

QUETHIOCK NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Cornwall Council
into the examination of the
Quethiock Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The Quethiock Neighbourhood Plan has been prepared to set out the community's wishes for the future development of this remote rural parish including housing and business development on a scale that will help to support local services and the rural economy. The Plan also seeks to safeguard local open space and support the improvement of community facilities.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. I have recommended that:
- 1.3 Policy H1 gives an indication that small scale housing development will be permitted; that housing development in the settlements will be permitted on infill sites and exceptionally for housing for rural workers with a demonstrable need to live in the area will be acceptable.
- 1.4 Policies B1 and B2 are revised to provide greater clarity and to include provision exceptional for business development of larger schemes where justified.
- 1.5 Policy E1 and its associated objective 3 are recommended for deletion as the policy contains nothing material about the preservation of country lanes. Additional text is to be added to the justifications of Policies B1 and B2 to explain that they should not require major road improvements involving the loss of hedgerows.
- 1.6 Minor revisions are made to the wording of Policies C1, C2 and C3 for consistency and clarity.
- 1.7 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Quethiock Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.

Legislative Background

- 2.3 I was appointed as an independent examiner to conduct the examination on the Quethiock Neighbourhood Plan by Cornwall Council in March 2015. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service.
- 2.4 As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
 - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
 - (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.5 I am satisfied that the Neighbourhood Plan includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.6 The Neighbourhood Plan area is co-terminus with the parish of Quethiock and was designated by Cornwall Council on 28 March 2013 with an implementation date of 9 April 2013 as a Neighbourhood Area. Paragraph 6 of the Basic Conditions statement states that the Plan relates to the Quethiock Neighbourhood Area and that there are no other Neighbourhood Plans relating to that area.

- 2.7 The lifespan of the Neighbourhood Plan is stated to be from 2010 to 2030 to reflect the lifespan of the Cornwall Local Plan.
- 2.8 The neighbourhood plan making process has been led by Quethiock Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. A Steering Group made up from representatives from the community has been responsible for overseeing the preparation of the Plan.
- 2.9 I am satisfied therefore that the Quethiock Neighbourhood Plan satisfies all the requirements set out in paragraph 2.4 above.

Conformity with Basic Conditions

- 2.10 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. To meet the basic conditions and it be appropriate for a Neighbourhood Plan to be ‘made’, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - be in general conformity with the strategic policies contained in the Development Plan for the area;
 - contribute to the achievement of sustainable development;
 - not breach, and be otherwise compatible with, EU obligations and human rights requirements.
- 2.11 In this section, I consider the conformity of the Neighbourhood Plan with national planning policies and guidance, the adopted and emerging development plans and whether the Neighbourhood Plan is compatible with EU obligations and human rights requirements. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

Policy Background

- 2.12 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.13 The Development Plan covering the neighbourhood plan area is the Caradon District Plan First Alteration 2007 saved policies. The emerging Cornwall Local Plan Strategic Policies was submitted to the Secretary of State in February 2015. The Basic Conditions Statement sets out an assessment of the conformity of each policy with the adopted and emerging Local Plans.
- 2.14 I have considered the policies of the Neighbourhood Plan against the strategic policies in the adopted Caradon Local Plan for development in villages and the countryside. In considering the strategic policies of the emerging Cornwall Local Plan, I have taken account of the strategic approach

to development in the countryside in the emerging plan in so far as it reflects national policies and guidance. I have been mindful that the emerging plan is well advanced but may be subject to change before it is adopted.

