertaken in informing policy development for the adopted Cornwall Local Plan that the Basic Conditions have been met in contributing to sustainable development and meeting this component of EU regulation.

### **Habitat Regulations Assessment**

- 2.18** A Habitats Regulations Assessment Screening Report has been incorporated within the SEA Determination Report to assess whether the Neighbourhood Plan was likely to impact on the integrity of European protected sites within and surrounding the Neighbourhood Plan Area and at Section 5 states *"With regards to HRA, as the Parish of St Stephen By Launceston lies wholly outside of any zones of influence around any Special Areas for Conservation and Special Protection Areas, it is considered unlikely that there will be any significant environmental effects on European Sites arising from the St Stephen By Launceston NDP. Therefore, that a HRA is not required."*

- 2.19** Due to the lack of evidence of any relevant designated sites likely to be impacted upon, I agree that the neighbourhood development plan is unlikely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or any European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007), either alone or in combination with other plans or projects. I also consider the making of the neighbourhood development plan would not be likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

### **Compatibility with Human Rights Requirements**

- 2.20** Section 4.4 of the Basic Conditions Statement provides an analysis (equating to an Equalities Impact Assessment of the Plan) which considers that the Plan's preparation has had due regard throughout to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that requisite consultation complies with the requirements of Regulations 14 and 15(2) of the Neighbourhood Planning (General) Regulations 2012. I consider that the assessment needed has been undertaken.

## **3.0 BACKGROUND DOCUMENTS**

- 3.1** In examining the St Stephen by Launceston Rural Parish Neighbourhood Development Plan, I have had particular regard to the following documents which include the Submission Version of the Plan:

- a) National Planning Policy Framework, 2012 (superseded)
- b) National Planning Policy Framework, 2018 (revised)
- c) National Planning Policy Framework, Planning Practice Guidance, 2015
- d) Town and Country Planning Act 1990 (as amended)
- e) The Planning and Compulsory Purchase Act 2004 (as amended)
- f) The Planning Act 2008
- g) The Localism Act (2011)
- h) The Neighbourhood Planning (General) Regulations (2012)
- i) The Housing & Planning Act (2016)
- j) Cornwall Local Plan 2016

- k) St Stephen by Launceston Rural Parish NDP Approved Designated Area Map, Nov 2015
- l) St Stephen by Launceston Rural Parish NDP Basic Conditions Statement, May 2018
- m) St Stephen by Launceston Rural Parish NDP SEA & HRA Screening Report, Jan 2018
- n) St Stephen by Launceston Rural Parish NDP Consultation Statement, Dec 2018
- o) St Stephen by Launceston Rural Parish NDP Submission Version, May 2018
- p) St Stephen by Launceston Rural Parish NDP Regulation 16 Consultation Responses – Collated, March 2019

#### **4.0 PUBLIC CONSULTATION AND CONSULTATION STATEMENT**

**4.1** Part 5 of The Neighbourhood Planning (General) Regulations 2012, “the Regulations”, makes provision in relation to procedure for making neighbourhood development plans. To fulfil the legal requirements of Section 15(2) of Part 5 of the Neighbourhood Planning (General) Regulations 2012, the consultation statement should contain the following:

- details of people and organisations consulted about the proposed Neighbourhood Plan;
- details of how they were consulted;
- a summary of the main issues and concerns raised through the consultation process, &;
- descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.

**4.2** The Consultation Statement should also demonstrate that there has been proper community engagement and that it has informed the content of the Plan. It should also make it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process. Consultation and community engagement are a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. Such engagement with the community during the plan-making process has raised awareness and encouraged the community in the Parish to understand/question both the proposed policies as well as the Plan's scope/limitations.

**4.3** The Consultation Statement sets out in some considerable detail the events that took place to secure public engagement in the Plan area and with statutory consultees, with the assistance of private consultants and officers of Cornwall Council. The Consultation Statement charts the progress and activities to the point it was deemed ready for submission to Cornwall Council to undertake relevant Regulation 16 Consultation and then forward to an Independent Examiner.

**4.4** I note that the Pre-Submission Plan Regulation 14 Consultation Period ran for the requisite six-week time-period and that during that period a proportionate programme of information dissemination about the draft Plan was undertaken together with further meetings to explain the emerging proposals. At the end of the consultation period, the detailed responses were analysed. The Consultation Statement confirms *“Some of the issues were simple to remedy by better clarification of meaning. Others needed to be studied more closely to determine if the comments fitted with the proposed plan. Explanations were provided for all decisions.”* and demonstrates that of the comments from within Cornwall Council, external statutory consultees and a summary combination of individual community members mainly commented on relatively minor details all of which were addressed by adjustments to the text and development limit boundary of the Neighbourhood Plan prior to its finalisation and formal Submission to Cornwall Council in May 2019. Importantly, the tabular form of presentation sets out the actions taken in relation to the comments received with a view to responding to concerns with the intention of enhancing the quality of the Plan.

