



**INDEPENDENT EXAMINER'S REPORT ON THE  
PERRANUTHNOE NEIGHBOURHOOD  
DEVELOPMENT PLAN**



Deborah McCann

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## **SECTION 2**

### **Summary**

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

- 1. I find the Perranuthnoe 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 Perranuthnoe Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Perranuthnoe 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 Perranuthnoe 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 Perranuthnoe 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 Perranuthnoe Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Perranuthnoe 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 Perranuthnoe 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 not require clarification however the Qualifying Body provided a response to the representations received at Regulation 16. 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 or which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous 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 Perranuthnoe 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:

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

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

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

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

Perranuthnoe Parish Council applied for designation as a Neighbourhood Plan Area under the Neighbourhood Planning Regulations 2012 (part 2, S6) in July 2015 and it was formally designated by Cornwall Council (CC) in September 2015.

The designated Perranuthnoe Neighbourhood Area covers the whole of the Parish of Perranuthnoe and the Basic Conditions Statement submitted confirms there are no other Neighbourhood Plans covering the Area of the Perranuthnoe Neighbourhood Development Plan.

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

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

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

Perranuthnoe Council submitted the draft Perranuthnoe Neighbourhood Plan to Cornwall Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations. 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.

### **Site Visit**



I carried out an unaccompanied site visit on the 29 September 2022 to familiarise myself with the Neighbourhood Plan Area.

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

The Perranuthnoe 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.

I am satisfied that the consultation process was carried out robustly, that the community were aware of the process and had the opportunity to comment at the appropriate stages and that the Consultation Statement as submitted meets the required standard.

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

The Cornwall Council placed the Perranuthnoe Neighbourhood Development Plan

out for consultation under Regulation 16 from 14 June 2021 to 27 July 2022.

A large 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. The Perranuthnoe NP steering group and the Parish Council provided a response to the representations received. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate. Please see my comments in paragraph 4.7 above with regard to the adequacy of the consultation process.

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

A Basic Conditions Statement was produced for the Perranuthnoe 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 take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Perranuthnoe 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. Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. (Prescribed Conditions)

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

(a) The Perranuthnoe 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 Perranuthnoe 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 Perranuthnoe Neighbourhood Development Plan Steering 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) Perranuthnoe Local Landscape Character Assessment

(E) Perranuthnoe Heritage Landscape Character Assessment and Area Appraisal

(F) Perranuthnoe Local Green Space Assessment and Area Appraisal

**Comment on Documents submitted**

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Perranuthnoe 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 my examination of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) July 2021 (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 Perranuthnoe Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Perranuthnoe 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**

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

4.10.3 To meet the Basic Conditions, the Perranuthnoe Neighbourhood Development Plan must be in "general conformity" with the strategic policies of the development plan.

The NPPF 2021 (updated) states:

"20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision 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.”

4.10.4 Neighbourhood Plans should only contain non-strategic policies. The NPPF 2021(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.”

4.10.5 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.

4.10.6 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.

4.10.7 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 Perranuthnoe Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Cornwall Local Plan 2016.

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

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

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

The Perranuthnoe Neighbourhood Development Plan Steering Group requested that Cornwall Council screen the Neighbourhood Plan for Strategic Environmental Assessment. Natural England, the Environment Agency and Historic England were consulted as part of the screening process. The screening opinion, issued on 29 October 2021, concluded that SEA was not required for the Perranuthnoe Neighbourhood Development Plan.

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 screening a Habitats Regulations Assessment Screening request was also submitted to Cornwall Council. Natural England initially queried the inclusion of a large plot to the south of Perranuthnoe village within the settlement boundary, in response the boundary has been amended and the plot excluded. Cornwall Council concluded in a letter dated 29 October 2021, that the Perranuthnoe NDP was unlikely to have any significant environmental effects and therefore an HRA was not required. The statutory consultees agreed with this conclusion.

I am satisfied with this conclusion.

### **Prescribed Matters**

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.)

The conclusion was that there are no likely significant effects on any European site resulting from the policies in the 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 using a sustainability matrix:

I am satisfied having regard to this document and other relevant documents, policies and legislation that the Perranuthnoe 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 how the development of the plan and its policies accord with EU Human Rights obligations.

I am satisfied with this conclusion.

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

#### **4.11.3 Excluded development**

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



## 4.12 Perranuthnoe 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 Perranuthnoe 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**.

### 4.12.1 The Neighbourhood Plan Vision, Strategic Aims and Policies

## **THE VISION FOR PERRANUTHNOE PARISH 2030**

The Neighbourhood Plan is based on an understanding of what makes Perranuthnoe Parish such a special place in which to live, work, and visit. Through this Plan, the Parish aims to achieve well-informed development planning, based on an understanding of the area and what people value. It will enable Parish communities to get the types and levels of development needed, ensure development is resilient and sustainable, and will protect natural and heritage assets, the valued local character of settlements and hamlets, and the outstanding scenic beauty of landscapes, recognising their importance on a local, national and international scale.

### **The Objectives of the Perranuthnoe NDP are as follows:**

**Objective 1 Community Welfare:** To ensure that sustainable development in the Parish supports robust local communities, with a pride in their Parish, able to enjoy its many assets, whilst acting as custodians for future generations.

**Objective 2 Housing and Temporary Accommodation:** To ensure that the housing and accommodation needs of Parish communities are met and that the Parish maintains the distinct identity of villages and hamlets, avoiding further coalescence between them and maintaining the open space character of landscapes around them.

**Objective 3 Building Design and Landscaping:** To ensure that the design of new and replacement buildings in the Parish, and of modifications to existing buildings, results in developments that are well integrated into their surroundings, and which contribute to the valued local character of landscapes and settlements.

**Objective 4 Natural Landscapes and Biodiversity:** To protect the outstanding natural beauty of landscapes and to ensure that development across all parts of the Parish supports the conservation of biodiversity and geo-diversity, enhancing ecosystem integrity and strengthening climate change resilience.

**Objective 5 Heritage Character and Assets:** To safeguard heritage assets, historic landscapes and areas of traditional settlement character across the Parish for current and future generations, recognising their international, national and local

significance.

**Objective 6 Economy and Business:** To support sustainable businesses that contribute to thriving communities and to a pattern of economic development that works positively to sustain valued assets and landscape character across the Parish.

**Objective 7 Development Planning Process:** To support decision-making that is well-informed, and which works positively towards achievement of the long-term sustainable development vision and objectives of the NP.

## COMMENT

**I am satisfied that the Perranuthnoe NDP vision and themes were developed from the consultation process and that the policies within the plan reflect both the vision and themes.**

## 4.13 PERRANUTHNOE NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

### Policy CW1: Community Assets and Facilities

Development proposals for the change of use of buildings and / or land that currently provide an important community support function, the applicant should clearly demonstrate that either:

- a) the building and / or land area is not an important community asset, and the community support function is no longer needed; or
- b) current use of the building and/or land area is unviable and that in this case a suitable replacement will be provided and the community function provided from an alternative location in the Parish. If the building or land to which the proposed change of use relates is used or operated by a business, then the applicant should provide evidence that the business is no longer viable. The development proposal should clearly demonstrate that the proposed alternative is viable and if it is a community facility, that it is easily accessible to all members of the community.

## COMMENT

**Neighbourhood plan policies do not need to repeat national or local policy.**

**Cornwall Council Policy 4 states:**

**"4. Community facilities and village shops should, wherever possible, be retained and new ones supported. Loss of provision will only be acceptable where the proposal shows:**

**a. no need for the facility or service;**

**b. it is not viable; or**

**c. adequate facilities or services exist or the service can be re- provided in locations that are similarly accessible by walking, cycling or public transport. Shopping, services and community facilities. "**

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

**Policy CW1: Community Assets and Facilities**

**Development proposals for the change of use of buildings and / or land that currently provide an important community support function will only be supported where they are in accordance with Cornwall Local Plan policy 4.**

**Policy CW2: Public Rights of Way (PROW)**

1: Development and land-use change should not have an adverse impact on public access to use or enjoyment of Public Rights of Way (PROW);

2: Within the AONB and WHS development proposals are encouraged to consider impacts on the public visual amenity value of PROW, and to ensure that development works positively to conserve the natural and local heritage character of the setting of PROW. There is a presumption against the removal of any historic or cultural features on PROW, such as granite styles, waymarks or granite gate posts.

3: On the boundary with any public right of way (PROW) buildings should be set-back on the plot and should not include any visually intrusive features, such as

extensive lighting or glass frontage facing the PROW. Fencing and plot boundary features should give due consideration to the local character of the setting.

4: A strong priority is placed on continuance of the south-west coast path along the coastline; development and land-use change proposals should align with the provisions of Policy NLB2 and should ensure that sufficient land area is allocated to allow space for the coast path to roll-back as the coast erodes<sup>51</sup>.

5: Opportunities to create new footpaths and cycle-ways, which can connect into the existing network should be considered within land-use planning, recognising the importance of the PROW network for long-term community health and well-being, and carbon efficient travel.

## COMMENT

**The planning policy regime and the Public Rights of Way legislation operate separately. Historic or cultural features forming part of a PROW are protected by the NPPF 2021 as non-designated heritage assets as follows:**

**"Paragraph 203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."**

**However, this protection does not extend to a "presumption against the removal of any historic or cultural features on PROW, such as granite styles, waymarks or granite gate posts."**

## **Policy CW2: Public Rights of Way (PROW)**

**1: Development and land-use change should not have an adverse impact on public access to use or enjoyment of Public Rights of Way (PROW);**

**2: Within the AONB and WHS development proposals are encouraged to**

**consider impacts on the public visual amenity value of PROW, and to ensure that development works positively to conserve the natural and local heritage character of the setting of PROW. Non designated heritage assets on PROWs, such as granite styles, waymarks or granite gate posts will be protected in accordance with national policy.**

**3: To protect the character and setting public rights of way (PROWs) buildings should be set-back on the plot and not include any visually intrusive features, such as extensive lighting or glass frontage facing the PROW. Fencing and plot boundary features should give due consideration to the local character of the setting.**

**4: A strong priority is placed on continuance of the south-west coast path along the coastline; development and land-use change proposals should align with the provisions of Policy NLB2 and should ensure that sufficient land area is allocated to allow space for the coast path to roll-back as the coast erodes.**

**5: Opportunities to create new footpaths and cycle-ways, which can connect into the existing network will be supported, recognising the importance of the PROW network for long-term community health and well-being, and carbon efficient travel.**

### **Policy CW3: Local Green Space (LGS)**

1: Policy Maps CW3i and CW3ii outline the areas designated for protection as 'Local Green Space' (LGS), in recognition of their significance as areas that are demonstrably special to Parish communities. The designated LGS areas are as follows:

Area A: Churchway and Wheal Trebarvah Green space

Area B: Perran village Parking & Recreation area

Area C: Green space adjoining SW Coast Path and eastern entrance to Perranuthnoe village

Area D: St Michael & St Piran Church Graveyard Green space

Area E: The Meadow Red Lane Rosudgeon

Area F: Green space adjacent to Gears Lane and Owen Vean Common towards former Tregurtha mine

Area G: St Piran's Field, South Road

Area H: Green space adjoining Nanturras / Perran Downs paths and fields Area I: Nanturras Fields between Poor House Lane and Nanturras Parc

Area J: Nanturras and adjacent to Daffodil Fields, Fore Street

Area K: Goldsithney Cricket Field

Area M: Green, Collygree Parc, Goldsithney

2: Development is not permitted within LGS areas, unless clear evidence is presented which demonstrates that the proposed development meets a significant level of exceptional need permitted under national regulations, and that all other reasonable options for meeting the identified exceptional need have been fully examined and found to be unviable.

3: Development planning should recognise the importance of LGS as part of an integrated network of green areas, core to the overall green infrastructure of the Parish. Development proposals on sites adjacent to LGS should maintain green corridors connecting the LGS with adjoining natural habitats, and should not reduce any existing public access to LGS.

4: In LGS areas A, C, D, J and F, H, I and J which lie in prominent positions within AONB or WHS landscapes, any development proposals that will be clearly visible from the LGS should demonstrate how the development will contribute positively to the public visual amenity value of the LGS, and how it will be well integrated within the natural and /or heritage character of this its settling. 57

## COMMENT

It has been confirmed that the known owners of the proposed LGSs were consulted, and I have had access to the responses received. Some landowners were supportive however there were a number that raised objections. I have carefully considered the comments made. Whilst an objection by an owner is not automatically a barrier to the designation of a LGS it is my role to carefully consider whether or not the objection raises issues which are relevant in the decision-making process.

Local Green Space designation is a “restrictive and significant policy designation” equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.

The NPPF 2021 states:

“101. 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.

102. 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.

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

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

In addition, Neighbourhood planning guidance states:

" Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space."

Importantly, sites which are already subject to a statutory designation such as Historic Parks and Gardens or Scheduled Ancient Monuments are already subject to high levels of protection and would not benefit from an additional local designation. Likewise, sites which fall within the curtilage of a listed building or Conservation Area do not necessarily need additional protection under this policy as their importance and contribution to a settlement must already be considered if any application falls within or in the vicinity of these sites.

I have carefully considered the evidence put before me for all the designations proposed. The decision to designate a particular site is a matter of planning balance and I have made my decision based on whether or not I consider the proposed designations meet the NPPF tests. I find that the proposed LGSs do meet the requirements of the NPPF with the exception of the following:

**Area B: Perran village Parking & Recreation area**

**Area C: Green space adjoining SW Coast Path and eastern entrance to Perranuthnoe village**

**Area E: The Meadow Red Lane Rosudgeon**

**Area F: Green space adjacent to Gears Lane and Owen Vean Common towards former Tregurtha mine**

**Area H: Green space adjoining Nanturras / Perran Downs paths and fields**

**Area I: Nanturras Fields between Poor House Lane and Nanturras Parc**

**Area J: Nanturras and adjacent to Daffodil Fields, Fore Street**

Whilst I accept that these areas contribute significantly to the landscape setting of the parish, (this has been well documented in the landscape assessments submitted with the plan) I do not consider they meet the tests to be designated as LGSs. I understand that the community may be disappointed by my decision however it should be noted that all the areas I have excluded from designation do benefit from considerable policy protection provided either from being located within the AONB or WHS.