EU obligations and human rights requirements

- 2.15 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.16 A Screening Report for the Strategic Environmental Assessment and Habitats Regulations Assessment was undertaken dated 15 September 2014 and updated 3 November 2014 to take account of revisions to the Environment Policy made in response to comments made by Natural England. The Basic Conditions report states that consultation was carried out with the relevant statutory agencies. In response Natural England confirmed that they were satisfied that the draft Quethiock Neighbourhood Plan did not appear likely to result in significant adverse effects on designated landscapes or on national or European protected sites. The screening opinion was that it was unlikely there would be any significant environmental effects arising from the Quethiock Parish Neighbourhood Development Plan 2010-30. As such, the plan does not require Habitats Regulations Assessment nor a full Strategic Environmental Assessment to be undertaken.
- 2.17 The Basic Conditions statement states that *“It is considered that the Quethiock Neighbourhood Plan is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998”*. No equalities impact assessment has been undertaken of the Neighbourhood Plan. Consultation has been comprehensive. No representations have been received to suggest that the plan may give rise to any equalities impacts.
- 2.18 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Contributes to sustainable development

- 2.19 The Basic Conditions Statement includes an assessment of how the Neighbourhood Plan contributes towards delivering sustainable development and considers how each policy contributes to the enhancement of the economic, social and environmental conditions of the area.
- 2.20 I am satisfied that, subject to the amendments proposed, the Quethiock Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

- 2.21 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
 - That the plan should proceed to referendum if modified; or
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.22 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

The Neighbourhood Plan Preparation

- 2.23 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.24 The initial consultation process started in April 2014 with publicity for the preparation of the Neighbourhood Plan followed up with a questionnaire sent to all households. Further publicity followed with stands the School Fair and Horticultural Show in June and July 2014. Members of the Steering Group were also available to discuss matters with the community at the weekly Post Office. Steering Group meetings held every 2 – 3 weeks were open to the public and publicised on the parish website and through newsletters.
- 2.25 An initial draft of the Neighbourhood Plan was produced in August 2014 and was discussed with officers from Cornwall Council.
- 2.26 The pre-submission draft Neighbourhood Plan was distributed to all households in the parish and other interested organisations in September 2014. A number of comments were received and these are reported in the Consultation Statement.
- 2.27 Consultation on the submission draft plan ran from 13 February to 27 March 2015. Residents and other interested stakeholders were invited to comment on the plan's proposals. Responses from English Heritage and the Highways Agency were received.
- 2.28 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.

The Examination Process

- 2.29 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a

public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

- 2.30 I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. I am satisfied that I am in a position to properly examine the plan without the need for a hearing. I had before me background evidence which have assisted me in understanding the background to the matters raised in the Neighbourhood Plan. Furthermore no parties have requested a hearing.
- 2.31 I have considered the Basic Conditions Statement and the Consultation Statement submitted alongside the Neighbourhood Plan. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies.
- 2.32 This report is the outcome of my examination of the Submission Draft Version of the Quethiock Neighbourhood Plan. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended it can go forward to a referendum. If the plan then receives the support of over 50% of those voting then the Plan will be made following approval by Cornwall Council.

3.0 The Neighbourhood Plan - Introduction, Vision and Objectives

- 3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.

Section 2 A Description of Quethiock Parish

- 3.2 This section includes a summary of key facts about the parish concerning the demographics, environment, agriculture, facilities and services. This section provides a clear and succinct context for the plan itself.
- 3.3 Quethiock Parish is in an extremely rural location including the village of Quethiock and the hamlets of Trehunist and Blunts. There are several smaller settlements with 10 or fewer homes e.g. Tilland, Trecorme, Haye and Holwood. In 2015 there are approximately 214 households within the Parish.
- 3.4 The Neighbourhood Plan arose from the Parish Council's recognition of a need to create the possibility for carefully structured, well-planned growth within the community in all areas in order to allow the community to flourish and not to be stifled by constraints. The Parish Council felt that it was highly unlikely that a developer would be tempted to create new houses on a medium or large scale within the Parish unless there was significant improvement to the roads and the sewerage system within Quethiock or the number of employment options other than farming.