- 4.5** The Consultation Statement does not cover the Regulation 16 Consultation. However, the "St Stephen by Launceston Rural Neighbourhood Plan Regulation 16 Consultation Responses – Collated" submitted by Cornwall Council to the Independent Examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012" provide the responses received from parties during this round of consultation. I have taken these details into consideration in the examination of the Plan and in making my observations on the proposed policies (see below).
- 4.6** I am satisfied that the Consultation Statement in combination with the tabulated form response summaries complies with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with 15(1) of part 5 of the 2012 Neighbourhood Planning Regulations.

**5.0 ST STEPHEN BY LAUNCESTON RURAL PARISH  
NEIGHBOURHOOD DEVELOPMENT PLAN 2018–2030  
LAND USE PLANNING POLICIES**

- 5.1** I now turn to consider the land use planning policies of the St Stephen by Launceston Rural Parish Neighbourhood Development Plan. It was established in R. (Maynard) v Chiltern District Council<sup>1</sup> that it is wrong to consider each policy within a neighbourhood development plan examination, in the context of compliance with the strategic policies of the development plan and the NPPF, in relation to Basic Conditions a) and e), but rather it is the Plan as whole that needs to be considered in the context of such policy guidance, in terms of "general conformity". In *Woodcock*<sup>2</sup>, paragraph 8(2)(e) of Schedule 4B of 1990 Act only required the LPA to consider whether the draft Neighbourhood Development Plan, as a whole, is in general conformity with the adopted Development Plan. It is not appropriate to consider whether there is a tension between one policy of the Neighbourhood Development Plan and one element of the Local Plan. I have used this approach in assessing whether the Plan meets the Basic Conditions.
- 5.2** However, I consider that it is still prudent from an implementation perspective, to briefly review each of the policies to ensure that they are genuine land use planning policies and that they will serve the Parish in future for development management purposes, should the Plan be made. Before doing so, I note that whilst each of the main sections of the Submission Version of the Plan is numbered, there is a practical requirement for each and every sub-section and all individual paragraphs of text within the Plan to be individually enumerated for greater ease of future reference and legibility by those endeavouring to make practical use of it for development management purposes in the future.

**Strategic Framework – Limits to Development**

- 5.3** Cornwall Council has confirmed that it can currently demonstrate an adequate housing supply due to the recent nature of the adoption of the current Cornwall Local Plan in 2016. There is, therefore, clear essential requirement/justification for the draft St Stephen by Launceston Rural Parish Neighbourhood Development Plan to propose a new site for housing development by designating a settlement development boundary for the village of Langore which reflects that previously included in previous Local Plan for North Cornwall. The Plan makes clear, the community desire to plan for and accommodate sufficient growth required to support local services and focus new development in the most sustainable

<sup>1</sup> [2015] EWHC 3817 (Admin), *Holgate J*, 16th November 2015

<sup>2</sup> *Woodcock Holdings Ltd v Secretary of State for Communities and Local Government*, [2015] EWHC 1173 (Admin), [2015] JPL 1151, *Holgate J*, 1st May 2015.

location by confirming a Limit to Development for the largest settlement in the Parish to provide sufficient area for seven new dwellings in addition to those recently completed and committed sites that have taken place since the Cornwall Local Plan was formally adopted in 2016, taking the land outside of the current definition of 'open countryside', so enabling new housing (and other forms of general development) to be considered more positively.

## **Housing**

### **5.4 Policy 1: The Housing Target**

**1. St Stephens by Launceston Rural Parish will support the development of a minimum of 7 dwellings up to 2030 (from 1st April 2017).**

**2. Proposals for dwellings that would exceed this target should;**

**a. be developed primarily to deliver affordable housing to meet local needs, in line with Policy 9 of the LP:SP; and,**

**b. where proposals should seek to provide 100% affordable housing; the inclusion of market housing will only be supported where it is essential for the successful delivery of the development proven by a detailed financial viability appraisal. If viability appraisal demonstrates that less than 50% affordable housing is deliverable, the scheme will not be supported.**

**5.5** The policy aims to support the policy provisions of the Cornwall Local Plan: Strategic Policies Development Plan Document (LP:SP) with regard to new sustainable housing provision within both the Neighbourhood Area and Cornwall as a whole. The stated reference to Parish support, a date (now passed) from which such housing may be provided and policy within the LP:SP is unnecessary (and should be removed to supporting text). Reference to CLP Policy 3 may, for example, be included in the supporting text to advise that Policy 1 does not impose any affordable requirement on conversion of redundant buildings and/or subdivision of existing dwellings. In addition, the end of the policy requires rephrasing to ensure a positive emphasis. Accordingly, the following changes to wording are suggested to simplify the structure and provide greater clarity to enable easier interpretation of the policy to enable more effective application for development management purposes:

#### ***Policy 1: The Housing Target***

**1. The development of a minimum of 7 new-build dwellings up to 2030 will be supported, and;**

**2. Any proposals for new-build dwellings that would exceed this target should;**

**(a) be developed to deliver 100% affordable housing to meet assessed local needs;**

**(b) unless the inclusion of market housing is demonstrated to be essential for the successful delivery of the development by a detailed financial viability appraisal and the development would still provide a minimum of 50% affordable housing.**

### **5.6 Policy 2: Locations and Scale for New Housing Development**

**1. New housing development, in the parish of St Stephens by Launceston Rural, should be located at the settlements of Langore and Dutson.**

**2. At Langore, infill, rounding-off and brownfield site housing development proposals, as defined by LP:SP Policy 3, will be supported within the development boundary set out in Figure 2.**

**3. New housing development, which is not within or physically adjoining the settlements of Langore or Dutson, will only be permitted where they meet the requirements of LP:SP: Policy 7 (Housing in the Countryside) or NDP Policy 3.**

**4. Development proposals for more than two dwellings, individually or cumulatively, in any one location will be refused, as they not of a scale appropriate to the size and role of the of the parish and the settlements within it.**

- 5.7** There is no need to include reference to the limit of the Parish as the NDP has no policy power over any area outside of its designated Neighbourhood Area boundary. The NDP may not dictate how development outside the defined development limit will be viewed, as this is the prerogative of strategic policies contained within the Cornwall Local Plan and this reference within the policy and any reference to policies contained within the LP:SP should therefore be completely removed from Policy 2 (and the reference be placed within the supporting text). In order to reinforce the applicability of CLP Policy 3 to Dutson I would recommend a settlement boundary be drawn to clearly define its settlement status and thus enable both forms of development enabled by the criteria within it which enable development outside but adjoining such a boundary. There is no need to refer to the separate provisions of Policy 3 of the NDP as this stands on its own as an exception policy. The justification for the restriction on numbers of dwellings within any one development site is also inappropriately located within the text of the policy (and should be placed within the supporting text). The policy is overly convoluted and with the removal of such references (to supporting text) and negative wording may be simplified dramatically to secure its ease of interpretation and effectiveness for development management purposes.

***Policy 2: Location and Scale for New Housing Development***

***New housing development will be supported within the defined settlement development boundary for Langore or Dutson, where it represents infill, rounding-off and/or brownfield site development, of no more than two dwellings on any individual or cumulative site.***

**5.8 Policy 3: Succession Housing on Farms**

***Upon established farming enterprises a second dwelling will be supported in principle in order to facilitate the orderly transfer of the farm and to enable the farmer, or the surviving partner of the farmer, to continue to live on that land; subject to the following criteria:***

***(a) The dwelling is located within or physically next to the existing farm house/ principle collection of farm buildings at the enterprise;***

***(b) The need for the second dwelling relates to a direct family member or a person engaged in the locality in agriculture and is justified on the basis of the functional needs of the farming unit; and***

***(c) The application is supported by the submission of robust evidence that the farming business is financially sustainable.***

***Applications will be subject to a condition and/ or a Section 106 Legal Agreement which specifically permits the use of the property to housing for family members. A Section 106 Agreement is likely to be required to prevent the sale of the property except as part of the farm enterprise.***

- 5.9** The policy aims to provide support rural, land-based enterprises dependent upon family succession to support their continued viability and its provisions are intended as an exception to the provisions of both Policy 1 and 2 of the NDP. However, its current phrasing and ordering is confusing and repetitive. I recommend the policy is altered to the following, in order to provide greater clarity of phrasing and render the policy more robust and practicable to use for effective development management purposes.

***Policy 3: Succession Housing on Farms***

***Upon established farming enterprises a proposed new dwelling will be supported where it is:***

***(a) required to facilitate the orderly transfer of the farm and/or enables the farmer, their surviving partner or dependents, to continue to live on that land;***

***(b) located adjacent to the existing farmhouse or within the principal collection of farm buildings;***

***(c) justified on the basis of the functional needs of the farming unit;***

***(d) supported by robust evidence that the farming business is financially sustainable, and;***

***(e) to be subject to a suitably restrictive occupancy condition and/or a Section 106 Legal Agreement.***

## **5.10 Policy 4: Principal Residency Requirement**

***Due to the impact upon the local housing market of the continued uncontrolled growth of dwellings used for holiday accommodation (as second or holiday homes) new open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a Principal Residence. Principal Residences are defined as those occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home.***

***The condition or obligation on new open market homes will require that they are occupied only as the primary (principal) residence of those persons entitled to occupy them. Occupiers of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition, and be obliged to provide this proof if/when Cornwall Council requests this information. Proof of Principal Residence is via verifiable evidence which could include, for example (but not limited to) residents being registered on the local electoral register and being registered for and attending local services (such as healthcare, schools etc).***

