

**Independent Examiners**  
**Report of the Rame**  
**Peninsula Neighbourhood**  
**Development Plan**

*Author*

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*8<sup>th</sup> March 2017*

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SECTION 1

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## **SECTION 2**

### **Summary**

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

- 1. I find the Rame Peninsula 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 Rame Peninsula Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Rame 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 Rame Peninsula 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**

### **Introduction**

#### **1. Neighbourhood Plan Examination.**

*My name is Deborah McCann and I am the Independent Examiner appointed to examine the Rame Peninsula 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 Rame Peninsula Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Rame Peninsula 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 Rame Peninsula Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*

*The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did require clarification on a number of issues. These points were dealt with by written representations in a question and answer format. This additional information is publicly available on the Cornwall Council website.*

#### **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*
3. *The Plan does not meet the legal requirements and cannot proceed to a Referendum*

*I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Rame Peninsula Neighbourhood Development Plan go to Referendum.*

*In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:*

*- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

*I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:*

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- Contributes to the achievement of sustainable development; and*
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

*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**

### **The Report**

#### **1. Appointment of the Independent examiner**

*Cornwall Council appointed me as the Independent Examiner for the Rame Peninsula Neighbourhood Development Plan with the agreement of the five parishes that make up the Rame Peninsula: Antony, Millbrook, Maker with Rame, Shevioc and St John.*

#### **2. Qualifying body**

*I am satisfied that Millbrook Parish Council is the Qualifying Body.*

#### **3. Neighbourhood Plan Area**

*The designated Rame Peninsula Neighbourhood Area covers the parishes of Antony; Maker-with-Rame; Millbrook; Shevioc and St John.*

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

#### **4. Plan Period**

*It is intended that the Rame Peninsula Neighbourhood Development Plan will cover the period 2016-2030.*

#### **5. Cornwall Council initial assessment of the Plan.**

*Millbrook Parish Council, the qualifying body for preparing the Rame Peninsula Neighbourhood Development Plan, submitted it to Cornwall Council for consideration. Cornwall Council has made an initial assessment of the submitted Rame Peninsula Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.*

#### **6. Site Visit**

*Due to the clarity of the Rame Neighbourhood Development Plan and the supporting documentation I did not consider that a site visit was necessary.*

#### **7. The Consultation Process**

*The Rame Peninsula 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.*

#### **8.Regulation 15 consultation by Cornwall Council and record of responses.**

*The Unitary Authority placed the Rame Peninsula Neighbourhood Development Plan out for consultation under Regulation 15 from the 3<sup>rd</sup> of February 2016 to the 16th of March 2016*

*A number of representations were received during the consultation period and these were supplied by the Unitary Authority as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.*

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

*The Rame Peninsula Neighbourhood Development Plan working Group produced a Basic Conditions Statement. The purpose of this statement is for the Neighbourhood Development Plan Working Group to set out in some detail why they believe the Neighbourhood Development Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.*

*I have to determine whether the Rame Peninsula 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.*

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

*(a) The Rame Peninsula 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 Rame Peninsula 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 Rame Peninsula Neighbourhood Development Plan Working Group consider that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitat Regulations Assessment.*

*(d) Sustainability Appraisal:*

*This is an appraisal of how well the working group consider the Rame Peninsula Neighbourhood Development Plan policies contribute to achieving sustainable development objectives.*

*Comment on Documents submitted*

*The Sustainability Appraisal submitted as part of the evidence base lacks rigor and I have reservations about the way the impacts have been measured, however there is no requirement to provide a Sustainability Appraisal and the other documents submitted with the Neighbourhood Development Plan and my assessment of them satisfy me that the plan will, subject to modification contribute to Sustainable Development. I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Rame Peninsula Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.*

## **10.Planning Policy**

### **10.1. National Planning Policy**

*National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.*

*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 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.*

*The Rame Peninsula Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.*

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

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

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

*There are references within the Plan and supporting documents to the Development Plan prior to the adoption of the Cornwall Local Plan in November 2016. I assume that this is an oversight when editing the draft plan. These references should be removed. I am however satisfied from examining the plan and the evidence supporting it that the policies in the plan, subject to modification are in general conformity to the Strategic Policies of the appropriate Development Plan.*

*I have considered the Strategic policies of the Development Plan and the Policies of the Rame Peninsula 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.*

## **11. Other Relevant Policy Considerations**

### **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.*

*A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:*

- *Natural England*
- *Historic England*
- *Environment Agency*
- *Cornwall Council*

*The initial screening of the plan and its policies resulted in Natural England concluding that a SEA would be required. Subsequently the plan and its policies were modified to reflect the concerns expressed by Natural England and the conclusion of the SEA and HRA screening on the plan before me for examination was that neither an SEA or HRA was required.*