Section 3 The View of the Community

- 3.5 This section summarises the key findings of the 2010 survey and the 2014 questionnaire which favoured some small scale development to cater for local needs.
- 3.6 The section goes on to state that *“Realistically though, the Parish Council felt that it was highly unlikely that a developer would be tempted to create new houses on a medium or large scale within the Parish unless there was significant improvement to the roads, the sewage system within Quethiock or the number of employment options other than farming.”*
- 3.7 This statement recognises the limitations of local services and employment opportunities in remote rural area such as Quethiock, however, it fails to recognise that it is national and Local Plan policies that control the amount and location of housing growth in the countryside.
- 3.8 **Recommendation:** Add the following at the end of the first paragraph of section 3 ***“Furthermore national and Local Plan policies limit new housing development in rural areas such as Quethiock.”***

Section 4 The NPPF, Caradon and Cornwall Local Plans

3.9 The first paragraph states “*At the independent examination, the submitted Neighbourhood Plan must demonstrate that it is consistent with the policies and intent of the NPPF as well as the extant Caradon Local Plan and emerging Cornwall Local Plan*”.

3.10 **Recommendation:** It is recommended that this sentence be rephrased to better reflect the Basic Conditions to read

At the independent examination, the Neighbourhood Plan must demonstrate that it meets the Basic Conditions by having regard to national policies and advice and is in general conformity with the strategic policies contained in the development plan for the area of the authority.

3.11 The second paragraph of this section states “*The Parish Council has elected not to set a limit or target on housing rather to judge individual applications on their merit.*” There are concerns about the clarity of this statement. It is for the Neighbourhood Plan and not the Parish Council to determine the housing figures appropriate for the parish within the context set by the strategic policies of the Local Plan and other evidence of housing need and demand. The NPPF makes it clear the Neighbourhood Plans should not promote less development than set out in the Local Plan. Further consideration is given under Policy H1 below to the appropriateness of this statement in the context of assessing the strategic policies for the Neighbourhood Plan area.

3.12 Secondly the role of the Parish Council is to comment on planning applications, the responsibility for decision making lies with the Local Planning Authority.

3.13 **Recommendation:** In the light of recommendations on Policy H1, revise the above sentence to read

The Neighbourhood Plan indicates that small scale housing development would be appropriate in the parish during the Plan period. Applications for new housing development will be determined on their merits in the light of Local and Neighbourhood Plan policies.

Vision and Objectives

3.14 The second bullet point of the vision states: “*The Parish Council has been proactive in working with applicants over planning applications to encourage the development of proposals that are consistent with these policies*”. It is considered that this statement does not reflect the procedures for processing planning applications where the responsibility for the negotiation and determination of planning applications lies with the local planning authority. It is recommended that this bullet point be deleted.

3.15 **Recommendation: Delete second bullet point of the Vision**

Section 6 Policies

Policy H1 Housing Development

- 3.16 This policy consists of four elements giving general support to new housing development in order to support the retention and growth of public and social facilities in the parish whilst retaining its rural character; the development of individual or small clusters of housing in all sizes of settlement as well as the conversion of redundant farm buildings; and the development of affordable housing where there is a proven demand. The final strand covers the design of new development.
- 3.17 The justification states that the majority of residents consider that housing growth of up to 10% of the current development – which equates to 20 houses – would be acceptable. However, the wording of the policy gives no indication of the scale of development envisaged. The justification goes on to state that it is accepted that the parish must take its fair share of future rural housing growth in the County without specifying any particular figures.
- 3.18 The Caradon Local Plan First Alteration 2007 (saved policies) is the adopted Local Plan covering the parish. The Neighbourhood Plan has been prepared in parallel with the emerging Cornwall Local Plan Strategic Policies which was submitted for examination in February 2015. The policies in the emerging plan for development in the countryside have been taken into account in considering the Quethiock Neighbourhood Plan, although it is recognised that they may be revised following their examination.
- 3.19 There are no figures for housing requirement for the parish in either Local Plan. The emerging Cornwall Strategic Policies sets out a housing requirement for the Looe and Liskeard Community Network Area of 1400 home for the period 2010 – 2030. However no details are given of any breakdown of the housing requirement for specific parishes. The Plan envisages that outside of the main towns housing growth will be delivered through the identification of sites, where required, through Neighbourhood Plans, affordable housing led schemes (i.e. exception schemes where market housing is required to provide cross subsidy) and infill development. For the purposes of residential development the Cornwall Local Plan states that infill development should be proportionate to the scale of the settlement and within its boundaries, respect the settlement and landscape character of the locality and not physically extend the settlement. It must clearly relate to part of an established settlement and not isolated dwellings. Particular preference will be given to sites on previously developed land.
- 3.20 The housing strategy contained in the adopted Caradon Local Plan defines development limits around the village of Quethiock and states that the scale of development should be proportionate to the role and function of the settlement concerned. The Caradon Local Plan aims to direct new housing growth towards the most sustainable larger settlements and discourage speculative housing development in the open countryside. The Cornwall