Paragraph 103 of the NPPF states that the policies for managing development within a Local Green Space should be consistent with those for Green Belts. Paragraphs 147-149 detail the policy framework for development affecting the Green Belt. Paragraph 147, in particular states;

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

It should be noted that designation as a LGS does not preclude all development. It protects a designated site from inappropriate development except in very special circumstances. Paragraph 149 of the NPPF (2021) sets out what types of development would not (my emphasis) be considered inappropriate:

" 149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

For Clarity, the policy should be modified to reflect the requirements of the NPPF 2021 and recent caselaw (see Court of Appeal Judgement in the Case of The Queen (On the Application of Lochailort Investments Limited) and Mendip District Council Norton St Philip Parish Council 2nd October 2020) which clearly states that Local Green Space polices in neighbourhood plans should

not deviate from the policy requirements of the NPPF. For clarity and to meet the Basic Conditions the policy should be modified as follows (Maps CW3i and CW3ii should be modified to accord with the modified policy):

### **Policy CW3: Local Green Space (LGS)**

**1: Policy Maps CW3i and CW3ii outline the areas designated for protection as 'Local Green Space' (LGS), in recognition of their significance as areas that are demonstrably special to Parish communities. The designated LGS areas are as follows:**

**Area A: Churchway and Wheal Trebarvah Green space**

**Area B: St Michael & St Piran Church Graveyard Green space**

**Area C: St Piran's Field, South Road**

**Area D: Goldsithney Cricket Field**

**Area E: Green, Collygree Parc, Goldsithney**

**Inappropriate development\* will not be supported except in very special circumstances.**

**\* Ref paragraphs 103 and 147 of the NPPF 2021**

### **Policy CW4: Principal Residency**

1: 'Principal Residency' must be included as a planning obligation for all new dwellings within the area outlined in the Policy Map CW4. This includes for building conversions where the conversion is of a building not previously used as a dwelling house. Principal Residences are defined as those occupied as a person's sole or primary residence, where they spend the majority of their time when not working away from home.

2: The Principal Residency Clause appertains to first and all future occupation of the dwelling, in perpetuity. Sufficient guarantee of such occupancy restriction should be

achieved through a Section 106 planning obligation when planning permission is granted.

3: All buildings which currently have a Principal Residency condition or occupancy restriction should retain that planning obligation or condition.

4: Occupiers of homes with a Principal Residence obligation are required to keep proof that they are meeting the requirements of this policy and will be obliged to provide this proof if/when it is requested by the Council. 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 with local services (such as healthcare, schools etc).

## **COMMENT**

**The evidence base supporting this policy is presented in the Plan. It states that data from the 2011 census shows that at that time the number of non-residential properties in the Parish was between 28 to 38% in the AONB area (south of the A394) and 6-8% in the WHS area to the north. The evidence goes on to say that as the Planning Department no longer collate or refer to any data which differentiates between houses used as residences and those used as holiday-lets and second homes, so they were not able to provide any updated information.**

**The Parish undertook its own local survey to calculate the number and ratio of local residences to holiday lets and second homes in the Parish. This enabled the Parish to identify the area most affected by the buy up of housing as holiday-lets / investment property and second homes. Currently 43% of housing in the area outlined in Policy Map CW4 is not lived in as a residence, being used as holiday-lets and second homes.**

**I accept that it is not easy to provide the information and statistics relating to ownership/ occupation of houses within any parish area however the imposition of a principal residence policy has serious implications, and it is necessary to ensure that there is strong evidence to support the imposition of**

such a restriction.

A working group undertook a desk-based assessment of properties within the Parish that are listed as holiday lets by local agents, on Airbnb or on private websites the conclusion being that the AONB area of the Parish is most affected. This initial assessment was followed up with a house to house 'on the ground' assessment in the AONB areas of the Parish and the results confirmed the earlier conclusions.

The community is clearly concerned that the number of dwellings not occupied as a principal residence is threatening the sustainability of communities in coastal areas of the Parish, and is also driving up house prices, out of the reach of many local people. The importance of visitors to the Parish is acknowledged but it is stated that the "there is currently a 'more than adequate' supply of holiday-let accommodation in the Parish to meet demand".

The Plan states:

"The NP provides an opportunity to support a more sustainable pattern of development in order to try to safeguard homes for local residents in the areas most badly affected. There is nothing that a NP can do to stop or limit the buy-up of existing houses for use as holiday-lets and second homes as the planning system does not currently allow for a priority to be placed on providing homes for local people. The only way that a NP is currently able to address the issue is through a 'principal residency' policy to establish a requirement for all new houses built in the most badly affected areas to be used solely as homes for local residents.

Although the Parish understands that the NP can have no impact on the loss of existing homes, this policy clearly demonstrates that in sustainable development planning, the Parish prioritises the sustainability of local communities. It is hoped that this policy will set a positive path to secure homes for local people, in the only way currently possible to do so. This Principal Residency policy is focussed on the area most under threat, i.e., the

area with the highest ratio of holiday-lets/second homes to local residential property and where buy-up of housing for use as holiday-lets/ homes continues to rise exponentially."

I have given very serious consideration as to whether or not I can find that this policy meets the Basic Conditions particularly having regard to the NPPF (2021) – “delivering a wide choice of quality homes” and “delivering sustainable development” together with how the policy meets the requirements of the Human Rights Act 1988 and other European Legislation.

I note that the proposed policy will affect only the area of the Parish has been subject to the biggest impact from second home ownership.

I have also considered in detail Mr. Justice (now Lord Justice) Hickinbottom’s judgment in R (RLT Environment Ltd) v Cornwall Council in relation to Policy H2 of the St. Ives Neighbourhood Development Plan. He concluded:

“that Policy H2 is in pursuit of legitimate public interests identified in article 8(2), namely the interests of the economic well-being of the country, and for the protection of the rights and freedoms of others.”

In this instance it was considered that there was adequate evidence to support the policy however there is always a planning balance to be arrived at in consideration of this type of policy.

I have also carefully considered the potential for unintended consequences on the local housing market and the future delivery of affordable housing.

I accept that the level of second homes is concentrated in certain parts of the neighbourhood plan area. I am satisfied that the evidence before me sets out the impact that second home ownership and properties being used as holiday lets is having on the local community who occupy properties on a permanent basis. It also sets out the impact on house prices and consequentially the ability of those who were born, have grown up, work or live in the parish to be able to buy a home and remain in the area. I am satisfied that the number of properties in the area proposed for policy coverage, which have been removed

from permanent occupancy is at a level above the average in Cornwall.

On balance, I consider that I have been provided with sufficient evidence to support a principal residency restriction policy for the area on Policy Map CW4 on the basis that it is in the interests of the economic well-being of the area and would protect the rights and freedoms of the local community.

There are a number of circumstances where the conversion of existing buildings to dwellings is permitted development and, in those circumstances, it would not be possible to impose this policy.

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

#### **Policy CW4: Principal Residency**

**Due to the current and latent impact upon the local housing market of the uncontrolled growth of dwellings used for holiday accommodation (as second or holiday homes) in the area shown on Policy Map CW4, new open market housing, excluding replacement dwellings, will only be supported where:**

**i. there is a restriction to ensure its occupancy as a principal residence. Sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition or legal agreement.**

**ii. New unrestricted second homes will not be supported at any time.**

**Principal residences are defined as those occupied as the resident's 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 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.).**

**Where planning permission is required, this policy will apply to building conversions where the conversion is of a building not previously used as a dwelling house.**

**Proposals for the removal of a Principal Residency condition will not be supported.**

### **Policy CW5: Spatial Planning and Cumulative Impact**

Development proposals should demonstrate a social, physical and aesthetic understanding of their location and of the sensitivity and capacity of the area to absorb the development or land- use change proposed. This should include assessment of the cumulative impact of development on the surrounding area, when considered alongside existing or planned development.

Proposals should demonstrate that, when cumulative development impact is considered, the proposed development will:

- i) maintain or enhance ease of access by individuals, service and emergency vehicles to homes, businesses and public facilities; and
- ii) support social cohesion and not result in over-crowding or create conditions for anti- social behaviour, crime or disorder; and
- iii) conserve the distinctive local character of designated AONB and WHS landscapes and assets, referencing the findings of the Perranuthnoe Parish Local Landscape Character Assessment (LLCA); and
- iv) maintain or enhance the Parish's green infrastructure

### **COMMENT**

**Planning applications must be determined on their own merit in accordance with the development plan.**

## **Policy CW5: Spatial Planning**

**To protect the special character and appearance of the Parish development proposals should demonstrate a social, physical and aesthetic understanding of their location and a sensitivity to the capacity of the area to absorb the development or land- use change proposed. Applicants are encouraged to assess the cumulative impact of development on the surrounding area.**

**Development will be supported where the proposals will:**

**i) maintain or enhance ease of access by individuals, service and emergency vehicles to homes, businesses and public facilities; and**

**ii) support social cohesion and not result in over-crowding or create conditions for anti- social behaviour, crime or disorder; and**

**iii) conserve and enhance the natural beauty of the AONB and protect the designated WHS landscapes and assets in accordance with national and local policy, referencing the findings of the Perranuthnoe Parish Local Landscape Character Assessment (LLCA); and**

**iv) maintain or enhance the Parish's green infrastructure**

## **Policy CW5i: Access, Parking and Congestion**

1: Development should not impact on the ease of access by service and emergency vehicles, people to their homes, the delivery of goods, or the safe use of access routes by pedestrians, cyclists and vehicles. Core considerations are:

a) Proposals should demonstrate that they have provided for sufficient off-street parking capacity for the expected levels of use of the building or land; and

b) Landscaping of the site should not involve the creation of new access points onto lanes or village streets where this may increase the risk of congestion, or affect safe access;

2) The maintenance of safe public access is a critical planning consideration in the villages of Goldsithney and Perranuthnoe due to existing pressures; developments proposed in these villages should clearly demonstrate that they will not create or exacerbate issues of congestion and safe access or put further pressure on limited parking availability.

3: Development proposals for buildings or extensions alongside the A394, on sites where no public pavement currently exists, should include provisions for a public pavement of standard width and construction along the roadside boundary of the property. Wherever possible, this should join with any adjacent areas of pavement.

## COMMENT

**I have no comment on this policy.**

### **CW6: Flooding, Erosion and Subsidence**

1: Development should not lead to increased flooding, erosion or subsidence risks to residential property, business assets (including farmland), public assets (including footpaths and local green space), water supplies, or sites of heritage and environmental significance. Proposals should demonstrate that risks to surrounding areas have been assessed and where relevant satisfactorily addressed.

2: In flood zones, areas susceptible to surface water flooding, or critical drainage areas, flood impact assessment should be undertaken for any developments which have the potential to aggravate risk of flooding. The proposal should demonstrate how the development will address any short-term and long-term risks identified. In any high-risk areas professional, independent risk assessment may be required.

3: Sustainable drainage systems (SuDS) should be used for all development, and developers are encouraged to consider the siting and layout of SuDS at concept stage. SuDS should minimise risk of flooding both on and off site, and development proposals should demonstrate that surface water drainage is designed and will be managed so as to have no adverse effects on surrounding properties or areas of public importance, including bathing water quality, protected habitats or the Mounts

Bay Marine Conservation Zone.

4: Non-permeable hard landscaping will not be supported in the Parish, unless there are exceptional circumstances, and it is clearly demonstrated that all other reasonable options for meeting the identified exceptional need have been fully examined. If there are exceptional circumstances, and if it is agreed with the LPA that SuDS are not required, the developer should specify what type of drainage system will be installed and provide evidence of its effectiveness in preventing flood or erosion risks on the site, and to any affected areas, through professional, independent assessment.

5: Where ever possible (SuDS) should be open green systems. The use of green infrastructure including planting of trees in appropriate sites is strongly encouraged as a valuable natural way of slowing down surface water run-off and reducing erosion risks.

## **COMMENT**

**Flood Risk policy is set out in the NPPF 2021 under Planning for Climate change. Neighbourhood planning policy does not need to repeat national policy but does need to accurately reflect it.**

**I have received clarification from Cornwall Council that there is no critical drainage area in Perranuthnoe parish. The NPPF 2021 supports the use of SuDs for all development proposals but only requires the use of SuDs for major development.**

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

### **CW6: Flooding, Erosion and Subsidence**

**1: Development should not lead to increased flooding, erosion or subsidence risks to residential property, business assets (including farmland), public assets (including footpaths and local green space), water supplies, or sites of heritage and environmental significance. Proposals should demonstrate that**

risks to surrounding areas have been assessed and where relevant satisfactorily addressed.

**2: Where appropriate, applications should be supported by a site-specific flood-risk assessment.**

**3: Proposals should incorporate Sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate, and developers are encouraged to consider the siting and layout of SuDS at concept stage. SuDS should minimise risk of flooding both on and off site, and development proposals should demonstrate that surface water drainage is designed and will be managed so as to have no adverse effects on surrounding properties or areas of public importance, including bathing water quality, protected habitats or the Mounts Bay Marine Conservation Zone. If it is agreed with the LPA that SuDS are not required, the developer should specify what type of drainage system will be installed and provide evidence of its effectiveness in preventing flood or erosion risks on the site, and to any affected areas, through professional, independent assessment.**

**4: Wherever possible (SuDS) should be open green systems. The use of green infrastructure including planting of trees in appropriate sites is strongly encouraged as a valuable natural way of slowing down surface water run-off and reducing erosion risks.**

**5: Non-permeable hard landscaping will not be supported in the Parish, unless there are exceptional circumstances, and it is clearly demonstrated that all other reasonable options for meeting the identified exceptional need have been fully examined.**

### **Policy HTA 1: Development Boundaries**

1: The Development Boundaries defined in the Policy Maps below show the areas within which new development may be supported, provided that it complements the function and character of the settlement and aligns with policy provisions for designated AONB / WHS areas.

2: The density of development should be appropriate for and in keeping with its setting. The size, layout and location of development should not result in overcrowding, or unacceptably compromise the amenity value of neighbouring properties, public assets or designated AONB / WHS areas.