### **11.2 Sustainable development**

*The Rame Peninsula Neighbourhood Development Plan has been assessed by means of a Sustainability Appraisal and the conclusion of this process was that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. The Sustainability Appraisal submitted as part of the evidence base lacks rigor and I have reservations about the way the impacts have been measured, however there is no requirement to provide a Sustainability Appraisal and the other documents submitted with the Neighbourhood Development Plan and my assessment of them satisfy me that the plan will, subject to modification contribute to Sustainable Development. I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Rame Peninsula Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.*

*I am satisfied that the Rame Peninsula Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.*

*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.*

*I am satisfied that the Rame Peninsula Neighbourhood Development Plan has done so.*

*The issues raised by Rame Neighbourhood Development Policy RNDP 1 in relation to Human Rights is considered in detail under comments on this policy.*

*I am therefore satisfied that the Rame Peninsula Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.*

### **11.3 Excluded development**

*I am satisfied that the Rame Peninsula 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.*

### **11.4 Development and use of land**

*I am satisfied that the Rame Peninsula Neighbourhood Development Plan covers development and land use matters.*

### **11.5 The Neighbourhood Plan Strategic Aims and Policies**

*The Rame Peninsula Neighbourhood Development Plan Vision:*

*“In 2030, the Rame Peninsula’s natural environment and built heritage will define the area. Villages will be thriving with healthy balanced communities and the area will have a vibrant and viable local economy in which local people of all ages can fulfil their potential.”*

*The Rame Peninsula Neighbourhood Development Plan sets the objectives to be covered in the plan as:*

*Rame Peninsula NDP objectives:*

*a) Housing and Communities Objective.*

*To encourage healthy and sustainable communities with new housing for local people, located in harmony with the environment; possibly through a Community Land Trust;*

*b) Economic Objective.*

*To support and encourage local businesses particularly the in agriculture, tourism, marine, leisure and light industry, ensuring that people have good opportunities for and access to local employment;*

*c) Community Facilities Objective.*

*To provide a high quality of life in our villages with improved community facilities to meet changing needs;*

*d) Natural Environment Objective.*

*To protect and enhance the unique landscape character, in particular the AONBs and other environmental designations;*

*e) Built Environment Objective.*

*To protect, enhance and strengthen the important heritage of the Rame Peninsula, including the Conservation Areas, the many military forts and monuments; and,*

*f) Transport and Accessibility Objective.*

*To ensure that new housing and business development does not aggravate the existing traffic/transportation difficulties, both in terms of delays and safety.*

*I consider that the policies, subject to modification follow the stated objectives and are consistent with achieving those stated objectives.*

## **12. Rame Peninsula Neighbourhood Development Plan Policies**

### **Rame NDP Policy 1: New Housing - Primary Residency (Area Wide)**

**Planning permission for new dwellings (excluding replacement dwellings), within the Rame Peninsula NDP area, will only be permitted where they hold a planning condition setting out that they are either:**

**1. to be occupied as a primary residence (occupied for at least 300 days per year); or,**

**2. to be operated as a holiday letting business.**

**COMMENT**

*I have given very serious consideration as to whether or not I can find that this policy meets the Basic Conditions. My concerns relate to how the policy can meet the Basic Conditions particularly having regard to the NPPF – “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 have considered the evidence provided in support of this policy and I have looked in detail at 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.”*

*I have considered carefully the potential for unforeseen consequences on the local housing market and the future delivery of affordable housing, as highlighted in the Cornwall Council Affordable Housing response to the policy.*

*In terms of the evidence supporting the basis for this policy I note that the level of second/holiday homes is more concentrated around the coastal strip of the Rame Peninsula and I have given consideration as to whether there is sufficient justification for a policy that operates across the Neighbourhood Plan area as a whole. My conclusion is that a policy seeking to cover only part of the area would be unworkable and result in driving the problem from one part of the Rame Peninsula to the other and that on balance I am satisfied that there is sufficient evidence to support an area wide policy.*

*After much deliberation and on balance I have concluded that due to the adverse impact on the local community/economy of the uncontrolled growth of second homes the restriction of further second homes does in fact contribute to delivering sustainable development. In terms of “delivering a wide choice of quality homes”, I consider that the restriction could in fact be considered as facilitating the delivery of the types of homes identified as being needed within the community.*

*The inclusion of point 2. in this policy is confusing and has the potential to undermine the aim of the policy. New accommodation for a holiday business would require planning permission and should be considered on its own merit and should not be confused with the permission for new residential development.*

*In addition to my “in principle” concerns I also have concerns about the precise wording of the policy in relation to how “principal residence” is to be defined. Cornwall Council have expressed concern about the use of 300 days as a measure of occupancy to comply with the principal residency condition, I share that concern and in its current form I am not convinced the policy will deliver the desired outcome and will cause difficulty in monitoring and enforcement of the condition.*

