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**Independent Examiner's Report of the Lezant  
Parish Neighbourhood Development Plan**

## **SECTION 1 Contents**

### **CONTENTS**

#### **Section 1**

Contents.....	3
---------------	---

#### **Section 2**

Summary.....	4
--------------	---

#### **Section 3**

Introduction.....	5-7
-------------------	-----

#### **Section 4**

The Report.....	8-28
-----------------	------

1. <i>Appointment of the Independent Examiner</i> .....	8
2. <i>Qualifying Body</i> .....	8
3. <i>Neighbourhood Plan Area</i> .....	8
4. <i>Plan Period</i> .....	8
5. <i>Cornwall Council Regulation 15 assessment of the plan</i> .....	8
6. <i>Site Visit</i> .....	8
7. <i>Consultation Process</i> .....	8
8. <i>Regulation 16 Consultation and Comment on Responses</i> .....	9
9. <i>Compliance with the Basic Conditions</i> .....	9
10. <i>Planning Policy</i> .....	10
11. <i>Other Relevant Policy Considerations</i> .....	11-13
12. <i>Lezant Parish Neighbourhood Development Plan Policies</i> .....	14-28

#### **Section 5**

Conclusions and Recommendations.....	29
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## **SECTION 2**

### **2.Summary**

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

1. *I find the Lezant 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 Lezant Parish Neighbourhood Development Plan go to Referendum.*
3. *I have read the Lezant 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 Lezant Parish Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
5. *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 Lezant 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 Lezant Parish Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Lezant 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 Lezant 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. Having read the plan and considered the representations I did require clarification on a number of issues. These points were dealt with by written representations in a question and answer format. This additional information is publicly available on the Cornwall Council website and covered in my report within the relevant policy.

#### **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 Lezant 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 Lezant Parish Neighbourhood Development Plan with the agreement of Lezant Parish Council.

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

I am satisfied that Lezant Parish Council is the Qualifying Body.

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

Lezant Parish Council applied for designation as a Neighbourhood Plan area on 5th May 2015 and approved by Cornwall Council on 30th November 2015.

The designated Lezant Parish Neighbourhood Area covers the Parish of Lezant.

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

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

It is intended that the Lezant Parish Neighbourhood Development Plan will cover the period 2019-2030, chosen to align with the Cornwall Local Plan.

Paragraph 5, page 4 of the Basic Conditions Statement refers to the Plan Period as being 2010-2030. I assume this is just a typographical error, but it should be corrected.

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

Lezant Parish Council submitted the draft Lezant Parish Neighbourhood 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.

#### **4.6 Site Visit**

I carried out an unaccompanied site visit on the 4<sup>th</sup> of October 2019 to familiarise myself with the Neighbourhood Plan Area.

#### **Questions for Clarification**

I made an initial assessment of the plan and decided that I needed to request further clarification from the Qualifying Body in respect of policy “Community 1 Open Spaces”.

The response from the Qualifying Body and Cornwall Council are available to view on the Cornwall Council website but I will make further reference to these matters in my report at the relevant policies.

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

The Lezant 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 Lezant Parish Neighbourhood Development Plan out for consultation under Regulation 16 for the statutory six week period from Thursday the 15<sup>th</sup> of August to 26<sup>th</sup> September 2019.

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**

A Basic Conditions Statement was produced for the Lezant Parish Neighbourhood Development Plan. The purpose of this statement is to set out in detail how the Neighbourhood Development Plan, as submitted meets 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 Lezant 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 28<sup>th</sup> 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 Lezant Parish 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 Lezant Parish 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 Lezant 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) Lezant Parish Design Guide*

*(e) Lezant Character Statement*

(f) Lezant Sustainability Check

### **Comment on Documents submitted**

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Lezant 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) February 2019 (as updated).

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 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

The Lezant Parish Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

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

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

Lezant Parish lies within the area covered by Cornwall Council. The relevant development plan is the Cornwall Local Plan 2016.

4.11.2 To meet the Basic Conditions, the Lezant Parish Neighbourhood Development Plan must be in “general conformity” with the strategic policies of the

development plan.

The NPPF 2019 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision<sup>12</sup> for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.11.3 Neighbourhood Plans should only contain non-strategic policies. The NPPF 2019(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those

strategic policies.”

4.11.4 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.11.5 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.11.6 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

I have considered the Strategic policies of the Development Plan and the Policies of the Lezant Parish 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.