3: Development proposals will only be permitted outside the defined Development Boundaries where they are:

a. clearly in accordance with national and county policies and regulations for Rural Exception Sites and in accordance with associated policies in this Neighbourhood Plan;

b. for an appropriate reuse or redevelopment of an existing building, in accordance with Policy HTA2;

## COMMENT

**I have received representation that the development boundary established by this policy has been drawn too tightly and will frustrate opportunities for development. This policy does not preclude applications in accordance with Cornwall Local Plan Policy 3, Role and function of places or for Rural Exception Sites in accordance with Cornwall Local Plan Policy 9. I have examined the evidence and the methodology underpinning the position of the boundary and am satisfied that it meets the Basic Conditions. There is a presumption in favour of development within an established development boundary subject to the requirements of national policy and the Development Plan which is not made clear in the policy text. For clarity and to meet the Basic Conditions, policy should be modified as follows:**

**1: The Development Boundaries defined in the Policy Maps below show the areas within which new development will be supported, provided that it complements the function and character of the settlement and aligns with policy provisions for designated AONB / WHS areas.**

**2: The density of development should be appropriate for and in keeping with**

**its setting. The size, layout and location of development should not result in overcrowding, or unacceptably compromise the amenity value of neighbouring properties, public assets or designated AONB / WHS areas.**

**3: Development proposals will only be permitted outside the defined Development Boundaries where they are:**

**a. clearly in accordance with national and county policies and regulations for Rural Exception Sites and in accordance with associated policies in this Neighbourhood Plan;**

**b. for an appropriate reuse or redevelopment of an existing building, in accordance with Policy HTA2;**

#### **HTA2i: Building Conversions**

1: Development proposals for the conversion of existing buildings to dwellings or businesses, may be considered appropriate where:

a) The building is a historic structure and the development proposal demonstrates that the conversion will conserve the local heritage character of the building; or

b) The building is a permanent, longstanding structure of sound construction with solid foundations, and evidence is provided to demonstrate that it has an existing lawful residential or non-residential use and has been used consistently for ten years or more.

2: All building conversions should adhere to the following criteria:

i) All development proposals must include plans, scaled diagrams and contextual appraisal showing the existing building and proposed conversion within the context of the surrounding landscape and /or settlement. Modifications to the appearance of the building, or for landscaping of the site, should conserve or enhance distinctive local landscape character, adhering with AONB and WHS principles, and with relevant policies in this Neighbourhood Plan. Preference is given to the conversion of buildings that clearly incorporate distinctive local features, such as granite walls and

slate roofs; and

ii) The proposal is for the adaptation of an existing structure, and the size, scale and footprint of the building will not be significantly increased; and

iii) Evidence of the building's suitability for conversion should be clearly presented in the development proposal, including surveys which demonstrate that it is a permanent structure of solid construction on solid foundations, and which confirm that the building can be converted without the necessity for substantial demolition or rebuilding. Temporary buildings, including portal framed buildings, prefabricated barns, storage units, huts, sheds and stables are not considered appropriate buildings for conversion; and

iv) The building is accessible from an existing road or lane, and is situated near to services such as electricity and mains water. The Parish does not support the conversion of buildings for residential use where this would require the creation of new access routes for vehicles through land within designated AONB or WHS landscapes; and

v) In areas recognised<sup>76</sup> as being of particular social, environmental or heritage significance, the provisions in the Town and Country Planning Order Part 3, Article 5 (2) should be adopted whereby outline planning is not considered separately from the reserved matters; Within the AONB, proposals should demonstrate that the development will provide for an identified local need

3: The Parish encourages the use of conditions within planning approval where this would provide clarity and precision to ensure that the quality of development is not materially diminished between permission and completion. Any subsequent application for variance or removal of a condition should not lead to a lowering of the quality of development as originally approved.

## **COMMENT**

**The imposition of conditions is a matter for the LPA and subject to the provisions of the NPPF 2021. The decision on whether an application needs to**



be in outline or detailed is a matter for the LPA and whilst I acknowledge that there are issues relating to the submission of applications to modify proposals following an initial permission this is not something that can be tackled through a neighbourhood plan policy. It should be noted that there are permitted development rights which allow the change of use of certain existing structures without the need for planning permission. This policy also includes unnecessary detail. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

### **HTA2i: Building Conversions**

Where permission is required, proposals for the conversion of existing buildings to dwellings or businesses will be supported where:

- i) The building is a historic structure, and the proposal demonstrates that the conversion will conserve the local heritage character of the building; or
- ii) it is a permanent structure, is structurally suitable for conversion and the size, scale and footprint of the building will not be significantly increased; and
- iii) Modifications to the appearance of the building, or for landscaping of the site, conserve and enhance distinctive local landscape character of the AONB, and adhere to the policy requirements for WHS designation, and with relevant policies in this Neighbourhood Plan. Preference is for the conversion of buildings that clearly incorporate distinctive local features, such as granite walls and slate roofs; and
- iv) The building is accessible from an existing road or lane and is situated near to services such as electricity and mains water.

The conversion of buildings for residential use which require the creation of new access routes for vehicles through land within designated AONB or WHS landscapes will not be supported.

### **HTA2ii: Replacement Buildings**

1: Development proposals for replacement buildings may be considered appropriate when the following criteria have been met:

i) The existing structure is not a building of heritage character integral to the distinctive local character of the surrounding AONB or WHS landscape or settlement. Proposals should effectively demonstrate this by providing images of the existing building within the surrounding landscape / settlement context, alongside a full description of the building, its condition, location, current and historic use; and

ii) Design of the replacement building, layout and landscaping of the site will work positively to conserve local landscape / settlement character and be well integrated within the surrounding landscape and / or settlement context. The replacement building will be sited in the same or a less prominent position to the original building, and will not have a larger overall footprint, height or scale to that which is being replaced; Preference will be given to buildings that exemplify distinctive vernacular features. Proposals should effectively demonstrate this by providing plans, drawings and a clear description of the proposed replacement building, and which show its situation within the surrounding landscape / settlement context; and

iii) Habitat connectivity and green space should be maintained on the site, and preferably enhanced, and the proposal should demonstrate good surface water management through use of a sustainable drainage systems and permeable surfaces; and

2: The Parish encourages the use of conditions within planning approval where this would provide clarity and precision to ensure that the quality of development is not materially diminished between permission and completion. Any subsequent application for variance or removal of a condition should not lead to a lowering of the quality of development as originally approved.

## **COMMENT**

**National policy does not preclude the total loss of heritage structures in certain circumstances. The imposition of conditions is a matter for the LPA and subject to the provisions of the NPPF 2021. The decision on whether an**

application needs to be in outline or detailed is a matter for the LPA and whilst I acknowledge that there are issues relating to the submission of applications to modify proposals following an initial permission this is not something that can be tackled through a neighbourhood plan policy. This policy includes unnecessary detail. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

### **HTA2ii: Replacement Buildings**

**Development proposals for replacement buildings will be supported where:**

**i) The existing structure is not a building of heritage character integral to the distinctive local character of the surrounding AONB or WHS landscape or settlement other than in exceptional circumstances; and**

**ii) The design of the replacement building, layout and landscaping of the site will work positively to conserve local landscape / settlement character and be well integrated within the surrounding landscape and / or settlement context: and**

**iii) The replacement building will be sited in the same or a less prominent position to the original building, broadly comparable to the size, scale and bulk of the dwelling being replaced and of an appropriate scale and character to their location. Preference is for buildings that exemplify distinctive vernacular features; and**

**iii) Habitat connectivity and green space should be maintained on the site, and preferably enhanced, and the proposal should demonstrate good surface water management through use of a sustainable drainage systems and permeable surfaces.**

### **Policy HTA3: Affordable Housing**

1: Affordable housing will be supported for those who have a strong local connection with the Parish, as set out in the Cornwall Local Plan, and where a current and high level of local need can be clearly demonstrated. Development proposals must

demonstrate that the type, tenure and size of dwelling proposed, and where relevant the number of dwellings, meets the local housing needs identified for the Parish on Cornwall Council's Affordable Housing Needs Register, and should be supported by an up-to-date local housing need survey. Proposals should be capable of management by an appropriate body, for example a Registered Provider, the Authority, community land trust, or similar accredited local organisation.

2: Development proposals for affordable housing should reflect current needs which are primarily for social and affordable rented dwellings. The Parish encourages a phased approach to development, in order to meet evolving local needs.

3: All exception sites and affordable-led sites should adjoin the development boundaries of existing settlements, and be well related to the physical form of the surrounding settlement and landscape in scale, character and appearance. Housing should not visually encroach on AONB or WHS landscapes or settlements, particularly the designated Local Green Space areas, and should be proportionate to its location. Given the small size of Parish settlements, in order to be proportionate exception sites are expected to not exceed 10 dwellings.

4: Best use of land should be demonstrated for all affordable housing sites, this includes in relation to plot size, site design and placement of housing.

5: Development proposals should demonstrate that they meet the criteria for exception sites outlined in the Local Plan and provide sufficient evidence to demonstrate that the current housing need cannot be met within defined Development Boundaries (refer NP Policy HTA1).

6: Applications for 'affordable-led' housing should clearly demonstrate that they will meet a high level of local need by Parish residents, that cannot be accommodated in any other way, such as through existing or planned affordable housing schemes. Development proposals should be based on current and accurate data for this Parish from Cornwall Council's Affordable Housing Needs Register, and be backed up by a local housing need survey. Financial assessment should clearly demonstrate that the proposal includes the minimum level of open market housing required to facilitate provision of the affordable-led homes. Open market housing will not be permitted

outside defined Development Boundaries (refer NP Policy HTA1).

7: All affordable housing and affordable-led housing must be subject to a Section 106 planning obligation under the Town and Country Planning Act, to ensure that these homes remain affordable for people recognised and nominated by the Cornwall Council Housing Register as being in housing need in this Parish.

## **COMMENT**

**I have received representation from Cornwall Council Affordable Housing team as follows:**

**"However the requirement for all submissions to be supported by a housing need survey could be considered onerous and inappropriate.....We strongly recommend the requirement for housing need surveys is removed."**

**The response also states:**

**" Part 5 is broadly in line with the Policy 9 Exception Site Policy, however the requirement to demonstrate that the required housing need could not be accommodated within the development boundary would be contrary to Local and National Planning policies and would suggest that this sentence is removed from this policy as you cannot guarantee that land within the development boundary will come forward for development.**

**Part 6 is partially in line with current Local and National Policy in that it requires affordable led housing to be based on local need as identified within the Homechoice register. We recommend the requirement for all applications to be supported by a housing needs survey is removed and I would refer to our advice contained in Part 1.**

**To not allow any open market housing in rural exception sites is contrary to Local and National planning policy. Policy 9 allows a degree of open market housing where it can be demonstrated through a full financial viability assessment that it is required to deliver the scheme. The Policy goes onto to state that open market housing cannot represent more than 50% of the**

dwellings and 50% of the land take. A rural exception site cannot deliver 100% AH without open market delivery or grant funding."

Cornwall Local Plan Policy 9 sets out the strategic policy for the delivery of affordable housing and this does not need to be repeated in this policy. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

### **Policy HTA3: Affordable Housing**

Proposals for affordable housing will be supported where there is evidence of local need, for those who have a strong local connection with the Parish in accordance with the requirements of Cornwall Local Plan Policy 9 and where:

i. The type, tenure, size and number of dwellings proposed, meets the local housing need identified for the Parish on Cornwall Council's Affordable Housing Needs Register. Current need is primarily for social and affordable rented dwellings. The Parish encourages a phased approach to development, in order to meet evolving local needs.

ii. Given the small size of Parish settlements, in order to be proportionate exception sites are not expected to exceed 10 dwellings unless there is appropriate evidence of a higher level of local need.

iii. Best use of land should be demonstrated for all affordable housing sites, this includes in relation to plot size, site design and placement of housing.

### **Policy HTA4: Caravans and other forms of Moveable Accommodation**

1: The placement and use of caravans or other forms of moveable accommodation on land in this Parish will not have any bearing on the granting of future planning permission on that land.

2: The placement of caravans or other forms of movable accommodation on land outside the curtilage of a dwelling house requires planning permission and a site licence, unless the type and pattern of temporary use is specified as permitted use

within the Caravan Sites and Control of Development Act (1960). Temporary use of land for the placement of a caravan may be permitted:

i) for a period of one or two successive nights, so long as no other caravan is being used for human habitation on that land, and in any one year the total number of days the land has a caravan on it does not exceed that permitted in national regulations.

ii) on agricultural holdings, where the use is to accommodate people directly employed in farming work, provided the work is seasonal and is not an activity that occurs at regular intervals throughout the year. The caravan(s) should be removed from the land at the end of the season. Any site where caravans are left permanently will require planning permission even if only occupied for one season.

iii) Where planning permission has been granted for building work, a caravan may be used to house workers, but not workers families. It should be removed immediately once the building work is finished.

iv) On sites used and supervised by organisations exempted under the Caravan Sites and Control of Development Act (1960), Schedule 1. These sites should only be used by members of the exempted organisation, and only for purposes of recreation. Within designated AONB and WHS landscapes up to 5 caravans or 10 tents may be accommodated on the land at any one time. All sites should demonstrate that:

a) public health and safety considerations have been adequately addressed and the site is not in an area prone to erosion or flooding; and

b) use will be solely for self-contained vehicles, or if tented sites, that planning permission has been granted for toilet facilities. Regulations approval is required for septic tanks and associated drainage works, and for permanent buildings such as toilet blocks; and

c) use of the site will not cause unreasonable disturbance to local residents or businesses; and

d) assessment has been undertaken and provisions are in place to ensure that use

of the site will not result in negative environmental impacts, such as pollution, fire risk, disturbance to wildlife, or changes to habitats important for biodiversity.

Adequate provisions should be made for storage and removal of all waste associated with operation of the site, and sites should not be located near to any environmentally sensitive areas; and

e) in AONB and WHS designated areas, use of the site for the placement of caravans or tents will not detract from the public visual amenity value of AONB or WHS landscapes. Consideration should be given to impacts on landscape character, iconic views and the cumulative impact of the distribution of these facilities across the Parish;

v) if the type and pattern of use of the caravan adheres with any other relevant criteria and conditions<sup>90</sup> set out under the Caravan Sites and Control of Development Act (1960), Schedule 1 and is not restricted by conditions relating to the designated status of land.

4: In AONB and WHS areas, caravans are not considered as suitable structures for use as sheds or storage vessels due to their adverse impact on the natural and heritage character of designated landscapes. In all instances, the placement and use of caravans, tents and other forms of moveable accommodation on land should not:

- be socially intrusive, unsafe, or impede on access to a public right of way;
- have negative economic impacts for businesses operating in the Parish, including on livestock, crops, or access by farmers to agricultural land and facilities;
- result in negative environmental impacts;
- be visually intrusive within AONB or WHS landscapes, in particular on views from footpaths or other public viewpoints.

