

## **Questions for Clarification Fowey NDP**

***I am Deborah McCann, the independent examiner of the Fowey Neighbourhood Development Plan. I seek clarification on the following policies, my questions relating to those policies is in blue following each policy. These questions are directed to the Neighbourhood Plan Group.***

### **Policy 3: Housing within the Fowey Development Boundary**

***1. Proposals for small scale infill, rounding off and development of previously developed land will be supported within the Development Boundary for Fowey (see Figure 4).***

***2. Proposals for residential development, outside of the Fowey Development Boundary will be considered as Rural Exception Sites in line with Policy 9 of CLP.***

### **QUESTION**

***In examining a Neighbourhood Plan it is necessary to ensure that it meets the Basic Conditions, one of which is the requirement for the policies of the proposed NDP to be in “general conformity” with the strategic policies of the Development Plan – in this case Cornwall Local Plan.***

***Please clarify how and where the opportunities for infill and rounding off have been identified and how the development boundary as proposed has been drawn to be in general conformity with strategic policy 3 of Cornwall Local Plan.***

### **Fowey NDP Group Response:**

**As a steering group we made the decision early on that we did not want to allocate specific areas within the development boundary as opportunities for infill and rounding off, but to specify our criteria for housing. Cornwall’s LP apportions 900 dwellings to be delivered in the 3 parishes of St Blazey, Fowey and Lostwithiel CNA. Fowey Parish has no housing allocation to deliver 2018-2030, because it is within the AONB.**

### **Cornwall Council comment:**

**The latest monitoring figures show that the rural area of the Fowey, St Blazey and Lostwithiel CNA is on track to deliver the Local Plan apportionment of housing and there were sufficient commitments and completions to meet and exceed this figure, if all are delivered.**

**Fowey is within the AONB and therefore it is correct to say that CC would not**

look to allocate housing here, but prioritise local needs housing. We therefore support the NDP strategy which has a tightly drawn development boundary, informed by landscape character assessment. This strategy maximises the provision of housing to meet local needs and the affordable housing team confirm their support.

***POLICY 4: Small-scale affordable Housing on Rural Exception Sites***

***Proposals for small-scale, affordable housing led schemes to meet local housing needs on Rural Exception Sites' in Fowey Parish and in line with relevant policies within this Plan will be supported provided that:***

- 1. There are no more than 15 dwellings on individual development sites;***
- 2. They comprise 100% affordable housing, unless it can be clearly shown that a scheme will not be viable without the inclusion of a limited amount of open market housing to enable the provision of affordable houses for local needs and comprising no less than 50% affordable housing.***
- 3. The development is adjacent to or well-related to the existing boundaries of the built up area identified in Policy 3.***
- 4. It is demonstrated that development of the site would conserve and enhance the settlement's special historic, architectural and landscape character, in particular within or adjacent to the AONB, and the Conservation Areas and their settings.***
- 5. Development should avoid land and those settlement edges identified as 'Critical' or 'Sensitive' (see Fowey LLCA).***
- 6. Such development is not used to extend the development boundary.***

**QUESTION**

***Please clarify how the number of 15 dwellings has been arrived at and how this policy meets the Basic Conditions in terms of having regard to national policy and being in general conformity with the strategic policies of the Cornwall Local Plan.***

**Fowey NDP group response:**

**Reference to 15 units has been removed from attached amended policy – see**

attached Housing Policy 4 extra.

**CC comments:**

We understand the desire to ensure that exceptions sites are in keeping with the scale of the host settlement and in keeping with the character of the area. However that judgement is probably best made on a case by case basis, as set out in Policy 9 of the Cornwall Local Plan – there are some situations where 15 units might be too many – and others where more could be accommodated. We would not object to further additions to the explanatory text if the figure is removed from the policy wording, as suggested by the FNDP group.

***Housing Policy 5: Principal Residence Requirement***

***1. 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 will only be permitted where there is a condition restricting occupancy as a Principal Residence. Principal residences are defined as those occupied as the residents' sole or main residence, where the resident spends the majority of their time when not working away from home or living abroad.***

***2. The condition placed on new open market homes will require that they are occupied by the owner or their tenants as their primary (principal) residence. Owners of homes with a Principal Residence condition will be required to keep proof that they are meeting the condition, and be willing to provide this proof if/when CC requests this information. Proof of Principal Residence is via verifiable evidence including (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.).***

**QUESTION**

***Please clarify the evidence base for this policy.***

**FNDP response:**

**Please see additional information in attached reworded Policy 5.**

**CC response:**

**Page 22 of the Summary of Evidence and Documentation states:**

**'6. With high levels of vacant houses and second homes in Fowey Parish there was a large support in public consultations for addressing second homes and the need to restrict new builds for permanent residence.**

**7. 'Insight data (Sept. 2017) for Fowey shows 478 vacant dwellings which is**

26.5%; (Cornwall 11.2% and England 4.3%). Fowey also has 16% second homes. In terms of affordability and Council Tax Bands – Band A 7.9% Fowey, (England 24.6%) and Bands F-H 16.4% Fowey (England 9.1%).’ Fowey Parish Housing Need Survey Report 3.1.1’

This gives the numerical data on the level of empty homes in the parish. FNDP group have now added additional evidence of the impacts of those empty properties on their community.

#### ***Policy 10: Open Spaces – of Heritage/Landscape Value***

***Development that results in the loss of the following open spaces (see Figure 11) currently enjoyed by the public, during the lifetime of the Plan, or that results in any harm to their character, setting, accessibility, appearance, general quality or amenity value will not be supported.***

- ***Station Woods***
- ***Castle Fields***
- ***Brewery Field***
- ***Allday’s Fields***
- ***St Catherine’s Parade***
- ***Grammar School Gardens***
- ***Lostwithiel Street Garden***
- ***Place House gardens and estate grounds***

#### ***QUESTION***

***It is unclear whether this policy is intended to designate Local Green Space. Although there are areas identified in the evidence base and included on maps within the NP itself there is no detail relating directly to these areas. The policy does not seek designation and no information provided as to whether or not the spaces identified meet the Local Green Space requirements as set out in the NPPF. Please can the QB provide clarity on this matter including whether or not the owners of the LG Spaces identified have been consulted. In addition are there areas included in Policy 17 which it was intended to include in the Local Green Space designation?***

*“The NPPF states:*

*76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed and be capable of enduring beyond the end of the plan period.*

*77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- where the green space is in reasonably close proximity to the community it serves;*
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- where the green area concerned is local in character and is not an extensive tract of land.*

**FNDP response:**

**Please see the attached Local Green Space Assessment Tables for sites identified in Policy 10. In carrying out the assessment we have concluded that Alldays Field is too far from the town to comply with the tests of para 100 of the NPPF. We also concluded that the Treffry Estate at Place House has sufficient protection. The other sites listed in the policy are put forward for Local Green Space designation and the evidence is attached – (Fowey NDP Local Green Space Assessment.)**

**The Policy 17 sites are not intended for designation as Local Green Space, but are sites the community wish to protect for recreation. 3 of the sites are school playing fields and therefore have some protection in the NPPF; Squires Field and the Squires Field Centre's green are both owned by Fowey Town Council - as are the allotments; Lankelly Rugby Club is outside the settlement boundary and the Sea Pool is being taken over by the Harbour Commissioners.**

**CC comment:**

**Agree with this approach.**

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD  
Planning Consultant  
NPIERS Examiner  
CEDR accredited mediator

*7<sup>th</sup> May 2019*