Local Plan does not define development limits for villages but states that Neighbourhood Plans may define them if they wish to.

- 3.21 The adopted Caradon Local Plan includes policies that set out the limited circumstances where housing may be developed in villages and the countryside. These include infilling of one or two dwellings in villages; affordable rural housing and a new home where it is essential to support a rural business; through the conversion of buildings in the countryside; replacement homes in the countryside; and for Rural Exception affordable housing.
- 3.22 The Cornwall Local Plan's policies for housing in the countryside seek to address the needs of rural areas by looking at shared solutions to the provision of services and facilities locally as well as options for improving access to larger centres. This reflects the advice in the NPPF that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. The importance of rural areas continuing to thrive both economically and socially is recognised in the Cornwall Plan which does not define settlement boundaries around towns and villages. Instead development should be limited to infill within the built area, not physically extending these settlements, or through affordable housing led schemes (i.e. exceptions where an element of market housing is allowed to support their delivery). The focus is upon local needs and reflecting and respecting the character of Cornwall's settlements. The Plan states that Neighbourhood Plans may if they feel it appropriate look to identify specific settlement boundaries consistent with this approach.
- 3.23 The Cornwall Local Plan seeks to protect the open countryside from inappropriate development. However it is recognised that there will be a need for some housing in settlements. Policy 7 Housing in the Countryside sets out the exceptional types of housing development that will be acceptable in the countryside – replacement dwellings, the reuse of appropriate disused buildings and for agricultural, forestry and other rural workers. Policy 9 sets out the requirements for affordable housing led development on sites outside villages and hamlets which may include up to half the housing as market housing. Further guidance on the delivery of this policy is set out in the Draft Affordable Housing Supplementary Planning Document.
- 3.24 The Cornwall Local Plan provides a measure of flexibility in the selection of sites for new housing in rural areas and offers local communities greater choice in the selection of sites through determining development limits around villages and selecting sites. However, the Quethiock Neighbourhood Plan has chosen not to take up this flexibility. The Strategic Policies continue to seek to protect the countryside from housing development other than in a limited range of circumstances.
- 3.25 Whilst Policy H1 of the Quethiock Neighbourhood Plan is supportive of new housing development in the parish, it does not give any indication of the scale of growth that may be considered appropriate or any considerations about

assessing the suitability of locations for developments in small settlements. Unfortunately, the policy adds little or nothing in the way of local guidance and advice that would help in determining planning applications for new housing in the parish. Furthermore, it is considered that bullet point two is worded in a way that would appear to support small clusters of new housing in any hamlet or small settlement in the parish and could be interpreted in such a way that could lead to sporadic speculative development that is inconsistent with the Cornwall Strategic Policies. No explanation is offered in the justification to aid the interpretation of this aspect of the policy. The parish is a largely agricultural area, however the policy does not include any recognition that new housing may be provided through the development of new housing where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside, as advised in paragraph 55 of the NPPF.