## COMMENT

**This policy is confusing as it seems to relate to two different forms of development and intends to control activities which are not the subject of a**



planning application. The policy also includes elements which could be included in the justification for the policy but are not appropriate for inclusion in the policy itself or relate to matters dealt with by other legislation.

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

#### **Policy HTA4: The siting of temporary caravans**

**Proposals for the temporary siting of a caravan for residential occupation will be supported:**

**ii) on agricultural holdings, where the use is to accommodate people directly employed in farming work, provided the work is seasonal and is not an activity that occurs at regular intervals throughout the year. The caravan(s) should be removed from the land at the end of the season.**

**iii) Where planning permission has been granted for building work to house workers, but not workers families. It should be removed immediately once the building work is finished.**

#### **Policy BDL1: Building Design, Scale, Layout and Landscaping**

1: Development proposals should demonstrate how building design, scale, layout and landscaping will be integrated into, and will work positively to conserve, the local character and attributes of surrounding AONB or WHS landscapes and settlements.

2: Where development has previously been approved which is overbearing on, or discordant with, the local character of its settlement or landscape setting, this will not set a precedent for decision-making on future building design, scale, layout or landscaping. The following design criteria establish a locally informed standard. All future development proposals should clearly demonstrate how they adhere to the following criteria:

i. The design, scale, layout, materials, form and landscaping of the proposed development should be clearly and accurately presented. Location plans and context

appraisal should clearly show and describe the development within its landscape or settlement setting<sup>94</sup>. Proposals should demonstrate how they complement their setting, and comply with relevant policies in current AONB or WHS Management Plans; and

ii. The design, scale, layout, form and materials used in all built external features should avoid suburbanisation of the countryside, and work positively to maintain local sense of place. The Parish strongly encourages the use of local natural materials such as granite for walls and slate for roofs, so that development is sympathetic to the area's cultural and natural heritage. The use of extensive areas of glazing, glass walls, polished metal or other highly reflective materials is strongly discouraged; and

iii. The development should function well and the proposal should demonstrate that physical impacts on surrounding communities have been considered. Adequate space should be left between neighbouring buildings in order to:

- avoid overbearing, overshadowing, and overlooking impacts on neighbours, and unreasonable loss of privacy;

- provide useable garden space, the footprint of which should be greater than that of the building(s) on the site.

- avoid overdevelopment and the impact of atypical building density, forms and massing on local settlements<sup>95</sup> or landscapes; and

iv. Where design is presented as 'innovative', the scale, design, layout, form and landscaping of the development should not be physically or visually overbearing on, or incompatible with, surrounding landscape or settlement character. Appropriate innovation in the Parish is that which complements local landscape and settlement character, not that which makes buildings overly conspicuous or imposing on their setting; and

v. The cumulative impact of the proposed development should be assessed in

relation to existing buildings and infrastructure, in order to ensure that overall development impact<sup>97</sup> does not detract from the functioning of places, or on AONB / WHS settlement and landscape character; and

vi. Any existing tiered effect of roof height and style up and down slopes or on ridgelines should be maintained. The development should, where the plot allows, be located below the skyline. If this cannot be achieved, then building placement, scale and design should minimise visual impacts on the ridgeline, recognising the amplification of visual impacts against a skyline; this includes the impact of any protruding features; and

vii. Where a proposed development will be visible from public vantage points within AONB / WHS landscapes, building design, scale, form, layout and materials<sup>98</sup> should not detract from the public visual amenity value of views of the coast, heritage assets, and open countryside. The Parish encourages the use of Landscape and Visual Appraisal in sensitive or prominent areas; and

viii. Landscaping and layout of the site should be well integrated into its setting. The use of native plant species, and of traditional Cornish Hedges and hedgerows for property boundaries is encouraged. Suburban fencing styles and boundaries are strongly discouraged. Changes to boundary structures should not significantly alter the local character of rural lanes, village streets or areas of local heritage value; and

ix. Plot layout and landscaping should minimise the impact of vehicles on public rights of way, public places and surrounding properties, this includes consideration of parking needs and the suitability of proposed access to and from the property: adequate parking space should be provided within the property boundary to meet the intended use of the property and be in accordance with Cornwall Council parking standards; access should not block or cause safety issues for surrounding areas.

3: Development proposals should be submitted with clear, factually accurate supporting information, to enable effective assessment against BDL1 policy criteria. The level of information and assessment presented should be proportionate to the complexity of the proposed development, the sensitivity of its setting, and the stage of the planning process.

4: In any special circumstances where it is demonstrated that development may impact on an area of significant social, environmental, heritage or economic significance, the provisions in the Town and Country Planning Order Part 3, Article 5 (2) should be adopted such that Outline Planning is not considered separately from any or all of the reserved matters.

5: Where it would be useful to provide clarity and precision to ensure that the quality of development is not materially diminished between permission and completion, the Parish supports the use of conditions within grants of planning permission. Any subsequent application for variance or removal of a condition should not lead to a lowering of the quality of development as originally approved, unless substantive justifications have been provided, based upon robust evidence.

## COMMENT

**This policy is very long and in places repetitive and includes unnecessary detail. The imposition of conditions is a matter for the LPA and subject to the provisions of the NPPF 2021. The decision on whether an application needs to be in outline or detailed is a matter for the LPA and whilst I acknowledge that there are issues relating to the submission of applications to modify proposals following an initial permission this is not something that can be tackled through a neighbourhood plan policy. The standard of documentation supporting an application is a matter for the LPA through the application of the validation list. Each planning application should be determined on its own merit subject to the Development Plan and national policy and guidance and there is no foundation in planning law for planning precedent. For clarity and to meet the Basic Conditions, the policy should be modified as follows:**

### **Policy BDL1: Building Design, Scale, Layout and Landscaping**

**1: Development proposals should demonstrate how building design, scale, layout and landscaping will be integrated into, and will work positively to conserve and enhance the AONB and conforms with national policy requirements for the WHS and the requirements of current AONB or WHS Management Plans. Proposals will be supported where they:**

- i. complement their setting and comply with relevant policies; and**
- ii. through careful design, appropriate scale, layout, form and materials used avoid suburbanisation of the countryside and work positively to maintain local sense of place. The Parish strongly encourages the use of local natural materials such as granite for walls and slate for roofs, so that development is sympathetic to the area’s cultural and natural heritage. The use of extensive areas of glazing, glass walls, polished metal or other highly reflective materials is strongly discouraged; and**
- iii. avoid overbearing, overshadowing, and overlooking impacts on neighbours, and unreasonable loss of privacy; and**
- iv where appropriate, provide useable garden space, the footprint of which should be greater than that of the building(s) on the site; and**
- v. avoid overdevelopment and the impact of atypical building density, forms and massing on local settlements or landscapes; and**
- vi. present appropriate ‘innovative’ design which complements local landscape and settlement character; and**
- vii. respect existing roofscapes and where the plot allows, are located below the skyline. If this cannot be achieved, then building placement, scale and design should minimise visual impacts on the ridgeline, recognising the amplification of visual impacts against a skyline;**
- viii. they should not detract from the public visual amenity value of views of the coast, heritage assets, and open countryside. The Parish encourages the use of Landscape and Visual Appraisal in sensitive or prominent areas; and**
- ix. Landscaping and layout of the site is well integrated into its setting. The use of native plant species, and of traditional Cornish Hedges and hedgerows for property boundaries is encouraged. Suburban fencing styles and boundaries are strongly discouraged. Where planning permission is required changes to boundary structures should not significantly alter the local**

**character of rural lanes, village streets or areas of local heritage value; and**

**x. Plot layout and landscaping should minimise the impact of vehicles on public rights of way, public places and surrounding properties, this includes consideration of parking needs and the suitability of proposed access to and from the property: adequate parking space should be provided within the property boundary to meet the intended use of the property and be in accordance with Cornwall Council parking standards; access should not block or cause safety issues for surrounding areas.**

### **Policy BDL 2: Design and Location of Signs and Advertisements**

1: The placement and distribution of signs and advertisements should not result in any risks to public safety in particular in roadside locations. Their design and scale should be in keeping with the local character of the surrounding AONB / WHS setting, and should not be visually intrusive. Best practice should be observed in line with the NPPF and The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Development proposals which include illuminated advertisements or signs will not be supported. Excessive clustering of signs and advertisements, or their placement in areas that affect or obscure views is strongly discouraged.

### **COMMENT**

**I have no comment on this policy.**

### **NLB 1a: Biodiversity Conservation & Ecosystem Resilience**

1: Where a development may impact on natural habitats or wildlife, development proposals should demonstrate that there will be net gains for biodiversity and that ecosystem integrity will be preserved or enhanced. The information provided should be proportionate to the complexity of the proposed development and the sensitivity of its setting and should:

i) outline the pre-development biodiversity baseline, including natural habitats and wildlife on the site, and on land surrounding the site, recognising that a development

site is part of, and will have an impact on, broader ecosystems; and

ii) outline the provisions that will be made to preserve, conserve and /or enhance habitats and support wildlife conservation. This will be particularly important in any sites located near to areas of recognised biodiversity significance. Development proposals for 5 or more dwellings should include a balance sheet setting out quantitatively any habitats to be lost or gained; and

iv) assess whether the site contains natural or semi-natural habitats important as wildlife corridors connecting habitats within the development site with those off- site. If so, the development proposal should demonstrate how site layout and landscaping will work to maintain or enhance these corridors; and

iv) describe natural features on and surrounding the site including land forms, topography, drainage and natural landscape character, and assess the potential impact of the proposed development on natural landscape character and environmental processes; and

v) assess whether any trees will be affected by the proposed development and if so, include a tree survey. The inclusion of provisions for the statutory protection of trees, such as Tree Protection Orders and/or planning conditions within grants of planning permission is strongly encouraged. The planting of trees is also encouraged in appropriate areas, with due consideration to be given to conserving landscape character and ecosystem integrity, and strong preference given to the planting of native trees; and

vi) assess whether there are any risks of environmental pollution or disturbance associated with the proposed development. This should include the risk of: introduction or re-mobilisation of soil contaminants, waste or invasive species; the transfer of pollutants such as organic materials, nutrients, chemicals or sediment to watercourses or surrounding land through run-off, or disturbance to wildlife<sup>109</sup>. If risks are identified, measures should be included within the development proposal to manage and monitor them and consideration should be given to the inclusion of conditions within any grant of planning permission to guarantee effective

management and monitoring. This includes for any risks associated with the generation, storage and disposal of waste.

## **COMMENT**

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

### **NLB 1a: Biodiversity Conservation & Ecosystem Resilience**

**Proposals should achieve biodiversity net gain, as a minimum in accordance with national policy, maintaining or enhancing ecosystem integrity. The information provided with applications should be proportionate to the complexity of the proposed development and the sensitivity of its setting and should:**

**i) outline the pre-development biodiversity baseline, including natural habitats and wildlife on the site, and on land surrounding the site, recognising that a development site is part of, and will have an impact on, broader ecosystems; and**

**ii) outline the provisions that will be made to preserve, conserve and /or enhance habitats and support wildlife conservation. This will be particularly important in any sites located near to areas of recognised biodiversity significance. Development proposals for 5 or more dwellings are encouraged to include a balance sheet setting out quantitatively any habitats to be lost or gained; and**

**iv) assess whether the site contains natural or semi-natural habitats important as wildlife corridors connecting habitats within the development site with those off- site. If so, the development proposal should demonstrate how site layout and landscaping will work to maintain or enhance these corridors; and**

**iv) describe natural features on and surrounding the site including landforms, topography, drainage and natural landscape character, and assess the potential impact of the proposed development on natural landscape character and environmental processes; and**



v) assess whether any trees will be affected by the proposed development and if so, include a tree survey. The inclusion of provisions for the statutory protection of trees, such as Tree Protection Orders and/or planning conditions within grants of planning permission is strongly encouraged. The planting of trees is also encouraged in appropriate areas, with due consideration to be given to conserving landscape character and ecosystem integrity, and strong preference given to the planting of native trees; and

vi) assess whether there are any risks of environmental pollution or disturbance associated with the proposed development. This should include the risk of introduction or re-mobilisation of soil contaminants, waste or invasive species; the transfer of pollutants such as organic materials, nutrients, chemicals or sediment to watercourses or surrounding land through run-off, or disturbance to wildlife. If risks are identified, measures should be included within the development proposal to manage and monitor them and consideration should be given to the inclusion of conditions within any grant of planning permission to guarantee effective management and monitoring. This includes for any risks associated with the generation, storage and disposal of waste.

### **NLB 1b: Conserve the Outstanding Natural Beauty of Landscapes**

1: A strong priority is placed on conserving the natural beauty of landscapes across the Parish. Development proposals which may impact on areas of natural beauty should demonstrate that they will not detract from the scenic beauty of those landscapes, with reference made to the findings of the Parish landscape character assessment (LLCA); and

2: Strong consideration should be given to conserving the public visual amenity value of views of natural landscapes in any locations in the Parish that are visible from public vantage points, proposals should demonstrate that the development will not visually dominate or appear out of keeping with the natural beauty of its landscape setting; and

3: Within all AONB designated areas of the Parish, conservation of the outstanding

natural beauty of landscapes is a priority consideration, and development proposals should:

i. include assessment of the visual impact of the development on AONB landscape character, in order to demonstrate how the location, scale, design, layout and landscaping of the development will conserve the outstanding natural beauty of its AONB landscape setting; and

ii. demonstrate that when considered alongside other development in the surrounding area, the proposed development does not exceed the capacity of the area to absorb built development without negative impact on the outstanding natural beauty of the landscape; and

iii. demonstrate that the development provides for an identified local need, aligns with AONB Management Plan policies, and achieves the good practice principles in the Planning for Biodiversity Guide SPD.

4: Where a development is located in a prominent position within the AONB, or may impact on an area of special environmental or landscape significance, the following planning provisions should be applied, in order to ensure adequate information is available to support informed decision-making:

i. landscape visual appraisal should be undertaken in line with national Landscape Institute guidelines;'

ii. the provisions in the Town and Country Planning Order Part 3, Article 5 (2), should be adopted such that Outline Planning is not considered separately from any or all of the reserved matters; and

5: the use of conditions with planning approval is encouraged in any location where a proposed development may impact on AONB landscape character, in order to provide clarity and precision, to ensure that development impact on designated AONB landscapes is not materially changed between permission and completion Any subsequent application for variance or removal of a condition should not lead to a lowering of the quality of development as originally approved, unless substantive

justifications have been provided, based upon robust evidence.