In the case of Directive 2001/42/EC a screening opinion was obtained from Cornwall Council in terms of the need for Strategic Environmental Assessment (SEA) on 22/01/2019 whereby it was concluded that a SEA was not required. I have been provided with the detailed screening opinion and the responses of the Statutory Consultees who concur with the Council's conclusion.

Directive 92/43/EEC and Directive 2009/147/EC seek to protect and improve Europe's most important habitats and species. As part of the screening request for the SEA a Habitats Regulations Assessment Screening request was also submitted to Cornwall Council. Based on the scale and location of development proposed in the draft plan Cornwall Council concluded that the Lezant NDP is unlikely to have significant effects on the environment or on European Sites and that SEA and HRA was therefore not required.

Natural England, the Environment Agency and Historic England were consulted as part of the screening process. The screening opinion concluded that a SEA and HRA was not required for the Neighbourhood Plan.

I am satisfied with this conclusion.

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

The Basic Conditions Statement sets out how the plan addresses achieving sustainable development:

“Achieving Sustainability

This plan contributes to the achievement of sustainable development by: -

- Planning for affordable housing growth;
- Planning for good settlement area design and the creation of safe and well-connected places;
- Prioritising the development of brown field sites suitable for re-development opportunities;
- Protecting locally important open spaces and landscape features;
- Protecting and enhancing the natural, built and historic environment of Lezant parish.”

In addition, a Sustainability Checklist has been provided. I am satisfied having regard to this document and other relevant documents, policies and legislation that the Lezant Parish Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions in this regard.

**European Convention of Human Rights and to comply with the Human Rights Act 1998.**

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.

The Basic Conditions Statement refers to an Equality Impact Statement which confirms that the policies in the plan accord with EU Human Rights obligations.

I am satisfied with this conclusion.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely 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). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

I am satisfied that the Lezant Parish Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.

#### **4.11.3 Excluded development**

I am satisfied that the Lezant Parish 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 Lezant Parish Neighbourhood Development Plan covers development and land use matters.

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

##### **VISION**

**“Lezant Parish will continue as a welcoming and cohesive community that respects our rural way of life and yet is open to innovative ideas to improve the economic, physical, mental and emotional wellbeing of its inhabitants, whilst protecting and enhancing the natural environment for future generations”**

#### **4.11.6. Lezant Parish NDP: Objectives**

##### **Housing**

- **To meet the needs of the local community as a whole in terms of open market and affordable housing.**

##### **Environment**

- **The environment of the parish should be maintained and enhanced for the benefit of the residents and wildlife of parish.**

##### **Economy**

- **To support home businesses and farm diversification with larger businesses to be concentrated on existing industrial sites.**

##### **Energy**

- **To support small scale / domestic renewable energy technology and general efficiency.**

##### **Community**

- **To encourage and enhance local community projects, health and wellbeing.**

#### **COMMENT**

**I am satisfied that the Lezant Parish NDP vision and objectives were developed from the consultation process and that the policies within the plan reflect the vision and objectives.**

#### **4.12. Lezant Parish Neighbourhood Development Plan 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 Lezant Parish Neighbourhood 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.

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**.

## **Housing**

### Housing 1 – Scale of housing development

1. Support is given to development of approximately 10-15 new dwellings in total over the plan period.
2. Housing proposals should be of an appropriate scale, density, character and appearance that reflects and enhances Lezant Parish and should be non-contiguous

minor developments of nine dwellings or less either individually or cumulatively in any one settlement.

3. Proposals for rural exception sites are supported, in line with the local plan Policy 9.

4. Support is given for the development of brown field sites and redundant farm buildings not exceeding the original footprint.

## **COMMENT**

**The Response of Cornwall Council to the Regulation 14 Consultation addressed the issue of settlement boundaries:**

**“Paragraph 6.1 refers to the parish as comprising of 6 “small communities (which are listed) and outlying dwellings”. It isn’t clear if they are defining these 6 communities as settlements? If so these the only clustering of dwellings which they consider constitute settlements in their parish? This will be relevant to the application of policy 3 and 7 of the CLP and their proposed policy 1. It is noted that they are also not defining the physical extent of these ‘communities’ – which would leave it open to interpretation as to what is within or outside these settlements”.**

**As a result of these comments settlement boundaries were drawn up, agreed with the parish council and put on the website with an article in the monthly parish newsletter pointing out where the maps could be viewed and how to comment on them. They formed part of the Regulation 16 Consultation. In addition, a Report on the Settlement Boundaries of Lezant Parish has been prepared and submitted as part of the examination documentation.**

**Reference to settlement boundaries is made on page 10 of the Plan:**

**“The Parish comprises of six small settlements: Higher Larrick, Trebullet, Lezant, Trekenner, Treburley, and Rezare and some outlying dwellings. See Settlement Boundaries Appendix 6.”**

However, there is no policy reference to the settlement boundaries in the Policies section of the Plan. Having reviewed the documents before me I am satisfied that it was the intention of the Qualifying Body that the Settlement Boundaries as illustrated in Appendix, should form part of the policies of the Plan.