- 3.26 **Recommendation:** To address these concerns, it is recommended that Policy H1 be revised as follows:

Small scale housing development shall be permitted at a level that is commensurate with and will help to support social and community facilities available in the parish. This shall be developed through:

- A. Infill development of 1 or 2 dwellings in the village, hamlets and small settlements;***
- B. Affordable housing led exceptions schemes where there is a demonstrated local need for affordable homes;***
- C. The conversion of suitable disused buildings; and***
- D. Housing for a rural worker where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.***

New buildings should be designed to blend in with existing dwellings in the immediate area. The design of new housing should normally be in traditional Cornish style where that would be in keeping with existing buildings in the immediate area.

- 3.27 **Recommendation:** The justification to Policy H1 should be revised as follows:

Replace paragraph 2 with: ***The Cornwall Local Plan Strategic Policies has not set a specific housing requirement for the parish. The development of about 20 or so additional homes in the parish will help to deliver the housing requirement for the Looe and Liskeard CNA.***

Replace paragraph 3 with: ***The Neighbourhood Plan seeks to accommodate the proposed housing growth whilst retaining the essential rural character of the parish. Infill development should be proportionate to the scale of the settlement and within its boundaries, respect the settlement and landscape character of the locality and not***

physically extend the settlement. It must clearly relate to part of an established settlement and not isolated dwellings.

Add the following to the end of the final paragraph:

The Cornwall Council Design Guide 2013 sets out further advice on local design considerations.

Business Policies

Policies B1: Small Business – Change of Use

Policy B2: Small Business – New Build

- 3.28 The Neighbourhood Plan includes two policies to support the development of small businesses in the parish. Policy B1 supports the change of use of agricultural and residential buildings; Policy B2 supports the construction of new business premises up to a 150m² floor area and not exceeding 4m in height.
- 3.29 I have considered guidance on rural business development in the NPPF in which paragraph 28 supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It goes on to state that Neighbourhood Plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
- 3.30 The adopted Caradon Local Plan Policy EM3 on Workshops in the Countryside and Policy EM7 on the Conversion of Existing Buildings in the Countryside for Workshop Purposes support the development of new buildings and the conversion or change of use of existing buildings in the countryside for small scale workshop purposes subject to a number of criteria, including a maximum size of 100 m²; the scale, design, materials, suitability of the building will be permitted provided; services, access and wildlife conservation.
- 3.31 The emerging Cornwall Strategic Policies takes a more flexible approach to the development of businesses in the countryside with Policy 5 supporting the development of businesses in the countryside and smaller rural settlements where it is of a scale appropriate to its location or where the use can show an overriding business need for its location. In addition Policy 4 supports the provision of new local shops.
- 3.32 In considering these two policies I have concerns about whether the criteria are clear and unambiguous such that decision makers can apply them consistently and with confidence when determining planning applications as required by the PPG. To improve clarity, recommendations are made for the rewording of the criteria in each policy.