## **COMMENT**

**The policy regime protecting AONBs is set out in the NPPF 21 and does not need to be repeated in neighbourhood plan policy.**

**The imposition of conditions is a matter for the LPA and subject to the provisions of the NPPF 2021. The decision on whether an application needs to be in outline or detailed is a matter for the LPA and whilst I acknowledge that there are issues relating to the submission of applications to modify proposals following an initial permission this is not something that can be tackled through a neighbourhood plan policy. Each application must be determined on its own merit and in accordance with the Development Plan. For clarity and to meet the Basic Conditions, the policy should be modified as follows:**

### **NLB 1b: Protecting Valued Landscapes**

**1: A strong priority is placed on conserving the natural beauty of landscapes across the Parish. Development proposals which may impact on areas of natural beauty should demonstrate that they will not detract from the scenic beauty of those landscapes, with reference made to the findings of the Parish landscape character assessment (LLCA); and**

**2: Strong consideration should be given to conserving the public visual amenity value of views of natural landscapes in any locations in the Parish that are visible from public vantage points, proposals should demonstrate that the development will not visually dominate or appear out of keeping with the natural beauty of its landscape setting; and**

**3: Proposals must conserve and enhance the special qualities of the AONB, and development proposals should:**

**i. include an assessment of the visual impact of the development appropriate to the scale and size of the development in line with national Landscape Institute guidelines;'**

**ii. align with AONB Management Plan policies and achieve the good practice principles in the Planning for Biodiversity Guide SPD.**

### **NLB 1c: Safeguard Environmentally Sensitive Areas & Protected or Threatened Species**

Development or land-use change should not pose risks to designated habitats sites, environmentally sensitive areas, county wildlife sites, special areas of conservation or to rare or threatened species. Development proposals must specify if the site is located within 50 metres of any of the areas of environmental significance outlined in the Perranuthnoe Parish Landscape Character Assessment, or if it may impact on designated habitats sites or sites of importance for protected species. In such cases development proposals should include maps showing the location of the site in relation to affected areas, and clearly outline how the area and / or species will be protected from development impact.

#### **COMMENT**

**I have no comment on this policy.**

### **Policy NLB 2: Coastal Change Management Area (CCMA)**

1: The coastal zone of the Parish is designated as a Coastal Change Management Area (CCMA). Land-use and development proposals in this zone should be assessed in relation to the latest predicted National Coastal Erosion Risk Mapping (NCERM) data and be based on an understanding of the coastal zone management context of the surrounding area, using the principles and zones established under this policy, and consistent with the data and guidance in the latest Shoreline Management Plan.

2: Planning and land-use management in the CCMA should adopt a long-term, precautionary and climate risk informed approach, recognising that coastal change will have significant impacts on coastal areas, and on the people that use them. An integrated coastal zone management approach to planning should be adopted which works to achieve coastal and marine ecosystem resilience. The approach should

seek to ensure that development does not exacerbate risks to coastal communities, valued assets, or areas of environmental importance, and should consider planning implications for both current and future generations.

3: Planning for sustainable development in the coastal zone of the Parish should reflect the protection afforded to natural landscapes and wildlife through AONB and Mount's Bay Marine Conservation Zone (MCZ) designations, the status of the majority of the coastal land area as County Wildlife Sites, and should be based on an understanding of the long-term social, environmental and economic value of the natural resources along the coast. Development, including changes to land use, should not compromise the natural character of the coast. A strong priority should be placed on conserving the quiet, natural, scenic beauty of coastal landscapes, affording protection to natural habitats and wildlife, and on safeguarding ongoing public enjoyment of this area, including access to the shoreline and all currently accessible beaches and coves.

4: Land-use and Development Planning in the Perranuthnoe Parish CCMA should be based on the following CCMA zones and planning principles:

i. A Coastal Vulnerability Zone is established over the latest predicted NCERM 100-year coastal erosion zone. The landward edge of the Coastal Vulnerability Zone will roll-back as the shoreline erodes, and as predicted erosion rates are re-assessed. (refer Policy Maps NLB2i and ii)

a) Residential development will not be permitted in the Coastal Vulnerability Zone, due to active coastal erosion, this includes proposals for new development, re-development, enlargement or extension of existing buildings, and for the change of use of existing buildings.

b) Any activity in the Coastal Vulnerability Zone which requires planning permission, or which results in a 'material change of use', should not exacerbate erosion risk or place stress on habitats or wildlife. Applications may be supported where they are for small temporary structures, the erection of which will not increase erosion risk, and does not require works to stabilise coastal land or excavate foundations. Time limited development in the Coastal Vulnerability Zone is unlikely to be appropriate due to the

active rates of erosion, high social value placed on the natural scenic beauty of AONB coastal landscapes, and the environmental cost and carbon inefficiency of processes involving construction and decommissioning of buildings over a short time period.

c) Proposals for changes in land-use in the Coastal Vulnerability Zone,<sup>127</sup> should demonstrate that they do not: pose significant erosion or pollution risks, cause disturbance to coastal or marine habitats and wildlife, or compromise the quiet, scenic, natural character and public visual amenity value of coastal landscapes. Potential land-use impacts on the Mounts Bay Marine Conservation Zone should be considered in all land-use planning, to ensure that patterns of land-use support the conservation and enhancement of coastal and nearshore marine ecosystems;

ii. The land extending 50 meters inland from the high tide mark (HTM) is recognised as an exposed and vulnerable Coastal Fringe. In zones affected by a high rate of coastal erosion, areas of high environmental or social significance, and across SMP Policy Unit 19.1, land-use should be carefully managed so as to ensure that it does not increase the vulnerability of these fragile areas to coastal-change processes or the effects of climate change. Within the Coastal Fringe:

a) The removal of vegetation that plays a role in stabilising the coastline is not permitted;

b) Land-use planning should prioritise habitat and wildlife conservation in all County Wildlife Sites. Any activity that may result in marine or coastal pollution, disturbance to coastal habitats or wildlife, or increase erosion risk is not permitted. Planning should recognise that SMP Policy Unit 19.1 is an important sediment source for the Mounts Bay intertidal area.

c) A strong priority should be placed on protecting the quiet, natural, scenic beauty of coastal landscapes, the public visual amenity value of views along the coast, and public access to the shoreline;

iii. An additional 2-meter buffer is added to the Coastal Vulnerability Zone along the entire length of the CCMA, to accommodate the need for the south west coast path

(SWCP) to roll back as the coast erodes. This is termed the SWCP Protection Zone. The south west coast path runs along the entire length of the Parish coastline and it is important to ensure that land-use and development planning protects this valuable public asset. The creation and maintenance of a continuous, managed path around the coast and provision for long-term public access to this stretch of the coast is a priority planning consideration, and strong weight should be given to it. 128 Land use and development planning should make provision for the SWCP to gradually retreat inland as the coast erodes and priority given to rolling back the path as close to its current position as is safe;

iv. A Vulnerability Buffer Zone (VBZ) is established, extending 30 meters inland from the landward edge of the Coastal Vulnerability Zone. The VBZ gives recognition to the fact that the NCERM 100-year coastal erosion line will retreat inland, with climate change forecast to exacerbate rates of erosion and associated risks to coastal communities. All development proposals for new build, replacement buildings, building conversions, change of use, extension or enlargement within the VBZ should be accompanied by a Coastal Erosion Vulnerability Assessment (CEVA), carried out by an experienced professional. Development may be considered appropriate where the CEVA demonstrates that the proposed development will not increase the susceptibility of the CCMA to coastal change, and where development will not decrease community resilience or compromise coastal ecosystems and the quiet, natural scenic beauty of coastal landscapes;

v. The Parish adopts the 'No Active Intervention' (NAI) approach outlined in the Cornwall and Isles of Scilly Shoreline Management Plan (SMP), to allow for natural evolution of the coastline. Proposals to undertake works to improve sea defences or to strengthen or stabilise cliff faces will not be supported unless these are minor works and it can be demonstrated through a professional Environmental Impact Assessment (EIA) that there will be no adverse effect on marine and coastal habitats or wildlife, or on the ability of coastal and marine ecosystems to adapt to climate change. Cornwall Council should approve any work affecting the shoreline, prior to works commencing; proposals should include a detailed schedule of works, including the materials to be used, area over which the works are proposed and details of how works will be conducted to minimise risk and social and environmental impact;

vi. Some residential and commercial properties are located within the latest predicted NCERM 100-year coastal erosion zone, including productive agricultural land. The Parish will develop a Roll-Back Strategy, to guide the relocation of property, infrastructure and public assets affected by coastal change, and to identify any actions needed to make the beach and footpaths safe for public use when current defences fail.

This will form part of the Parish's Coastal Change Adaptation Plan. Current NCERM and SMP assessment for the Parish indicates that it is extremely unlikely that coastal properties will be affected by coastal change to the extent that they will need relocation during the 10-year lifespan of this Neighbourhood Plan. When the NP is updated in 2030, this CCMA Policy should be revised, based on the latest NCERM and SMP assessments, to provide clear policy guidance on the provisions to be made to accommodate any properties, infrastructure or footpaths that need to be relocated away from areas affected by coastal change over the lifetime of that plan.

## **COMMENT**

**This policy is very long and includes information that should be included in the policy justification rather than the policy, to ensure that it can be applied clearly and consistently in the determination of planning applications. It also mixes issues of coastal management to address climate change and protecting the beauty, tranquillity and ecological importance of the coastal area. For clarity, the policy should be split and modified as follows:**

### **Policy NLB 2: Coastal Change Management Area (CCMA)**

**1: The coastal zone of the Parish is designated as a Coastal Change Management Area (CCMA) and falls within the Coastal vulnerability Zone (The landward edge of the Coastal Vulnerability Zone will roll-back as the shoreline erodes, and as predicted erosion rates are re-assessed. (Refer Policy Maps NLB2i and ii)). Land-use and development proposals in this zone require a Coastal Vulnerability Assessment and should be assessed in relation to the latest NCERM (National Coastal Erosion Risk Mapping) prediction assuming Shoreline Management Plan policies are followed with a 5% probability and an**



**additional 10m buffer as a safety factor and in accordance with relevant policies in the Development Plan.**

**2. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:**

**i. it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;**

**ii. the character of the coast including designations is not compromised;**

**iii. the development provides wider sustainability benefits; and**

**iv. the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast. An additional 2-meter buffer is added to the Coastal Vulnerability Zone along the entire length of the CCMA, to accommodate the need for the south west coast path (SWCP) to roll back as the coast erodes. This is termed the SWCP Protection Zone.**

**3. Permanent new residential development will not be appropriate within a CCMA.**

**4. Applications will be supported where they are classified as exempt and supported by a Coastal Vulnerability Assessment.**

**5. The Parish adopts the ‘No Active Intervention’ (NAI) approach outlined in the Cornwall and Isles of Scilly Shoreline Management Plan (SMP), to allow for natural evolution of the coastline. Proposals to undertake works to improve sea defences or to strengthen or stabilise cliff faces will only be supported where required for health and safety or intended to conserve heritage at risk and it can be demonstrated through a Coastal Vulnerability Assessment or Environmental Impact Assessment (EIA) if required that there will be no adverse effect on marine and coastal habitats or wildlife, or on the ability of coastal and marine ecosystems to adapt to climate change.**

**NLB2a Protecting the Special Qualities of the Coastal Zone.**

**1. Proposals should demonstrate how the quiet, natural, scenic beauty of coastal landscapes, the public visual amenity value of views along the coast, and public access to the shoreline will be protected and will not increase the risk of pollution, cause disturbance to coastal or marine habitats and wildlife.**

**2. Potential impacts on the Mounts Bay Marine Conservation Zone should be considered in all applications, to ensure that patterns of land-use support the conservation and enhancement of coastal and nearshore marine ecosystems;**

### **Policy NLB 3: Light Pollution and Glare**

1: Development proposals should demonstrate that lighting schemes and building materials will not result in levels of light spill or glare that would have an adverse impact on the natural beauty of landscapes and dark skies, local communities or wildlife. Proposals should provide information on external lighting schemes, and on the surface area, positioning and material type proposed for any large areas of glass or reflective surfaces; the detail provided should be proportionate to the complexity of the proposed development and the sensitivity of its setting.

2: The following local standards should be adopted to minimise risk of light pollution; dark sky conditions should be included within all relevant planning approvals, in line with LPA planning policy for Dark Skies Reserves

#### External Lighting:

- The number of lights should be the minimum required for safe access to the building and all lights should be positioned and designed to limit the risk of light pollution;
- All external lighting should have time limited operation via automatic timer switches;
- Colouration and Brightness levels of lighting should be assessed relative to their

impact on natural landscape beauty and dark skies

- Any lighting fixture exceeding 500 initial lumens should have full shielding at the

horizontal and above. Use of this level of lighting should only be permitted where the planning application clearly demonstrates a need for it, and use should be limited to the minimum required to meet the demonstrated need;

- The correlated colour temperature of lamps should be limited to 3000 Kelvins or less

#### Glare and Light Spill from Fenestration

- In buildings on elevated ground or in prominent locations, the use of large areas of fenestration or similar reflective building material is strongly discouraged where it would impact on areas of wildlife sensitivity, open countryside or on views of natural landscapes from public vantage points. Development should not detract from the public visual amenity value of local AONB or WHS landscapes, and the positioning and surface-area covered by reflective materials, should be minimised on the side of buildings facing public vantage points.

2: Development proposals should provide adequate information to enable assessors to evaluate the risk of light pollution and glare. In the AONB, areas of importance for wildlife, and on sites where development may impact on views of AONB or WHS landscapes from public vantage points, development proposals are strongly encouraged to include an outline Lighting Scheme and Specification Diagram (LSSD) providing details of all proposed external lighting.

3: Where planning permission is granted, lighting schemes should be implemented in accordance with the approved details and retained and maintained as such thereafter.