- 5.11** Cornwall Council has supported rural communities to include a principal residence policy in their neighbourhood plans, where there is robust evidence that a high level of second home ownership adversely affects the sustainability of such communities. This policy was first included in the St Ives Area NDP and Cornwall Council were subsequently subject to a challenge in the High Court, during which the strict tests for justification of the policy were established. This legal case also established that the policy must be explicit, including wording explaining how it will be tested. One element of the justification required for the policy is the level of second home ownership. This cannot be established exactly, but the proportion of empty properties recorded in the census is used as a proxy.
- 5.12** St Stephens by Launceston Rural Parish has an empty home level of 7.9% which represents a relatively low proportion of empty properties, substantially lower than the Cornwall average of 11.4%, and not remotely close to the levels in the areas under high pressure from second home ownership, where it is close to 50%. Proposed Policy 4 of the NDP is not supported by any evidence base which robustly demonstrates any impact on community sustainability, such as the closure of community facilities due to reduced residents expenditure as a consequence of high second home ownership.
- 5.13** In the light of the above, I consider Policy 4 must be deleted due to the lack of robust evidence base to support such a policy within the NP Area.

## **5.14 Policy 5: Housing Size and Layout**

***1. Proposals for new housing development (both market led and affordable) will be supported where proposals:***

***a. provide a mix of one, two or three bedroom units; and***

***b. are designed as 'Lifetime Homes'; where applicants must demonstrate how they meet the 'Lifetime Homes Design Principles'.***

***2. Proposals for new one and two bedroom homes (both market led and affordable) should be designed in order to enable future extensions to the property, in order to allow for the changing needs of occupants.***

- 5.15** The policy requires renumbering due to the deletion of proposed Policy 4. The policy has positive goals of encouraging high quality, sustainable design, which provides homes fit for the future (in terms of adaptability to meet changing personal and family needs). Restructuring and simplification will make it a more robust development management tool, easier interpret and use, moving descriptive elements to supporting text I consider

adjustment is needed to enhance effectiveness of the policy for development management purposes and suggest the following:

**Policy 4: Housing Size and Layout**

**1. New housing (open market and affordable) will be supported where proposals:**

- a. provide a mix of one, two or three bedroom units;*
- b. are designed as 'Lifetime Homes' to facilitate future adaptation, and;*
- c. where one or two bedroom units are provided these allow future extension.*

**Infrastructure**

**5.16 Policy 6: Community Infrastructure Levy (CIL) Local Element**

*The (25%) Local Element of the CIL income must be spent on projects set out in Appendix B of the NDP.*

**5.17** The policy intent may be positive, but the policy is not a development management tool controlling proposals for physical development or land use. Accordingly, this should be deleted from the development management policies section, reframed and clearly re-named as an Objective of the NDP.

**5.18 Policy 7: Infrastructure and Facilities**

**1. Due to the identified inadequacies of infrastructure in the parish development proposals within the St Stephen by Launceston Rural NDP area, will only be supported where they are consistent with the requirements of Policy 28 of the Cornwall Local Plan, in that:**

- a. Developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development.*
- b. Contributions will be used to provide or enhance local infrastructure that is adversely affected by the development of a site but which will not be delivered on that site.*

**2. Development will be permitted where it would:**

- a. Be supported by appropriate infrastructure provided in a timely manner; and*
- b. Provide on-site mitigation measures or make financial contributions for site specific infrastructure provision*
- c. Where it can be demonstrated that it is not feasible to do this, the Council will seek to ensure all 'allowable solutions' or 'biodiversity offsetting' payments are invested in projects within the NDP Area.*

**3. Development will only be permitted within the parish where the infrastructure and community facilities needed to serve it either adequately exist or will be provided as part of the development.**

**4. Where development would displace or harm a feature of special conservation or amenity value and offsetting measures are required, these measures must be delivered.**

**5.19** The policy requires renumbering due to the deletion of proposed Policies 4 and 6. The policy is positive in endeavouring to ensure development makes appropriate provision dependent upon its specific impacts. Reference to the Parish boundary, the needs of the Parish and LP:SP policies are unnecessary and should be removed (to be placed in supporting text). Requirements/stipulations on where finance will be spent are not development management policies and should be removed (and included in the supporting text). Otherwise substantial simplification and streamlining of the policy will provide a far more robust and effective development management tool. Accordingly, the

following amended wording is suggested.