I have also received representations objecting to the proposed settlement boundary for Treburley on the basis that it does not include an area of land suitable for housing to meet the needs of a local employer. I am satisfied that should there be evidence for additional housing development in this location above that already identified in the Lezant Parish Neighbourhood Development Plan this could be addressed through Policy 9 of the Cornwall Local plan for Exception Sites.

Point 2. of this policy is overly prescriptive and confusing and the wording of point 4 is also potentially confusing.

For clarity and too meet the Basic Conditions the policy should be modified as follows:

### **Housing 1 – Housing**

**This policy establishes the settlement boundaries for Higher Larrick, Trebulet, Lezant, Trekenner, Treburley, and Rezare as illustrated in Appendix A to this Plan and the development of approximately 10-15 new dwellings in total over the plan period will be supported in accordance with policy 3 of the Cornwall Local Plan.**

**1. Housing proposals should be of an appropriate scale, density, character and appearance that reflects and enhances Lezant Parish.**

**2. Proposals for rural exception sites are supported, in line with the local plan Policy 9.**

**3. Support will be given to the redevelopment of brown field sites or redundant farm buildings where the original footprint is not exceeded.**

## **Housing 2 – Design of new buildings and conversions**

The NDP will support development over the planned period if they;

- (a) Demonstrate how the design has taken into account and appropriately responded to the Lezant Parish Design Guide by completing the Design Guide Requisite's Checklist and submit with their application. Appendix 4.
- (b) Include in the planning application a clear visual representation of the final form of the proposed building(s) in the context of their immediate neighbourhood.
- (c) New developments must comply with current regulations for accessibility.
- (d) A domestic fire suppression sprinkler system should be installed.

### **COMMENT**

**The information necessary for submission with a planning application is a matter dealt with by Cornwall Council under their validation requirement. Neighbourhood Plans cannot introduce more rigorous requirements than set by Cornwall Council. In addition, the inclusion of domestic sprinkler systems is dealt with under Building Control and whilst it is undoubtedly desirable to have sprinkler systems in place it cannot be a requirement under planning policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:**

## **Housing 2 – Design of new houses and conversions**

The NDP will support development proposals over the planned period if they;

- (a) Demonstrate how the design has taken into account and appropriately responded to the Lezant Parish Design Guide (Appendix 4). Applicants are encouraged to complete the Design Guide Requisite's Checklist and submit with their application and provide a clear visual representation of the final form of the proposed building(s) in the context of their immediate neighbourhood.

(c) New developments must comply with current regulations for accessibility.

(d) Wherever possible domestic fire suppression sprinkler systems should be installed.

### Housing 3 - Parking and Access

1. The NDP supports developments where the number of off-road parking spaces at least match the number of bedrooms.
2. There must be adequate turning space for cars to enable turning on the property in order that vehicles do not have to reverse onto a street.
3. Where applicable access to and within the development must comply with the Manual for streets, (ISBN: 978-0-7277-3501-0) if applicable.

### COMMENT

**The parking standard this policy seeks to establish exceeds the parking standards set in national guidance and could impact negatively on the viability and delivery of housing. I have not been presented with any evidence to support these higher parking standards. Point 2. Is also overly onerous due to the potential impact on viability and delivery. For clarity and to meet the Basic Conditions the policy should be modified as follows:**

### Housing 3 - Parking and Access

1. The NDP supports developments where the number of off-road parking spaces at least match the number of bedrooms where this is achievable.
2. Where possible proposals should provide adequate turning space for cars to enable turning on the property in order that vehicles do not have to reverse onto a street.
3. Where applicable access to and within the development must comply with the Manual for streets, (ISBN: 978-0-7277-3501-0).

## **Environment**

### **Environment 1 Lighting**

The NDP will support proposals for development over the planned period where it is demonstrated that if external lighting is required it protects the night sky in terms of:

- a) Number, design 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, and
- c) Correlated colour temperature limit of 2400 Kelvins or less.