*The policy should be reworded as follows:*

***Rame NDP Policy 1: New Housing - Principal Residency (Area Wide)***

***Due to the impact upon the local housing market of the continued uncontrolled growth of dwellings used for holiday accommodation (as second or holiday homes) new open market housing will only be permitted where there is a condition restricting occupancy as a Principal Residence. Principal residences are defined as those occupied as the residents’ sole or main residence, where the resident spends the majority of their time when not working away from home or living abroad.***

***The condition placed on new open market homes will require that they are occupied by the owner or their tenants as their primary (principal) residence. Owners of homes with a Principal Residence condition will be required to keep proof that they are meeting the condition, and be willing to provide this proof if/when Cornwall Council requests this information. Proof of Principal Residence is via verifiable evidence including (but not limited to) residents being registered on the local electoral register and being registered for and attending local services (such as healthcare, schools, etc.).***

***Rame NDP Policy 2: Community Infrastructure Levy (Local Element) (Area Wide)***

***The (25%) Local Element of the Community Infrastructure Levy income must be spent on the Highway Infrastructure Schedule set out within Appendix E of this NDP.***

***COMMENT***

*I have no comment on this policy*

***Rame NDP Policy 3: Renewable Energy (Area Wide)***

***Renewable Energy Schemes, (including Wind and Solar), within the Rame Peninsula NDP area, which do not have an unacceptable impact on the character and appearance of the immediate and wider landscape, and of areas of natural, cultural, historical or architectural interest will be supported.***

***COMMENT***

*Whilst I understand the aim of this policy there is insufficient clarity as to how the “unacceptable*

*impact on the character and appearance of the immediate and wider landscape” will be measured. Cornwall Council have also raised there concern in this respect.*

*The policy should be reworted as follows:*

***Rame NDP Policy 3: Renewable Energy (Area Wide)***

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

***Rame NDP Policy 4: General Development (Infrastructure and Facilities) (Area Wide)***

***Development will only be permitted, within the Rame Peninsula NDP area, where the infrastructure and community facilities needed to serve it either adequately exist in advance or will be provided as part of the development.***

***Where a development would displace or harm a feature of special conservation or amenity value and suitable offsetting measures are deemed to be required, these offsetting measures can be delivered within the Rame Peninsula NDP area, and not be confined to an individual Parish.***

***COMMENT***

***This policy lacks clarity and certainty as it is unclear what is meant by infrastructure or community facilities in this context and thus presents a difficulty as to how applications will be assessed. Cornwall Council have also expressed concern that the policy also refers to offsetting measures without having regard to the NPPF where compensatory measures are only considered after it is demonstrated that options, firstly, to avoid; and, secondly, to mitigate against adverse impacts, cannot be met (and where any harm is outweighed by a proposals wider economic, social and environmental benefit). In addition, there seems inadequate information regarding detail of the features of special conservation or amenity value referred to. Policy 28 of the Cornwall Plan is consistent with the aims and objectives of this policy and overcomes the concerns I have relating to the wording of this policy.***

***In order to meet the Basic Conditions, the policy should be reworted.***

***The policy should be reworted as follows:***

***Rame NDP Policy 4: General Development (Infrastructure and Facilities) (Area Wide)***

***Due to the identified inadequacies of infrastructure in the Rame Peninsula development proposals within the Rame Peninsula NDP area, will only be supported where they are consistent with the requirements of Policy 28 of the Cornwall Local Plan, in that:***

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

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

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

***Rame NDP Policy 5: General Development (Visual Impact, Design and Biodiversity)***

***(Area Wide)***

***The Rame Peninsula NDP area has many environmental designations which makes it very sensitive to development, therefore development will only be permitted where it:***

- a) is sited to minimise its visual impact on the landscape;***
- b) is consistent with the character of the particular area in which it is sited;***
- c) is designed so as to reflect locally distinctive character, traditional building styles and local materials;***
- d) conforms with the locally characteristic patterns of settlement where it is sited.***

#### ***COMMENT***

***This policy appears to be aiming to be a "catch all" policy and whilst I understand the intention its wording lacks clarity and does not in my opinion have adequate regard for existing National and Local Policy which controls development within designated areas and therefore does not meet the Basic Conditions as currently worded. In addition, although Biodiversity is referred to in the title of the***

*policy there is no further reference to this important issue in the body of the policy.*

*Also of concern, regarding the plan overall is that despite Housing being the first objective identified by the plan:*

*“a) Housing and Communities Objective.*

*To encourage healthy and sustainable communities with new housing for local people, located in harmony with the environment; possibly through a Community Land Trust;”*