**Policy 5: Infrastructure and Facilities**

***Development proposals will only be supported where adequate infrastructure already exists or provision is made for and/or enhancement of any physical, social, economic and green infrastructure either on or off site which may be required in order to effectively mitigate their likely, anticipated impact, with particular attention to off-setting measures where displacement or harm to any feature of special conservation or amenity value is likely to result.***

**Built Environment**

**5.20 Policy 8: Design Principles**

***1. All proposals for new development must be sited and designed so as to recognise, support and develop the distinctive character of St Stephen by Launceston Rural Parish.***

***2. Applicants should provide supporting documentation to demonstrate that the proposed development:***

***a) will preserve or enhance the local landscape, natural environment and wildlife habitats in response to and informed by the Landscape Character Area Description LCA No CA31 Upper Tamar and Ottery Valleys;***

***b) will be visually well-integrated with nearby structures in terms of form, scale, building details, local features, materials, finishes and colour, siting, landscaping and characteristic patterns of settlement;***

***c) is informed by the St Stephen by Launceston Design Guide attached at Appendix B and the Cornwall Design Guide;***

***d) where applicable supports the delivery of lifetime homes principles;***

***e) makes provision for off-road parking commensurate to the use of the building; and***

***f) help to restrict carbon emissions by complying with high energy efficiency standards and utilising low energy design.***

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

***a) Number, design specification and position of lamps.***

***b) Full shielding (at the horizontal and above) of any fixture exceeding 500 initial lumens and evidence of limited impact of unshielded lighting through use of adaptive controls,***

***c) Correlated colour temperature limit of 3000 Kelvins or less, and***

***d) New or replacement lighting to existing or new build development will be expected to follow good practice by turning lights off when needed, using sensor options, pointing downwards, (down lighter), and selecting less bright and warmer colour bulbs.***

**5.21** The policy requires renumbering due to the deletion of proposed Policies 4 and 6. The policy aims of supporting high quality design, responsive to local character and protecting the night sky from unnecessary light pollution requires minor rewording and re-ordering to ensure its effectiveness. Accordingly, the following amended form is suggested:

**Policy 6: Design Principles**

***1. New development must be sited and designed so as to recognise, support and develop the distinctive visual character of St Stephen by Launceston Rural Parish.***

**2. Applications shall include supporting documentation demonstrating the proposed development:**

*a) will preserve or enhance the local landscape, natural environment and wildlife habitats in response to and informed by the Landscape Character Area Description LCA No CA31 Upper Tamar and Ottery Valleys;*

*b) will be visually well-integrated with nearby structures in terms of form, scale, local building details/design features, materials, finishes and colour, siting, landscaping and characteristic patterns of settlement;*

*c) is informed by the St Stephen by Launceston Design Guide (attached at Appendix B) and the Cornwall Design Guide;*

*d) where applicable supports the delivery of lifetime homes principles;*

*e) provides off-road parking commensurate to the use of the building; and*

*f) restricts carbon emissions by complying with high energy efficiency standards and utilising low energy design.*

**3. Proposals where new/replacement lighting is required for existing or new-build will be supported where they demonstrate good practice in protecting the night sky, in terms of the number, design specification and position of lighting fixtures selected, and include:**

*a) sensors to ensure lights turn off when not required;*

*b) correlated colour temperature limit of 3000 Kelvins or less, and;*

*c) down lighting with full shielding at the horizontal and above for any fixture exceeding 500 initial lumens, or evidence of limited impact of unshielded lighting (i.e. through use of adaptive controls, and less bright, warmer colour bulbs).*

### **Historic Environment**

#### **5.22 Policy 9: Non-designated Heritage Assets**

**1. High priority must be given to the protection, preservation, access and enhancement of non-designated heritage assets of archaeological and historic significance in the NDP area. A number of identified non-designated assets are shown on Figure 3.**

**5.23** The policy requires renumbering due to the deletion of proposed Policies 4 and 6. The supportive nature of the policy for heritage assets is compromised by poor/weak phrasing and wording, due to the lack of any binding requirement making specific how the desired 'high priority' is to be given and demonstrated. Accordingly, to make the policy more effective for development management purposes the following amended wording is suggested:

***Policy 7: Non-designated Heritage Assets***

***Any loss or damage from development of non-designated heritage assets of local archaeological and historical significance (such as those shown in Figure 3) shall be avoided and the demonstrable benefits of development balanced against the significance of such features as heritage assets. Dependent upon potential impact upon the fabric and/or setting of such assets, proposals shall include practical measures for protection, preservation, access to and/or enhancement.***

### **Natural Environment**

#### **5.24 Policy 10: Development in, or within the setting of, the Area of Great Landscape Value (AGLV)**

***All proposals for development in, or within the setting of, the AGLV will be required to preserve or***

***enhance the landscape character and scenic beauty of the AGLV. Applications should demonstrate how proposals have responded to, and been informed by, the Landscape Character Area Description LCA No CA31 Upper Tamar and Ottery Valleys.***

**5.25** The policy requires renumbering due to the deletion of proposed Policies 4 and 6. This policy aims to protect the landscape quality of the AGLV and only requires modest amendment and restructuring to increase its usability for development management purposes. Accordingly, the following alternative wording is suggested:

***Policy 8: Development in, or within the setting of, the Area of Great Landscape Value (AGLV)***

***Development in, or within the setting of, the AGLV will be required to:***

***(a) preserve or enhance the landscape character and scenic beauty of the AGLV, and;***

***(b) demonstrate how they respond to, and are informed by, the Landscape Character Area Description LCA No CA31 Upper Tamar and Ottery Valleys.***

## **5.26 Policy 11: Safeguarding and Enhancing Biodiversity Through Development**

***1. Proposals must demonstrate how their scheme has responded to the guidance contained within Cornwall Council's Biodiversity Supplementary Planning Document.***

***2. Proposals should enhance the biodiversity and green infrastructure of the Parish through retaining and enhancing wildlife areas and green spaces and the connections between them. Development proposals should demonstrate that they:***

***i. Avoid designated areas which contain large or linked areas of semi-natural habitat and seek to protect large areas of semi-natural habitat in non-designated areas;***

***ii. Maintain patches of semi-natural habitats and ideally link separated areas together as part of the intended end land-use;***

***iii. Ensure there is potential to retain, restore and re-create habitat linkages such as Cornish hedges as part of developments;***

***iv. Look for enhancement opportunities to create, expand, buffer and link semi-natural habitats on-site; and***

***v. Consider the potential for creating new semi-natural habitat off-site if opportunities on-site are limited, this is known as 'biodiversity offsetting'. It may be possible to pool contributions from several developments.***

**5.27** The policy requires renumbering due the deletion of proposed Policies 4 and 6. The policy seeks to safeguard and wherever possible enhance biodiversity. Current enumeration of criteria is inconsistent with other policies and the use of mixed numerals is confusing. The latter components of the final criterion are descriptive and advice which should be deleted (and removed to the supporting text). The title of the Cornwall Council document referred to in criterion 1 requires correction. Minor changes to ensure consistency and to increase the level of requirement contained within the precise phrasing are suggested, as follows, to increase effectiveness:

***Policy 9: Safeguarding and Enhancing Biodiversity Through Development***

***1. Proposals must demonstrate how their scheme has responded to the advice contained within Cornwall Council's 'Cornwall Planning for Biodiversity Guide'.***

***2. Proposals shall enhance the biodiversity and green infrastructure, retaining and enhancing wildlife areas, green spaces and the connections between them, demonstrating how they will:***

***(a) avoid harm to designated areas which contain large or linked areas of semi-natural habitat***

***and seek to protect large areas of semi-natural habitat in non-designated areas;***

***(b) maintain patches of semi-natural habitats and ideally link separated areas together as part of the intended end land-use;***

***(c) ensure retention, restoration and/or re-creation of habitat linkages such as Cornish hedges as part of developments;***

***(d) take enhancement opportunities to create, expand, buffer and link semi-natural habitats on-site; and***

***(e) create new semi-natural habitat off-site if opportunities on-site are limited.***

### **Commercial and Economic Development**

#### **5.28 Policy 12: Employment Development**

***1. Small scale employment and/or business development (including small workshops) will be supported within or adjoining the settlements of Langore and Dutson.***

***2. Proposals that are not well related to the Langore or Dutson will be required to appropriately demonstrate why an alternative location is required, is sustainable and responds to a local need.***

**5.29** The policy requires renumbering due to the deletion of proposed Policies 4 and 6. The policy aims to support employment in sustainable locations. With minor rewording the policy's legibility and effectiveness would be improved:

##### ***Policy 10: Employment Development***

***1. Small scale employment and/or business development (including small workshops) will be supported within or adjoining the settlements of Langore and Dutson.***

***2. Proposals that are not well related to the Langore or Dutson shall demonstrate why an alternative location is required, is sustainable and responds to a local need.***

#### **5.30 Policy 13: Commercial Development in Dutson**

***Further development of the commercial centre at Dutson (identified as the highlighted area in Figure 4) will be supported where proposals are in accordance with higher level policies of Cornwall's Local Plan.***

**5.31** The policy requires renumbering due to the deletion of Policies 4 and 6. This policy seeks to preserve existing employment opportunity on an established site. The reference to policies within the Cornwall Local Plan are unnecessary and irrelevant. The supporting text provides references which may be drawn into the policy as criterion. The rephrasing of the policy will ensure it is more effective and robust for development management purposes and so the following amended wording is suggested:

##### ***Policy 11: Commercial Development in Dutson***

***Further development of the commercial centre at Dutson (identified in Figure 4) will be supported where proposals enable the retention of employment on site but do not result in over development which would lead to unacceptable traffic levels or harm the environment.***

### **Community**

#### **5.32 Policy 14: Local Green Space Designation- Truscott Parish Ponds and Verges**

***1. Truscott Parish Pond and Verges as shown on Figure 5 is designated as a Local Green Space in***

***accordance with paragraph 99 of the NPPF.***

***2. Any development proposals impacting upon the Local Green Space designation should be assessed against the requirements of paragraph 101 of the NPPF.***