- 3.33 It is noted that a number of considerations are included in the adopted Local Plan policies which are not included in the Neighbourhood Plan policies. I have considered whether the criteria are consistent with strategic policies and set out clearly the factors to be taken into account in considering planning applications for new businesses in the parish. I am mindful that the policies in the Neighbourhood Plan should be consistent with the strategic policies, they do not need to repeat them and may choose to set out the specific requirements relevant to development in the parish. My role is to check that they meet the Basic Conditions in terms of delivering national and strategic local policy and not to determine whether they have addressed all potential considerations.
- 3.34 I have considered whether limiting new buildings for business development to a floorspace of 150m² with a maximum height of 4m in Policy B2 is consistent with the national and strategic policy on rural businesses. This represents an increase of 50% over the maximum floorspace set out in the adopted Local Plan; it introduces a measure of flexibility whilst ensuring that the scale of new building development is appropriate to the scale of development in the parish. I have also considered whether the policy accords with the more flexible approach of national and emerging local strategic policies and whether the policy should include exceptional circumstances where larger buildings may be justified.
- 3.35 As noted in the justification to Policy B2 the maximum dimensions set out in the policy would provide a typical start up industrial unit with a height of a typical single storey dwelling. It is considered that these dimensions provide scope for the development of small scale buildings suitable for many rural business uses and at the same time provides a means of controlling the scale of such new development to ensure that it is appropriate for this remote rural area. However, these limitations on size may be considered to be restrictive in some cases, for example it may not be possible to develop a guesthouse within this limitation and may prevent an existing business from expanding. It is recommended therefore that provision is made for exceptional circumstances in the policy to permit larger development where these are appropriate and justified.
- 3.36 **Recommendation:** Revise Policy B1 to read
- The change of use of will be permitted provided that the change of use:***
- A. would not have a materially adverse impact on the amenities of nearby residential properties or the rural environment in terms of its scale and visual appearance, noise, effluent or fumes it would emit, and the traffic it would generate; and***
- B. would not give rise to an unacceptable increase of road traffic”.***
- 3.37 **Recommendation:** Revise Policy B2 to read

The construction of new business premises up to 150m² floor area..... will be permitted provided that the new building:

- A. is of an appropriate scale and it is sited, designed and landscaped to be sympathetic to the character and appearance of neighbouring residential properties;***
- B. would not have a materially adverse impact on the amenities of nearby residential properties or the rural environment in terms of its scale and visual appearance, noise, effluent or fumes it would emit, and the traffic it would generate; and***
- C. would not give rise to an unacceptable increase of road traffic.***

Exceptionally, new buildings larger than 150m² will be permitted:

- D. where the above criteria (A to C) are satisfied;***
- E. the need for the business to be located in the area is demonstrated; and***
- F. there are no buildings suitable for conversion in the area.***

- 3.38 **Recommendation:** Revise the justification to Policy B2 by adding the following as a new first paragraph:

This policy permits the development of new business premises of a scale and design in keeping with the character of the local area. Exceptionally where larger premises are required, developers will be asked to demonstrate that all the criteria set out in the policy are satisfied and that there is a need to locate the building in the area and that there are no existing buildings in the area that are suitable for conversion to the proposed use.

Revise the final sentence of the third paragraph of the justification to read:

As with Policy B1 above, the impact of any potential increase in road traffic arising from the new business on the local highway network will be an important consideration.

Environment Policy

Policy E1: Country Lanes

- 3.39 This policy expects developers to preserve the character of country lanes and to contribute to the maintenance of footpaths in the parish.
- 3.40 The justification to this policy notes that the country lanes in the parish are single track and characterised by traditional hedgerows. There is also an extensive network of footpaths in the parish.
- 3.41 The final sentence of the justification seeks to explain the purpose of this policy which is that the establishment of new businesses should not require major road improvements at the expense of country lanes. Other than this statement, the policy does not make it clear how development will be

expected to preserve the lanes. It is considered that this matter would be better placed in the Business Policies section as it is a matter for consideration in determining the suitability of a business development proposal.

- 3.42 Policy E1 is unclear about how development will be expected to contribute to the maintenance of footpaths. Unless a new footpath is required as part of a development, this is considered to be an unacceptable and onerous requirement.
- 3.43 The policy contains nothing material to explain how country lanes are to be preserved, nor does it provide any policy guidance about the preservation or enhancement of the countryside or environment of the parish in general as sought by objective 3. It is recommended that the policy and the associated objective be deleted.
- 3.44 **Recommendation:** add the following to the justification to Policies B1 and B2
- The development of new businesses should not require major road improvements involving road widening and the loss of hedgerows.***
- 3.45 **Recommendation: Delete Policy E1 and Objective 3**