### **COMMENT**

**For clarity the policy should be modified as follows:**

### **Environment 1 Lighting**

Proposals which include a requirement for external lighting should demonstrate how it will contribute the protection of dark skies. Submissions should include:

- a) the number, design 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, and
- c) Correlated colour temperature limit of 2400 Kelvins or less are desirable.

### **Environment 2 Maintaining the ecosystem**

- The NDP recognises the Cornish style hedges are an important part of the character and ecology of the parish.
- The NDP will support proposals for development over the planned period that

- (a) Minimises hedge removal
- (b) Any hedge that is to be removed must be structurally and ecologically surveyed by qualified personnel, (ref Hedgerow Handbook), prior to removal and replacement hedging should match that removed, in order to maintain wildlife habitats and corridors.
- (c) There must be an off-set distance of 8 metres from a retained Cornish hedge.
- (d) If there are any trees on the development site, (or on its boundary), there must be a BS5837 Tree Survey.
- (e) There must be a Phase 1 Habitat Survey
- (f) Developments should be planned and designed to protect and enhance local wildlife species and habitats, including those that are undesignated, demonstrating how they aim to achieve a net-gain in biodiversity. Developments should consider wildlife at both the site-scale, linking habitats on the site to neighbouring sites, and at the scale of individual buildings where enhancements for wildlife can be designed in.

## **COMMENT**

**This policy contains elements which are overly prescriptive, exceeding requirements at a national and local level.**

**For clarity and to meet the Basic Conditions, the policy should be modified as follows:**

### **Environment 2 Maintaining the Ecosystem**

**Cornish style hedges are an important part of the character and ecology of the parish. Proposals for development will be supported where:**

- (a) hedge removal is minimised**
- (b) Any hedge that is to be removed must be structurally and ecologically surveyed**

by qualified personnel, (ref Hedgerow Handbook), prior to removal and replacement hedging should match that removed, in order to maintain wildlife habitats and corridors.

(c) where achievable there should be an off-set distance of 8 metres from any retained Cornish hedge.

(d) Developments should be planned and designed to protect and enhance local wildlife species and habitats, including those that are undesignated, demonstrating how they aim to achieve a net-gain in biodiversity. Developments should consider wildlife at both the site-scale, linking habitats on the site to neighbouring sites, and at the scale of individual buildings where enhancements for wildlife can be designed in.

Where required applications should be supported by a Phase 1 Habitat Survey and/or BS5837 Tree Survey.

## **Business**

### **Business 1**

- Industrial development should be confined to the existing industrial area at Treburley. see map appendix xxx
- Any change of use of agricultural premises should not result in damage to the existing hedges nor should it damage the roads within the parish from large vehicle size or frequency of use.

## **COMMENT**

**The map reference from bullet point 1 is missing.**

## **Energy**

## Energy 1

Installing renewable and low carbon energy technology for domestic properties and on industrial buildings only will be supported.

### COMMENT

**The wording of this policy is confusing. For clarity the policy should be modified as follows:**

**Proposals for renewable and low carbon energy technology for domestic properties and on industrial buildings will be supported.**

## Community

### Community 1 Open Spaces

The NDP supports the National Planning Policy Framework 2018 for open green spaces paragraph 99-101. This applies to:

- *Higher Larrick Common*
- *Trebulett Green*
- *The Jubilee Field*
- *Rezare Green*

See maps in Appendix 2.

### COMMENT

**It was unclear from the wording of this policy that the intention was to designate the areas listed as Local Green Spaces. I requested clarity from the Qualifying Body, and I was provided with a document (available to view on the Cornwall Council website) which sets out how each of the spaces meets the NPPF tests and how consultation of owners was conducted.**

**The NPPF states:**

99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should 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 updated and be capable of enduring beyond the end of the plan period.

100. The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) 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

c) local in character and is not an extensive tract of land.

101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

I am satisfied that the areas listed in the policy meet the NPPF requirements. For clarity and to meet the Basic Conditions the policy should be modified as follows:

### **Community 1 Designated Local Green Spaces**

The following areas as shown in appendix 2, are designated as Local Green Spaces:

- *Higher Larrick Common*
- *Trebulet Green*
- *The Jubilee Field*
- *Rezare Green*

**Proposals for built development on these areas will only be permitted in very special circumstances.**

## SECTION 5

### Conclusion and Recommendations

- 1. I find that the Lezant 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 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.*
- 3. The Lezant 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.*
- 4. The Strategic Environmental and Habitats Regulations Assessment screening meet the EU Obligation.*
- 5. The policies and plans in the Lezant 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.*
- 6. I therefore consider that the Lezant Parish Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

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15<sup>th</sup> November 2019