### **5.33 Policy 15: Local Green Space Designation - Langore Village Green, Copse and Recreation Ground**

***1. Langore Village Green, Copse and Recreation Ground as shown on Figure 6 is designated as a Local Green Space in accordance with paragraph 99 of the NPPF.***

***2. Any development proposals impacting upon the Local Green Space designation should be assessed against the requirements of paragraph 101 of the NPPF.***

**5.34** These two policies clearly aim to preserve open green spaces within the Parish which has been identified as having local importance and meet the criteria provided in paragraph 100 of NPPF 2018. The title of the first policy requires the deletion of the word 'Parish' which is confusing, irrelevant and not reflected in the title of Figure 5. Insertion of the date of the NPPF being referred to ensures ease of future interpretation (i.e. in the event of any future revision to the NPPF). Assessment criteria should be more specific than reference to paragraph 101 of NPPF 2018 as this paragraph only advises Local Green Space policies should be consistent with those for Green Belts and does not contain any specific criteria for development to be assessed against. This policy would also benefit from being merged with Policy 14 so there is one single policy in the NDP covering all the Local Green Spaces designated therein. The following suggested changes would provide a more effective policy for development management purposes and the policy requires renumbering due to the deletion of proposed Policies 4 and 6 and merger of proposed Policies 14 and 15:

#### ***Policy 12: Local Green Spaces***

***The following areas are designated as designated as a Local Green Space (in accordance with paragraphs 99 and 100 of NPPF 2018):***

***a) Local Truscott Parish Pond and Verges (as shown on Figure 5), and;***

***b) Langore Village Green, Copse and Recreation ground (as shown on Figure 6).***

***Any development proposals impacting upon these Local Green Spaces shall demonstrate the substantial weight to be given to any harm to the Local Green Space in terms of its ecological value, landscape character contribution and community recreational use. 'Very special circumstances' likely to justify new development within these areas will only be considered to exist where the potential harm to the Local Green Space resulting from the proposal is clearly outweighed by other considerations, such as effective mitigation or enhancement.***

### **5.35 Policy 16: Footpaths and access**

***Development proposals will be supported in principle that help to deliver the following:***

***a) Promotion of the use of public footpaths, public rights of way and cycle ways within the parish and to/from surrounding areas;***

***b) Improved signage of public footpaths, public rights of way and cycle ways within the parish and to/from surrounding areas;***

***c) Improvements to existing and provision of new footways adjacent to highways to improve pedestrian safety; and/or***

***d) Provision of safe cycle ways and connection points within the parish and to/from surrounding areas.***

**5.36** This policy requires renumbering in the light of the merger of the two preceding policies. The policy aim to enhance public access is positive. Reference to within and without the parish requires removal (and may be included in the supporting text) but otherwise only a slight re-wording would enhance the effectiveness of the policy and so the following alternative is proposed:

***Policy 13: Footpaths and Access***

***Development proposals will be supported where they deliver the following:***

***a) Promotion of the use of public footpaths, public rights of way and cycle ways;***

***b) Improved signage of public footpaths, public rights of way and cycle ways;***

***c) Improvements to existing and provision of new footways adjacent to highways to improve pedestrian safety; and/or***

***d) Provision of safe cycle ways and connection points.***

**Renewable Energy**

**5.37 Policy 17: Renewable Energy**

***Proposals for Renewable Energy Schemes, within the parish, must be supported by adequate information, including a Landscape and Visual Impact Assessment to enable the assessment of the impact of the proposal on the character and appearance of the immediate and wider landscape, and of areas of natural, cultural, historical or architectural interest. Only proposals which are deemed to have an acceptable landscape and visual impact will be supported.***

**5.38** The policy seeks to protect the environment whilst also enabling renewable energy development. The policy requires only minor adjustment its structure to improve its strength as a development management tool. The following amended wording is suggested along with relevant renumbering:

***Policy 14: Renewable Energy***

***Proposals for Renewable Energy Schemes will be supported only where they demonstrate acceptable landscape and visual impact and must include adequate information (including a Landscape and Visual Impact Assessment, Ecological and Heritage Impact Assessments) to enable the assessment of impact on not only the visual character and appearance of the immediate and wider landscape but also areas of natural, cultural, historical or architectural interest.***

**6.0 SUMMARY**

6.1 In accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10(6), b), I set out the summary of my findings below.

6.2 I am satisfied that St Stephen by Launceston Rural Parish Council is the qualifying body and accordingly entitled to submit a Neighbourhood Development Plan for the designated plan area and that this area is one which is appropriate for designation as a Neighbourhood Area. Formal designation was confirmed by Cornwall on 23<sup>rd</sup> November 2015.

6.3 The policies proposed within the St Stephen by Launceston Rural Parish Neighbourhood Development Plan relate to development and use of land within the designated Neighbourhood Area.