#### **COMMENT**

**For clarity and consistency with Dark Skies Policy, the policy should be modified as follows:**

### **Policy NLB 3: Control of Light Pollution and Glare from Fenestration**

**Proposals for development will be supported where it is demonstrated that, if external lighting is required, it protects the night sky from light pollution through:**

- (i) The number, design, specification and position of lamps;**
- (ii) Full shielding (at the horizontal and above) of any lighting fixture exceeding 500 initial lumens and evidence of limited impact of unshielded lighting through use of adaptive controls; and**
- (iii) Limiting the correlated colour temperature of lamps to 3000 Kelvins or less.**

**Proposals for development will be supported where they can demonstrate that they will reduce light spill by:**

- (i) avoiding or recessing large areas of vertical fenestration;**
- (ii) avoiding glazing which is facing upwards (whether horizontal or angled) including conservatory roofs; and**
- (iii) within a site, locating and orientating development as sensitively as possible.**

**In buildings on elevated ground or in prominent locations, the use of large areas of fenestration or similar reflective building material is strongly discouraged where it would impact on areas of wildlife sensitivity, open countryside or on views of natural landscapes from public vantage points. Development should not detract from the public visual amenity value of local AONB or WHS landscapes, and the positioning and surface-area covered by reflective materials, should be minimised on the side of buildings facing public vantage points.**

**2: Development proposals should provide adequate information to enable**

**assessors to evaluate the risk of light pollution and glare. In the AONB, areas of importance for wildlife, and on sites where development may impact on views of AONB or WHS landscapes from public vantage points, development proposals are strongly encouraged to include an outline Lighting Scheme and Specification Diagram (LSSD) providing details of all proposed external lighting.**

#### **Policy NLB 4: Green Infrastructure, Hedgerows and Cornish Hedges**

1: A strong priority is placed on the conservation or enhancement of hedgerows and Cornish Hedges within development, recognising their importance in providing connectivity within the Parish's green infrastructure and as features core to the distinctive character of local WHS and AONB landscapes. The Parish adopts the position outlined in Cornwall's Planning for Biodiversity Guide that: 'there is a strong presumption in favour of the retaining of all hedges within developments. It is essential that hedges are assessed as both a landscape and biodiversity feature, as part of any development proposal'

2: Development proposals are encouraged to consider opportunities to achieve overall net gain in hedgerow or Hedge length. Any newly created Cornish Hedges within developments should follow the local vernacular, so that they supply suitable niches for the establishment of vegetation. The use of native plant species within planting up schemes is strongly encouraged; this is particularly important where planting is being done to mitigate or compensate for a loss of existing native species. An undeveloped buffer strip should be left alongside all Cornish Hedges and hedgerows, a minimum of 2m wide for residential development and a minimum of 5m for commercial development<sup>142</sup>.

3: If the development proposal involves the removal or alteration of a stretch of Cornish Hedge or hedgerow, the planning proposal should demonstrate suitable mitigation measures which address landscape and biodiversity impacts. These should:

i) ensure that ecosystem connectivity is maintained and ecological function is conserved or enhanced, following the guidance on ways to achieve this provided in

Cornwall's Planning for Biodiversity Guide Appendix D. Where hedgerows or Cornish Hedges are retained but 'sandwiched' between gardens or other development, this should be counted as 50% loss of hedge and be compensated for through the provision of additional hedging; and

ii) demonstrate that any changes proposed to hedgerows or Cornish Hedges will not have an adverse impact on AONB or WHS landscape or settlement character.

4: Where a proposed development site includes hedgerows or Cornish Hedges, development proposals should:

a) highlight on the Plans the location of all existing Cornish Hedges and hedgerows on and surrounding the proposed development site; the location of any new Hedges or hedgerows proposed for inclusion within the development; and any stretch of Hedge or hedgerow proposed for removal; and

b) clearly describe any proposed changes to hedgerows and Cornish Hedges.

## COMMENT

I have no comment on this policy.

### **Policy NLB5: Environmental Responsibility and Carbon Efficiency in Development**

1: Development proposals, whether new buildings, renovations, conversions, or changes in land-use are encouraged to demonstrate environmental responsibility through alignment with recognised environmental standards such as the Building Research Establishment Environmental Assessment Method (BREEAM).

2: When assessing carbon efficiency, the whole lifecycle of the development should be considered, including design, location, construction, operation, maintenance, and, where relevant, deconstruction / replacement or renovation. When whole-life calculations are considered, it is rarely carbon efficient to demolish and rebuild a property, even if the building replacement is carbon neutral. 'Time limited' developments are also rarely carbon efficient due to their short lifespan.

3: Development proposals should assess environmental impacts beyond the immediate development site including: the risk of transfer of pollutants such as organic materials, nutrients, or chemicals through run-off; potential for exacerbation of flooding or erosion risk; the introduction or transfer of invasive species; and any risks associated with the generation, storage and disposal of waste.<sup>147</sup>

4: The installation of commercial solar or wind farms is unlikely to be considered appropriate within AONB or WHS Parish landscapes, due to impact on valued local landscape character. Domestic, renewable energy systems for individual properties may be appropriate where they are incorporated in a way that complements surrounding natural landscape and/or settlement character, and do not detract from the visual amenity value of AONB or WHS landscapes, or endanger wildlife.

5: In applying this policy it is important to consider how environmentally responsible development can complement and enhance other relevant policies within the NP, towards achieving climate-change resilient communities and ecosystems.

## **COMMENT**

**The Written Ministerial Statement of 18 June 2015 states:**

**"When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:**

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and**
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.**

**In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing**

of the affected local community is a planning judgement for the local planning authority."

As the Perranuthnoe NDP does not allocate suitable areas for wind energy the reference to wind energy in this policy should be removed. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

**Policy NLB5: Environmental Responsibility and Carbon Efficiency in Development**

1. To achieve climate-change resilient communities and ecosystems, proposals, whether for new buildings, renovations, conversions, or changes in land-use are encouraged to demonstrate environmental responsibility through alignment with recognised environmental standards such as the Building Research Establishment Environmental Assessment Method (BREEAM) where relevant and by assessing carbon efficiency.

2. Development proposals should assess environmental impacts beyond the immediate development site including: the risk of transfer of pollutants such as organic materials, nutrients, or chemicals through run-off; potential for exacerbation of flooding or erosion risk; the introduction or transfer of invasive species; and any risks associated with the generation, storage and disposal of waste.

3: The installation of commercial solar farms is unlikely to be considered appropriate within AONB or WHS Parish landscapes, due to impact on valued local landscape character. Domestic, renewable energy systems for individual properties may be appropriate where they are incorporated in a way that complements surrounding natural landscape and/or settlement character, and do not detract from the visual amenity value of AONB or WHS landscapes or endanger wildlife.

**Policy HCA1: Heritage Value of Landscapes, Settlements and Assets in the Mining Landscape World Heritage Site (WHS)**



1: Development proposals which successfully demonstrate a positive contribution to the heritage character of WHS landscapes and/or settlements are those that are most likely to be supported. The following attributes are recognised as being core to the Outstanding Universal Value (OUV) the WHS in Perranuthnoe Parish:

- the heritage character of Goldsithney village Conservation Area (refer Policy Map HCA1i); and
- the patchwork of small-holdings within the local WHS landscape, with small irregular shaped fields; and
- the vernacular architectural character of all historic buildings including mineworkers and farm cottages, barns and associated buildings; and
- historic mining sites and mining spoil heaps, and their landscape setting<sup>150</sup>; and
- Cornish Hedge boundaries to fields, lanes, footpaths; historic settlement areas and buildings; and
- the ruined remains of the 1776 Parish Poor House (refer Policy Map HCA1ii); and
- the heritage character of ancient footpaths, bridleways, and lanes, including granite coffin stiles; milestones, granite gate posts and Cornish Hedge boundaries; and
- the landscape character of remaining areas of Trevelyan Plantation;
- individual historic features and artefacts including historic wells, farming and mining artefacts;

2: All development proposals affecting the heritage attributes of settlements or landscapes in the WHS should demonstrate how they meet the requirements of national and county planning policies for WHS, and adhere with the policies in Cornwall and West Devon Mining Landscape World Heritage Site Management Plan. To achieve this, proposals should include:

a Context Appraisal incorporating a map and description of the site, and of the area surrounding the site (its setting). The Appraisal should show the position of the development site within the surrounding landscape or settlement, and include a clear description of any heritage buildings or features on the site, or in its setting. It should highlight all PROW and describe the visibility of the site within the landscape;

and

b) a Design and Access Statement which clearly outlines how the design, scale, layout, location and landscaping of the proposed development will work positively to conserve or enhance WHS heritage attributes<sup>151</sup>. It should include a clear description of the form, appearance, materials and detailing of all buildings, or alterations to buildings, and structures proposed. The Parish encourages the use of granite stone walls and slate roofs, following the local vernacular, the inclusion of heritage features, and Cornish Hedges for any new boundaries;

The level of detail provided should be proportionate to the complexity of the proposed development and the sensitivity of its setting.

3: Where a proposed development or land-use change may impact on heritage features or assets core to the OUV of the WHS, a heritage impact assessment (both desk and field-based evaluation) should be submitted and, if relevant, a historic building report;

4: Proposed alterations to historic buildings should work positively to conserve the historic form and materials of the building, and its association with other historic buildings or features. Landscaping should be integrated into the historic fabric and character of the area;

5: Development should not visually or physically encroach on the public visual amenity value of views of WHS mining heritage landscapes from footpaths and public viewpoints, and should conserve the historic character of lanes, bridleways and footpaths which pass through or adjacent to them<sup>152</sup>.

6: In special circumstances where a proposed development may impact on the OUV

of the WHS, the provisions in the Town and Country Planning Order Part 3, Article 5 (2) should be adopted whereby Outline Planning is not considered separately from any or all of the reserved matters;

7: For developments in areas of heritage significance to the WHS, the use of conditions with planning approval is encouraged in order to provide clarity and precision, to ensure that development impact on designated WHS landscapes is not materially changed between permission and completion 153 Any subsequent application for variance or removal of a condition should not lead to a lowering of the quality of development as originally approved, unless substantive justifications have been provided, based upon robust evidence.

## **COMMENT**

**This policy is long and includes text that should be included in policy justification rather than the policy. The imposition of conditions is a matter for the LPA and subject to the provisions of the NPPF 2021. The decision on whether an application needs to be in outline or detailed is a matter for the LPA and whilst I acknowledge that there are issues relating to the submission of applications to modify proposals following an initial permission this is not something that can be tackled through a neighbourhood plan policy. For clarity and to meet the Basic Conditions, the policy should be modified as follows:**

### **Policy HCA1: Heritage Value of Landscapes, Settlements and Assets in the Mining Landscape World Heritage Site (WHS)**

**1: Proposals which demonstrate a positive contribution to the heritage character of WHS landscapes and/or settlements will be supported.**

**2: Proposals affecting the heritage attributes of settlements or landscapes in the WHS should demonstrate how they meet the requirements of national policy and the Development Plan policies for WHS, including the policies in Cornwall and West Devon Mining Landscape World Heritage Site Management Plan.**

**3: Proposed alterations to historic buildings should work positively to conserve the historic form and materials of the building, and its association with other historic buildings or features. Landscaping should be integrated into the historic fabric and character of the area;**

**4: Development should not visually or physically encroach on the public visual amenity value of views of WHS mining heritage landscapes from footpaths and public viewpoints, and should conserve the historic character of lanes, bridleways and footpaths which pass through or adjacent to them.**

### **Policy HCA2: Heritage Value of the Area of Outstanding Natural Beauty (AONB)**

1: A strong priority is placed on conserving the heritage character of historic settlement areas, buildings and landscape features associated with the Parish's farming, mining and fishing history, recognising their significance to the local distinctiveness, interest and scenic beauty of Parish AONB landscapes, and to the cultural heritage of Parish communities.

2 Policy maps HCA 2i to v delineate non-designated heritage assets (NDHA) of special local historic interest and significance. Development proposals affecting these assets, including new buildings or structures, replacement buildings or conversions, alterations or extensions to existing buildings, and changes in land-use, should work positively to conserve the special historic interest and heritage character of the Asset and its setting, as detailed in the heritage appraisals for each area.

NDHA 1 The vernacular architecture and heritage character of the granite walled, slate and thatched roofed farm buildings and farmhouse at Chiverton, their group association within the farmstead, and their small-field agricultural landscape setting. This area includes two Grade II listed buildings and the mill stone and workings from the post-medieval cider mill (HER 178181). The NDHA encompasses the site of the medieval settlement of Chiverton (HER 29037). Refer Policy Map HCA2i

NDHA 2 Trebarvah: The vernacular architecture and heritage character of the granite walled, slate roofed converted farm buildings and farmhouses at Trebarvah,

their group association within the farmsteads, and their setting within a small-field agricultural landscape, incorporating historic mining features. The NDHA encompasses the site of the early medieval settlement of Treberveth (HER 29042)<sup>158</sup> Refer Policy Map HCA2ii

NDHA 3 Trevean: The vernacular architecture and heritage character of the granite walled, slate roofed converted farm buildings and farmhouse at Trevean, and their setting within a small-field agricultural landscape, incorporating historic mining spoil features.<sup>159</sup> The NDHA encompasses the site of the medieval settlement of Trevighan (HER 29208). Refer Policy Map HCA2iii

NDHA 4: Acton Castle and the two rock-cut baths at Stackhouse cove. The NDHA encompasses the HER listed post-medieval field system (HER 56240); post medieval immersion bath (MCO55804), outdoor swimming pool (MCO60627) and trackway (MCO60626). Refer Policy Map HCA2iv

NDHA 5: The Churchway heritage trail which connects historic settlements to the east of Perranuthnoe village, with St Piran and St Michael Church in the village, and Trenow and Marazion to the west. The NDHA includes all heritage features that contribute to the heritage interest and significance of this ancient footpath,<sup>160</sup> and the heritage character of its agricultural and mining landscape setting, with iconic views over St Michaels Mount. Refer Policy Map HCA2v

3: All development proposals affecting NDHA should demonstrate how they adhere with the following criteria:

- i. The design of buildings and structures incorporates a palette of locally distinctive vernacular building materials and architecture, comprising granite walls, slate or thatched roofs, and external features of vernacular design and appearance; and
- ii. Form, scale and layout follows local historic precedent and respects historic building-to- plot ratios; and
- iii. Landscaping works positively to integrate proposed development into its setting, incorporating boundary structures of locally distinctive vernacular form and materials.