Community Policies

Policy C1: Quethiock Pavilion

- 3.46 This policy supports the improvement of Quethiock Pavilion for social and educational use; as a community run licensed social club; and as a community run shop/post office.
- 3.47 The justification to the policy explains the community's aspirations for improving the community hall and notes that there is limited space for the enlargement of the building. The site of the Pavilion is adjacent to the school playing field which is used for community events in association with the Pavilion.
- 3.48 Bullet point 1 refers to the use of the building and "land". It is not clear whether the term land refers to the school playing field or whether there is any land attached to the Pavilion.
- 3.49 **Recommendation:** Revise Policy C1 as follows:

The improvement and enhancement of the Pavilion at Quethiock will be permitted for:

- A. Use by the local community for social and educational purposes;***
B. As a community run licensed social club; and
C. As a community run shop/post office.

Policy C2: Children's Play Area

3.50 This policy supports the provision of equipped play areas in Quethiock and Blunts. No site specific proposals are proposed. The recommendation proposes minor changes to the phrasing of the policy to ensure consistency with other policies.

3.51 **Recommendation:** revise Policy C2 as follows:

The provision of children’s play areas equipped with play equipment will be supported in Quethiock and Blunts.

Policy C3: Quethiock School Playing Field

3.52 This policy proposes to designate the Quethiock school playing field as a Local Green Space and to resist any development of the land not ancillary to the use of the land for public recreational purposes.

3.53 Paragraph 77 of NPPF and paragraphs 5 – 21 of PPG on Open Space, Sports and Recreation Facilities set out the guidance on the designation of Local Green Space. Paragraph 77 states:

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

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

3.55 Furthermore paragraph 78 states that *“the local policy for managing development within a Local Green Space should be consistent with policy for Green Belts”.*

3.56 Paragraph 89 of the NPPF sets out the exceptional types of development that may be accepted in the Green Belt including provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

3.57 Firstly I have assessed the school playing field against the criteria in paragraph 77 of the NPPF to ascertain whether it satisfies the designation criteria.

- The site is on the edge of Quethiock and easily accessible to residents.
- The justification to the policy explains the importance of the school playing field to the local community in terms of its special nature as the only area

available for children's play and for other recreational uses by the community as a whole as well as the school.

- The site is local in character and not an extensive tract of land.

3.58 It is considered therefore that the site satisfies the criteria for designation as Local Green Space.

3.59 The second part of the policy seeks to resist any development of the land that is not ancillary to the use of the land for public recreational use. It is considered that this negative form of wording is unclear. Moreover it does not include reference to maintaining the openness of the area as required by Green Belt policy. The policy does not give consideration to the development of the land for sporting purposes.

3.60 **Recommendation:** Revise Policy C3 as follows:

Quethiock School Playing field is designated as a Local Green Space.

Development of the Quethiock School Playing Field will only be permitted for uses that are ancillary to the sport and recreational use of the land provided that the openness of the site is preserved.

3.61 **Recommendation:** Add the following at the beginning of the justification to Policy C3:

This policy designates the school playing field as shown in fig 2 as Local Green Space. The aim of this designation is to provide special protection against development for green areas of particular importance to local communities.

General Comments

3.62 **Recommendation:** To aid clarity and ease of reference in the use of the Neighbourhood Plan

That bullet points in the policies should be numbered or lettered and all paragraphs are numbered.

4.0 Referendum

4.1 The Quethiock Neighbourhood Plan clearly reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future economic improvement of parish.

4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies contained in the Development Plan for the area;
- does not breach, and is otherwise compatible with, EU obligations and human rights requirements

4.3 **I am pleased to recommend to Cornwall Council that the Quethiock Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**

4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Cornwall County Council on 9 April 2013.

5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Quethiock Neighbourhood Plan Submission Draft Version 2015
- Basic Conditions Statement
- Statement of Public Consultation
- SEA/ HRA Screening Report updated November 2014
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Caradon Local Plan First Alteration 2007 (saved policies)
- Cornwall Local Plan Strategic Policies Submission draft February 2015
- Cornwall Affordable Housing SPD Draft 2014
- Cornwall Council Design Guide 2013