- 6.4 The plan period of the St Stephen by Launceston Rural Parish Neighbourhood Development Plan is 2016 to 2030 and it does not contain policies relating to "excluded development" as defined s61K of the Town & Country Planning Act 1990 (as amended).
- 6.5 I am also satisfied that the St Stephen by Launceston Rural Parish Neighbourhood Development Plan 2016 – 2030 does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.
- 6.6 The Plan has been examined against current national and adopted local planning policy.
- 6.7 The Plan has also been subject to an Assessment in compliance with EU Directive 2001/42 on Strategic Environmental Assessment to inform the consideration of the Submission Version of the plan. The policies within the Submission Version of the St Stephen by Launceston Rural Parish Neighbourhood Development Plan appraised well against the sustainability framework. This gives confidence that the Plan, if made, should make a positive contribution to sustainable development within the Plan area.

### ***Habitat Regulations Assessment***

- 6.8 A Habitats Regulations Assessment Screening Report has been undertaken by Cornwall Council officers to determine whether the Neighbourhood Plan was likely to impact on the integrity of European protected sites within and surrounding the district. The lack of any evident protected sites likely to be affected by the housing site allocation proposals contained within the Plan means it appears evident no further screening or further assessment was required. I agree therefore that the Neighbourhood Development Plan is unlikely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007, either alone or in combination with other plans or projects).

### ***Public Consultation***

- 6.9 As to public consultation, the process and management of the community consultation appears thorough and I am confident that the Consultation Statement outlining the terms of reference and actions of the Parish Council, the supporting evidence from the workshops, consultation correspondence and feedback leading to the formulation of draft policies, subsequent pre-submission and submission plan consultation on the Plan policies adequately fulfils Section 15 (2), Part 5 of the Neighbourhood Planning (General) Regulations 2012.

### ***Compatibility with Human Rights Requirements***

- 6.10 The Basic Conditions Statement provides confirmation at 2.3 of the St Stephen By Launceston Draft Neighbourhood Development Plan SEA and HRA Screening Report that the Plan must be compatible with Human Rights legislation but does not contain any statement which explains how it has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the requirements of Regulations 14 and 15(2) of the Neighbourhood Planning (General) Regulations 2012. If a statement to this effect is included then I am satisfied the Plan would otherwise be compatible with EU obligations and will contribute to achieving sustainable development within the St Stephen by Launceston Rural Parish Neighbourhood Development Plan area.

### ***Textual, Policy & Map/Figure Revisions***

- 6.11 I am satisfied that subject to the recommended policy revisions being accepted, that the draft St Stephen by Launceston Rural Neighbourhood Development Plan 2016-2030, has given adequate regard to the policies in the National Planning Policy Framework (NPPF) and other relevant national planning guidance and would be in conformity with the strategic policies of the Cornwall Local Plan adopted in 2016. If these recommended changes are accepted (and the necessary associated modifications are made to the supporting text by the Parish Council to ensure consistency and legibility within the document) I believe that the St Stephen by Launceston Rural Parish Neighbourhood Development Plan 2016-2030 will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the designated area.

## **7.0 RECOMMENDATIONS**

### ***Modifications to meet the basic conditions***

- 7.1 For the reasons set out above and subject to the modifications indicated in the preceding sections of this examination report being accepted and incorporated into a revised version of the Plan which includes a clear statement of its compliance with Human Rights legislation, I consider that the Plan would meet the basic conditions in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plans for the local area;
- being compatible with human rights requirements; and
- being compatible with European Union obligations.

- 7.2 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this report are made to the St Stephen by Launceston Rural Parish Neighbourhood Development Plan 2016-2030 and that the Submission Version of the Plan as modified may be submitted to a referendum.

### ***Referendum Area***

- 7.3 It is the Independent Examiner's role to consider the referendum area appropriate should event that the Parish Council wishes to proceed to the referendum stage.
- 7.4 In the event that the Parish Council wishes to proceed to the referendum stage with this Plan, I consider that the referendum area should extend to the full extent of the originally designated Plan Area, as confirmed on 23<sup>rd</sup> November 2015 and as identified edged red on Figure 1 on page 5 of the St Stephen by Launceston Rural Parish Neighbourhood Development Plan 2016-2030.

## **8.0 CONCLUSIONS**

- 8.1 I conclude that, subject to the recommendations in this report being accepted, the Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.
- 8.2 In accordance with the Town and Country Planning Act 1990, Schedule 4B 10 (2) (b), I recommend that the modifications specified in this report are made to the draft Neighbourhood Development Plan and if accepted, the St Stephen by Launceston Rural Parish Neighbourhood Development Plan 2016 – 2030 is submitted to a referendum.

**Martin S. Lee**  
**MA MRTPI AMInstLM MTCPA NPIERS NSI**  
**1<sup>st</sup> August 2019**