Strong preference is given to incorporation of Cornish Hedges; and

iv. Where the historic fabric of the Asset has been compromised through non-authentic materials, design or details incongruous to the heritage character of the area, historic character and detail has been reintroduced wherever and whenever possible; and

v. The public visual amenity value of views of heritage Assets from PROW or public viewpoints is conserved. Particular consideration should be given to maintaining the role of heritage buildings in framing, punctuating or terminating views from PROW; and

vi. The distinctive local character of historic lanes, bridleways or footpaths which pass through or adjacent to the Asset is not compromised; and

vii. The group character of the Asset is conserved, including the association between buildings and features within it, and the contribution of open space to its heritage character; and

viii. Contemporary structures such as satellite dishes or solar panels have been positioned where they will not impact on the heritage character of the NDHA;

The level of detail provided in development proposals should be proportionate to the complexity of the development being proposed;

4: Criteria 3vi to viii should also be applied to Perranuthnoe Conservation Area<sup>161</sup> and to all development within its setting which may impact on appreciation of its heritage character and significance;

5: Proposals to restore or preserve the historic character<sup>162</sup> of buildings or landscape features are encouraged. Proposals to demolish or significantly modify buildings of heritage character will be strongly resisted;

6: Priority should be placed on ensuring that the cumulative impact of development does not exacerbate any harm caused to the NDHA or CA by existing incongruous buildings or features;

7: The setting of a Heritage Asset is an important aspect of its special local heritage interest; development proposals within the setting should not compromise the heritage character, interest and public amenity value of the Heritage Asset;

8: In order to ensure that planning decisions are based on informed and considered assessment, the provisions in the Town and Country Planning Order Part 3, Article 5 (2) should be adopted, whereby Outline Planning is not considered separately from the reserved matters, for any proposed developments which may have impact on the character of the Heritage Assets listed in this policy;

9: The use of conditions with planning approval is encouraged for all developments affecting NDHA and CA in order to provide clarity and precision to ensure alignment with the above criteria, and so as to ensure that development impact is not materially changed between permission and completion.<sup>163</sup> Any subsequent application for variance or removal of a condition should not lead to a lowering of the quality of development as originally approved, unless substantive justifications have been provided, based upon robust evidence.

## **COMMENT**

**This policy is long and complex mixing designated and non-designated heritage assets and landscape protections. The policy framework for heritage assets is set out in national policy and does not need to be repeated in a neighbourhood plan policy. Both Designated and Non-Designated Heritage assets are given protection by the NPPF 2021 and the level of protection afforded to a Non-Designated Heritage Asset will be commensurate with its heritage significance.**

**An Area of Natural beauty is fundamentally a designation intended to protect the natural beauty of a particular area however the "natural beauty criterion" includes reference to "cultural heritage, which can include the built environment that makes the area unique, such as archaeological remains or historic parkland".**

**A planning application must be determined on its own merit in conformity with**

the Development Plan, cumulative impact is a feature of Environmental Impact Assessment rather than the determination general planning applications.

The policy includes text that should be included in the policy context/ justification. The description of each NDHA area does not need to be included in the policy.

The community clearly values its historic and cultural heritage, as evidenced in the number of responses received at all stages of the consultation process in connection with the policies relating to the historic environment. However, I have received representation expressing concern regarding the policy implications of the NDHAs included in the Plan, with specific reference to Trebarvah. To be clear, a neighbourhood plan cannot give more protection to an NDHA than its heritage significance requires, this is generally established when a planning application is considered, and any decision will be made based on the heritage significance of the NDHA and paragraph 203 of the NPPF 2021 states:

"203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

It is important to have NDHAs identified in a neighbourhood plan, as it signals to the community and prospective applicants that a particular structure has heritage value but the test as to whether or not any particular building or structure would be regarded as a NDHA or receives protection as such (and the level of protection) is a matter to be tested through an exploration of its heritage significance at planning application stage. A building or structure could still be a Non-Designated Heritage Asset even if it has not, to date, been identified as such.

The imposition of conditions is a matter for the LPA and subject to the provisions of the NPPF 2021. The decision on whether an application needs to



be in outline or detailed is a matter for the LPA and whilst I acknowledge that there are issues relating to the submission of applications to modify proposals following an initial permission this is not something that can be tackled through a neighbourhood plan policy. The reference numbers on the county Historic Environment Record (HER) have been updated since the heritage assessment was undertaken, and the updated references are included in the modified policy. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

### **Policy HCA2: Non-Designated Heritage Assets and Perranuthnoe Conservation Area**

**Non-Designated Heritage Assets have been identified in the following character areas:**

**NDHA 1 encompasses the site of the medieval settlement of Chiverton (HER: MCO13960), Post Medieval Mill stone (HER: MCO53958) and Post Medieval mine shaft (HER: MCO 60293). Refer Policy Map HCA2i**

**NDHA 2 encompasses the Trebarvah post- medieval Farm Buildings (HER: MCO66674) and the site of the early medieval settlement of Treberveth (HER: MCO17070). Refer Policy Map HCA2ii**

**NDHA 3 encompasses the Trevean post-medieval farm buildings (HER: MCO66675), site of the early medieval settlement of Trevighan (HER MCO 17848) and the Trevean post medieval mine (HER: MCO 12694). Refer Policy Map HCA 2iii.**

**NDHA 4 encompasses the HER listed post-medieval field system (HER MCO 35683); post medieval immersion bath (MCO 55804), post medieval outdoor swimming pool (MCO 60627) and post medieval trackway (MCO 60626). Refer Policy Map HCA 2iv.**

**NDHA 5: includes all heritage features that contribute to the heritage interest and significance of the Medieval Churchway footpath (MCO66673), and the**

heritage character of its agricultural and mining landscape setting, with iconic views over St Michaels Mount. Refer Policy Map HCA2v.

**1: A strong priority is placed on conserving the heritage character of historic settlement areas, buildings and landscape features associated with the Parish's farming, mining and fishing history, recognising their significance to the local distinctiveness.**

**2 Proposals affecting these assets must comply with national policy having regard for the special historic interest and heritage character of the asset and its setting, as detailed in the heritage appraisals for each area and will be supported where:**

**i. The design of buildings and structures reflects a palette of locally distinctive vernacular building materials and architecture, including granite walls, slate or thatched roofs, and external features of vernacular design and appearance; and**

**ii. Form, scale and layout follows local historic precedent and respects historic building-to-plot ratios; and**

**iii. Landscaping works positively to integrate proposed development into its setting, incorporating boundary structures of locally distinctive vernacular form and materials. Strong preference is given to incorporation of Cornish Hedges; and**

**iv. The public visual amenity value of views of heritage assets from PROW or public viewpoints is conserved. Particular consideration should be given to maintaining the role of heritage buildings in framing, punctuating or terminating views from PROW; and**

**v. The distinctive local character of historic lanes, bridleways or footpaths which pass through or adjacent to an asset is not compromised; and**

**vi. The group character of an asset is conserved, including the association between buildings and features within it, and the contribution of open space to**

**its heritage character; and**

**vii. Contemporary structures such as satellite dishes or solar panels have been positioned where they will not impact on the heritage character of the NDHA;**

**The level of detail provided in development proposals should be proportionate to the complexity of the development being proposed and the significance of the asset;**

**3: Proposals affecting the Perranuthnoe Conservation Area must comply with national policy and the Development plan to conserve all aspects of character or appearance, including landscape and public spaces, that define the area's special interest.**

**4: Proposals to restore or preserve the historic character of buildings or landscape features are encouraged. Proposals to demolish or significantly modify buildings of heritage character will be strongly resisted;**

**Where the historic fabric of has been compromised through the introduction of non-authentic materials, design or details incongruous to the heritage character of the area, proposals to reintroduce historic character and detail will be supported.**

### **Policy HCA3: Historic Mining Sites and Landscape Features**

1: Historic mining sites and associated features including mining spoil heaps and the ruins and remains of engine houses and mines are core to the cultural heritage of Parish communities, and to the distinctiveness of local landscape character. All historic mining sites and features in the Parish are recognised as non-designated heritage assets (NDHA). Policy map 3i outlines the location of historic mine sites and features.

2: Development should not result in loss or damage to the remains of mine buildings or landscape features and there and is a presumption against the removal,

disturbance or burial of historic mine features or spoil. Development proposals within a historic mining area should specify if the site incorporates, or lies adjacent to, mining spoil heaps or the remains of mine buildings, and should clearly outline provisions for the conservation of historic mining features and landscape character. All development proposals should adhere to the policy provisions within the most recent AONB and World Heritage Site (WHS) Management Plans.

3: Strong weight should be given to conserving views of mining spoil heaps, mine workers cottages and other historic features associated with the area's mining heritage from public rights of way. Areas of special heritage significance include: the mining spoil heaps at Trenow Consoles Mine, Wheal Trebarvah and Wheal Caroline, where the spoil heaps are prominent landscape features within views from PROW.

4: Development proposals should consider the geological and biodiversity significance of historic mining areas, recognising that these are often sites of unique geo and biological diversity. Development proposals in historic mining areas should demonstrate that the geological and ecological value of these areas has been assessed, and that the development will not lead to a loss of sensitive habitats, rare species or significant geological resources.

## COMMENT

**The policy protections for WHS and NDHA are not the same, whilst "great weight should be given to its conservation and substantial harm to a World Heritage Site's significance (the heritage aspects of its outstanding universal value) or total loss of the site should be wholly exceptional" the policy protection for NDHA is lighter touch, "non-designated heritage Assets are protected by national policy in accordance with their significance." For clarity and to meet the Basic Conditions, the policy should be modified as follows:**

### **Policy HCA3: Historic Mining Sites and Landscape Features**

**1: Historic mining sites and associated features including mining spoil heaps and the ruins and remains of engine houses and mines are core to the cultural heritage of Parish communities, and to the distinctiveness of local landscape**

**character. All historic mining sites and features in the Parish are recognised as non-designated heritage assets (NDHA). Policy map 3i outlines the location of historic mine sites and features.**

**2. Proposals affecting non-designated heritage assets or elements of the World Heritage Site which contribute to its significance must comply fully with national policy requirements and adhere to the provisions within the most recent AONB and World Heritage Site (WHS) Management Plans.**

**3: Strong weight should be given to conserving views of mining spoil heaps, mine workers cottages and other historic features associated with the area's mining heritage from public rights of way. Areas of special heritage significance include: the mining spoil heaps at Trenow Consoles Mine, Wheal Trebarvah and Wheal Caroline, where the spoil heaps are prominent landscape features within views from PROW.**

**4: Development proposals should consider the geological and biodiversity significance of historic mining areas, recognising that these are often sites of unique geo and biological diversity. Development proposals in historic mining areas should demonstrate that the geological and ecological value of these areas has been assessed, and that the development will not lead to a loss of sensitive habitats, rare species or significant geological resources.**

#### **Policy HCA4: Archaeological Sites and Assets**

1: Archaeological remains are part of the historical landscape and heritage of the Parish, they are a limited, finite and non-renewable resource and preference should be given to conserving them. Where an archaeological site may be harmed, or subject to partial or total loss, priority should be placed on conserving and/ or recording the archaeological assets within it; sites listed on the Historic Environment Record (HER) are noted as of specific importance;

2: Any proposed development which may impact on an archaeological site should highlight the location of areas of archaeological significance within all plans submitted, and include an assessment of the significance of the site within Context

Appraisal. For sites of significance, the Parish supports pre-decision field evaluation and the use of planning conditions in order to ensure professional excavation. Measures proposed to conserve the site and / or the archaeological remains within it should be clearly presented within the development proposal. The advice of Cornwall Council Historic Environment Service should be followed in order to determine suitable measures to protect the site; and/ or what mitigation measures may be acceptable to conserve archaeological remains from the site.

## **COMMENT**

**This policy includes text which would be more appropriately located in the justification for the policy and paraphrases national policy unnecessarily. For clarity and to meet the Basic Conditions, the policy should be modified as follows:**

### **Policy HCA4: Archaeological Sites and Assets**

**Proposed development which may impact on an archaeological site should highlight the location of areas of archaeological significance within all plans submitted and include an appropriate assessment of the significance of the site within Context Appraisal.**

### **Policy EB1: Sustainable Businesses**

1: Development proposals associated with the creation or expansion of business activity in the Parish should demonstrate that the development:

i. will be well integrated within the surrounding landscape and/or settlement and will not detract from the public's enjoyment of AONB or WHS landscapes and assets; and

ii. will not have an undue adverse impact on residential amenity, or the operation of other businesses in the area. This should include provision of adequate parking capacity to meet the predicted number of visitors / clients at peak times, and a clear and realistic assessment of traffic flow; and

iii. has minimised risks of environmental pollution including provision of adequate facilities for safe disposal of all rubbish generated by the business, and has considered opportunities for achieving environmental sustainability and carbon efficiency.

## COMMENT

**I have no comment on this policy.**

### **Policy EB2: Agricultural Land, Buildings and Sustainable Production**

1: The best and most versatile (BMV) agricultural land should be prioritised for agricultural production; development should not be supported on category 1, 2 and 3 agricultural land unless all other reasonable options for meeting the identified development need have been fully examined.

2: Development proposals located adjacent to farms and agricultural land should demonstrate that the proposed development will not have an adverse impact on the effective and efficient operation of the farm, or pose risks to livestock, crops or farmland. Development proposals should clearly demonstrate that:

a) farmers long-term ease of access to agricultural land and facilities will not be significantly affected by the development. This includes any impacts caused by proposed changes to the location of tracks and drives, access points, or increases in traffic flow and vehicle parking; and

b) construction activities and / or proposed use of the developed site will not result in adverse impacts on livestock or crops. This should include assessment of:

- the risk of pollution of agricultural land. If a development site lies on historic mining land, an independent professional risk assessment should be undertaken using Cornwall Council's guidance on 'Land Affected by Contamination'; and

- risks to livestock; and

- flooding or erosion risk caused by changes to patterns of, or increased rates of,

surface water run-off;

3: New agricultural buildings should be located and designed to be well integrated within AONB and WHS landscapes; preference will be given to agricultural development proposals which:

- i. are sited so as to be closely associated with the overall farm complex, and adjacent to existing access routes; and
- ii. minimise visual impacts on skylines. Where ever possible the location and scale of agricultural buildings should be below a skyline; and
- iii. minimise impacts on historic farm buildings or other heritage assets; and
- iv. retain and where possible enhance existing tree cover, native vegetation and Cornish Hedges; and
- v. make minimal use of reflective building materials and external lighting, incorporating dark coloured, non-reflective roofing and wall panels; and
- vi. demonstrate that risks to surrounding land or buildings from water run-off, slurry, agricultural waste, historic mining waste, or from light spill have been assessed, and will be well managed and monitored.

## **COMMENT**

**Agricultural land benefits from a wide range of permitted development rights and it is unclear whether this policy is intended to apply to development which would take land out of agricultural use or the development of agricultural land for agricultural use or farm diversification. For clarity and to mee the Basic Conditions, the policy should be modified as follows:**

### **Policy EB2: Agricultural Land, Buildings and Sustainable Production**

**1: The best and most versatile (BMV) agricultural land should be prioritised for agricultural production; proposals for development will not be supported**



unless all other reasonable options for meeting the identified development need have been fully examined.

**2: Development proposals located adjacent to farms and agricultural land should demonstrate that the proposed development will not have an adverse impact on the effective and efficient operation of the farm, or pose risks to livestock, crops or farmland. Development proposals should clearly demonstrate that:**

**a) farmers long-term ease of access to agricultural land and facilities will not be significantly affected by the development. This includes any impacts caused by proposed changes to the location of tracks and drives, access points, or increases in traffic flow and vehicle parking; and**

**b) construction activities and / or proposed use of the developed site will not result in adverse impacts on livestock or crops. This should include assessment of:**

- the risk of pollution of agricultural land. If a development site lies on historic mining land, an independent professional risk assessment should be undertaken using Cornwall Council’s guidance on ‘Land Affected by Contamination’; and**

- risks to livestock; and**

- flooding or erosion risk caused by changes to patterns of, or increased rates of, surface water run-off;**

**3: Where planning permission is required new agricultural buildings should be located and designed to be well integrated within AONB and WHS landscapes and supported where they;**

**i. are closely associated with the overall farm complex, and adjacent to existing access routes; and**

**ii. minimise visual impacts on skylines. Wherever possible the location and**

**scale of agricultural buildings should be below a skyline; and**

**iii. minimise impacts on historic farm buildings or other heritage assets; and**

**iv. retain and where possible enhance existing tree cover, native vegetation and Cornish Hedges; and**

**v. make minimal use of reflective building materials and external lighting, incorporating dark coloured, non-reflective roofing and wall panels; and**

**vi. demonstrate that risks to surrounding land or buildings from water run-off, slurry, agricultural waste, historic mining waste, or from light spill have been assessed, and will be well managed and monitored.**

### **Policy EB 2i: Agricultural Occupancy Conditions**

1: In special circumstances the conversion of an existing building or construction of a new dwelling, may be permitted outside Development Boundaries, under an Agricultural Occupancy Condition (AOC). AOC should limit occupation of the proposed dwelling to a person who meets the requirements for agricultural tie buildings outlined in the Town and Country Planning Act 1990. Sufficient guarantee of such occupancy restriction should be achieved through a Section 106 planning obligation under the Town and Country Planning Act, to ensure that the AOC clause appertains to first and all future occupation of the dwelling, in perpetuity. 'Special circumstances' for the granting of planning permission under AOC in this Parish will only be appropriate where the following criteria are met:

i. the applicant provides clear and unequivocal evidence that there is an essential, current need for the building, in order to sustain the operation of a long-term, established and viable farming business in the Parish, for a local person, solely or mainly employed in the farming business<sup>173</sup>, or the widow, widower or dependent of such a person, to live in the proposed location. The agricultural business should have been operational for at least 10 years; and

ii. the proposed dwelling house will be located on an operational farm, adjacent to existing buildings and in the most discrete location available, such that it will have a

negligible impact on AONB or WHS landscape character; and

iii. the proposed dwelling house is of a modest size, and the size and location of the development is such that the property would be affordable for an agricultural worker; evidence of affordability should be demonstrated as part of the development proposal; and

iv. building design, landscaping and layout should visually appear coherent with its surroundings and respond positively to the distinctive local character of the AONB or WHS setting; the use of vernacular design and traditional local materials and finishes is strongly encouraged; and

v. the proposed development will not require the creation of new access routes through the open countryside.

## **COMMENT**

**The policy framework for the provision of an agricultural workers dwellings is set out in the NPPF 2021:**

**"80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:**

**a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;"**

**and Cornwall Local Plan policy 7: Housing in the countryside, provision 5:**

**"The development of new homes in the open countryside will only be permitted where there are special circumstances. New dwellings will be restricted to:**

**"5. Full time agricultural and forestry and other rural occupation workers where there is up to date evidence of an essential need of the business for the**

occupier to live in that specific location." For clarity and to meet the Basic Conditions, the policy should be modified as follows:

**Policy EB 2i: Dwellings for agricultural, forestry or other rural occupations**

Proposals for a new dwelling for agricultural, forestry or other rural occupations either through new build or the conversion of an existing building (where planning permission is required) will be supported where the development is in accordance with Cornwall Local Plan Policy 7 and:

- i. the proposed dwelling house is of a modest size, and the size and location of the development is such that the property would be affordable for an agricultural worker; evidence of affordability should be demonstrated as part of the development proposal; and
- ii. building design, landscaping and layout should visually appear coherent with its surroundings and respond positively to the distinctive local character of the AONB or WHS setting; the use of vernacular design and reflecting traditional local materials and finishes is strongly encouraged; and
- iii. the proposed development will not require the creation of new access routes through the open countryside.

**Policy EB 3: Campsites and Holiday Accommodation**

1: Development proposals for campsites or holiday accommodation facilities should clearly demonstrate:

- i. that there is a need for provision of additional tourist accommodation in the Parish, which cannot be met by existing facilities; and
- ii. that there is an overriding locational and business need to be on the proposed site, and the development will be of a scale and design appropriate for its location, integrated into the character of the surrounding landscape or settlement, so that it will not detract from the public amenity value of its setting; and

iii. the suitability of the proposed facility for its social, economic and environmental context and that cumulative impacts have been considered, in relation to other businesses operating in the surrounding area.

Adherence with the above policy provisions should be demonstrated as follows:

i) The need for additional tourist accommodation in the Parish

Need should be demonstrated through verifiable data on local demand for accommodation, in relation to the overall holiday accommodation capacity and occupancy rates in the Parish and in neighbouring Parishes over the preceding 24 months (including data on accommodation type, number of persons accommodated, and number of days per year facility is operational).

ii) Locational need and suitability of the proposed scale and design for the landscape setting

Proposals should demonstrate that the development is of an appropriate scale and design that will be well integrated into its landscape setting. The following information should be included

a) plans showing the location of the proposed facility within the surrounding landscape, and which highlight the location of any footpaths, bridleways, heritage sites, residential areas or places of public importance; and

b) plans showing the position of the proposed site in relation to other campsites, caravan parks (both commercial and private) or similar holiday accommodation facilities in the Parish, and in neighbouring Parishes, and information on their size and type. The information provided should enable reviewers to assess the distribution and cumulative impact of facilities on designated landscapes; and

c) clear descriptions and diagrammatic representations of the layout, scale, size, design, type and landscaping of the proposed development. Within designated AONB/WHS landscapes the establishment of new campsites is restricted to tented sites. The development proposal should demonstrate that the site will be well integrated into its setting, will not be located in a visually prominent position, and will

not detract from the public visual amenity value<sup>175</sup> of AONB / WHS designated landscapes; and

d) alignment of the proposed development with the provisions of relevant AONB or WHS Management Plan policies.

iii) Consideration of social, economic and environmental impact

Development proposals should demonstrate positive social, economic and environmental impact through:

a) plans showing the location, size, scale, layout and landscaping of the facility in relation to residential areas, businesses, areas of significance for wildlife or biodiversity, or areas of heritage significance. Proposed vehicular and non-vehicular access routes to/ from the facility should be clearly marked; and

b) a description and diagrammatic representation of the layout, scale, size, design, type and landscaping of the proposed development and assessment of socio-economic and environmental impacts. Development proposals should not significantly detract from residential amenity and should achieve net gains for biodiversity; and

c) detail on the number of days per year that the facility will operate, its capacity in terms of number of persons accommodated and vehicle parking, and an operational plan which demonstrates that the facility will be professionally managed on-site, and there will be minimal disturbance to local residents, businesses and the environment, including from noise pollution and traffic flow; and information on the facilities to be provided at the site, which should be adequate for the level and type of use proposed<sup>176</sup>, including for storage and removal of all waste associated with operation of the site. Regulations approval is required for septic tanks, and associated drainage works, and for permanent buildings such as toilet blocks; and

e) information on the type, number and distribution of lights. Lighting should be the minimum required for safe operation of the site. If artificial lighting is to be installed across the site, the proposal should be accompanied by a Lighting Scheme and

## COMMENT

This policy is long complex, potentially confusing and in places repetitive. It also covers some issues which are covered by Cornwall Local Plan Policy 5:

### "Policy 5: Business and Tourism

1. To ensure a continued supply of appropriate business space, proposals for new employment land and uses should be:

a) well integrated with our city, towns and villages; or

b) within areas that are well served by public transport and communications infrastructure; or

c) in the countryside and smaller rural settlements be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location such as farm diversification; or

d) an extension to an existing business where re-location would be impractical or not viable.

.....

3. The development of new or upgrading of existing tourism facilities through the enhancement of existing or provision of new, high quality sustainable tourism facilities, attractions and accommodation will be supported where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes. Proposals should provide a well-balanced mix of economic, social and environmental benefits."

A proposal coming forward within the NP area would need to demonstrate how it is in conformity with this existing policy which covers the need for the proposed development to be of a scale appropriate to its location or to

demonstrate an overriding locational and business need to be in that location, and provide a well balanced mix of economic, social and environmental benefits, therefore these elements of Policy EB3 does not need to be included as it is unnecessary repetition.

Other elements of the policy address issues which are dealt with at the application stage by Cornwall Council's validation process. Planning applications are determined on their merit and in accordance with the Development Plan whilst cumulative impact assessment forms part of the Environmental Impact Assessment policy regime and is not part of general planning policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:

### **Policy EB 3: Campsites and Holiday Accommodation**

**Proposals for new campsites or holiday accommodation facilities will be supported where they are in accordance with Policy 5 of Cornwall Local Plan and:**

- i. is of an appropriate scale and design that will be well integrated into its landscape setting and will not be located in a visually prominent position, protects public visual amenity value of designated landscapes including the WHS and conserves and enhance the AONB; and**
- ii. is in accordance with the provisions of relevant AONB or WHS Management Plan policies; and**
- iii. would achieve net gains for biodiversity in accordance with national policy; and will not result in negative environmental impacts, such as from pollution, disturbance to wildlife or habitats, changes to natural drainage systems, or impacts on local heritage landscapes and assets; and**
- iv. residential amenity is protected and disturbance to local residents, businesses and the environment is minimised, including from noise pollution and traffic flow;**



**v. external lighting is at the minimum required for safe operation and located sensitively**

**vi. the road capacity is adequate to support the volume of vehicles which the campsite is predicted to generate. Particular consideration should be given to assessing the potential impact of increased traffic flow on the safety of pedestrian and equestrian users of local lanes, and on vehicular congestion, considering the narrowness of Parish lanes.**

**The Parish will not support the creation of new access routes through the open countryside. All developments that are likely to generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment as appropriate; and**

**Across all provisions in this policy, assessment of the suitability of the location for the type and scale of proposed development should include consideration of existing pressures from campsites and holiday accommodation facilities.**

#### **Policy EB 4: Equestrian Development**

1: Development proposals associated with equestrian development should demonstrate that:

- i. The development will be well integrated into its surroundings and will not impact on the public visual amenity value of landscapes or settlements within the AONB or WHS. The location and design of any buildings or structures associated with equestrian use should, wherever possible, be located adjacent to existing buildings. Use of outdoor lighting should be the minimum required for safe operation and should be location sensitive. The Parish encourages hedge or tree planting to screen any new structures; and
- ii. Adequate parking space will be provided for business related development. This should be sensitive to the location and should not result in congestion or restricted access; and

iii. Ecosystem connectivity will be maintained; the Parish encourages the use of Cornish hedges or natural hedging for boundaries; and

iv. Where the proposed land-use change or development affects public rights of way, this should be specified in the planning application, which should demonstrate that care will be taken to protect the amenity for walkers and other users of the network;

2: If planning approval is granted for permanent structures, conditions or a Planning Obligation, should be included to ensure that the building(s) remains solely for equestrian use, in perpetuity. Development proposals for the conversion of equestrian buildings to residential uses will not be supported.

## **COMMENT**

**This policy lacks clarity and should be modified as follows:**

### **Policy EB 4: Equestrian Development**

**1: Development proposals associated with equestrian development will be supported where:**

**i. The development is well integrated into its surroundings and will not impact on the public visual amenity value of landscapes or settlements within the AONB or WHS and new buildings or structures, wherever possible, are located adjacent to existing buildings. The Parish encourages hedge or tree planting to screen any new structures; and**

**ii. The use of outdoor lighting is the minimum required for safe operation and located sensitively; and**

**iii. Adequate parking space is provided including for equestrian business-related development. This should be sensitive to the location and not result in congestion or restricted access; and**

**iii. Ecosystem connectivity is maintained. The Parish encourages the use of Cornish hedges or natural hedging for boundaries; and**

**iv. Where the amenity for walkers and other users of the public rights of network is protected;**

**2: If planning approval is granted for permanent structures, conditions or a Planning Obligation, should be included to ensure that the building(s) remains solely for equestrian use, in perpetuity.**

**Where planning permission is required proposals for the conversion of equestrian buildings to residential uses will not be supported.**

### **Policy DM 1: Neighbourhood Plan Implementation**

1: Development proposals must provide clear, complete and accurate information, in adequate detail to enable informed assessment of the development or land-use change proposed, and of the potential impacts of it on people and place. The level of detail required will vary with the type and scale of development proposed.

2: The policies in the Neighbourhood Plan provide the local decision-making framework for development in the Parish. All policies are mutually supportive and of equal importance. They should be used as part of an integrated approach to development planning in the Parish.

3: The effectiveness of Neighbourhood Plan implementation in achieving intended Objectives should be monitored annually through a consultative process led by the Parish Council, in partnership with Parish communities, stakeholders and the LPA.

### **COMMENT**

**This is not a policy however, the content of the policy could be included in the text of the plan.**

## SECTION 5

### Conclusion and Recommendations

- 1. I find that the Perranuthnoe 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 Perranuthnoe 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 Perranuthnoe 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 Perranuthnoe Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

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7 December 2022