*there is a surprising absence of reference as to where and how affordable housing to address identified local need will be provided particularly given the restrictive nature of policies 14 and 15. The difficulty of delivering affordable housing in the face of the restrictions imposed by Rame NDP policies 1, 14 and 15 has been identified in the Affordable Housing consultation response. However, Cornwall Council also recognises that the Rame NDP allows for some flexibility in that the main settlement, Millbrook, does not have a settlement boundary, and this will enable infill and rounding off to occur at Millbrook as well as exception sites here and around other settlements. In addition, Cornwall Council will be monitoring the delivery of housing within all Neighbourhood Plan Areas and will make further Strategic Allocations if considered necessary:*

*“In Para 1.69 of the Cornwall Local Plan we set out our approach that ‘should [neighbourhood plans] not reach submission stage within two years of the adoption of this [Local] Plan or do not make sufficient housing provision within the Neighbourhood Plan to meet key targets, the Council will undertake the necessary site allocations to support the delivery of the targets set out in the local plan.”*

*I have considered these issues carefully and am mindful of the requirement of policies within the Neighbourhood Plan to flow from the identified aims/objectives and the requirement for the plan to be in general conformity with the strategic policies of the Development Plan and have regard to National Policy and Guidance in order to meet the Basic Conditions. I am of the opinion that the plan should have a more explicit reference to housing to meet local housing need/affordable housing within the plan in order to meet the Basic Conditions, the option is to create a new policy or modify an existing policy. I have reached the conclusion that Policy 5 in covering general development across the Neighbourhood Plan area is the most obvious policy to accommodate this modification. As the modified policy is not confined to dealing with visual impact, design and Biodiversity I have deleted these references from the title.*

*The policy should be reworded as follows:*

**Rame NDP Policy 5: General Development**

**(Area Wide)**

**The Rame Peninsula NDP area has many environmental designations which make it very sensitive to development and any proposal for development will only be supported where it is:**

- a) Compliant with National and and Local Policy**
- b) Compliant with other policies within this plan**
- c) is for the delivery of affordable housing on a rural exception site consistent with Policy 9 of the Cornwall Local Plan**
- d) is sited to minimise its visual impact on the landscape**
- e) is supported by a Biodiversity action plan**
- f) is consistent with the character of the particular area in which it is sited**
- g) is designed so as to reflect locally distinctive character, traditional building styles and local materials;**
- h) conforms with the local settlement patterns.**

**Rame NDP Policy 6: The Forts of the Rame Peninsula (Area Wide)**

**High priority must be given to the protection, preservation, access and enhancement of nationally important scheduled and unscheduled monuments and other sites and buildings of archaeological and historic significance in the NDP area.**

**COMMENT**

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

**Rame NDP Policy 7: Conservation Areas (Area Wide)**

**All proposals for development in Conservation Areas (illustrated in Appendix F) must pay special attention to the desirability of preserving and enhancing the character or appearance of the area.**

**All development should be sympathetic in size, scale, height and materials to the historic character of the particular Conservation Area and the vernacular tradition of its architecture.**

**COMMENT**

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

**Rame NDP Policy 8: Antony Village Bypass – Safeguarding of Land (Antony Parish)**

**Development will only be permitted, in and around the village of Antony, which will not prejudice the future construction of a bypass road, on land identified in Figure 2.**

**COMMENT**

**I consider this policy to be problematic. Whilst I acknowledge the support from the community for a bypass, the land in question belongs to a third party who has registered their objection to the policy.**

*In addition, there are no proposals for a by pass for Antony Village in the Cornwall Local Plan and the Council does not support the safeguarding of land for this purpose. No evidence has been submitted with the NDP to indicate that this route has undergone any rigorous assessment as to its suitability, indeed Historic England have raised concerns regarding this issue. The impact of this policy could be considered to sterilise the land in question without any real prospect of a bypass being delivered and as such I find it does not have regard for the NPPF and therefore does not meet the Basic Conditions in this respect. The policy should be deleted or reworded.*

*The policy should be reworded as follows:*

***Rame NDP Policy 8: Antony Village Bypass***

***The principal of a bypass for Antony Village is supported subject to other policies within the plan.***

***Rame NDP Policy 9: Maker Heights***

***(Maker-with-Rame Parish)***

***Development within the boundary outlined in Figure 3 will be supported that:***

***a) protects, preserves and enhances the significant built, natural and landscape***

***heritage of the locality, in accordance with existing landscape and built heritage policies and designations; and,***

***b) continues to support:***

***i. public access; and,***

***ii. local enterprise opportunities, specifically, but not exclusively focused around cultural, tourism and knowledge economy sectors, especially where they have significant benefit in terms of provision of local services and economic impact (i.e. jobs).***

***Sympathetic private, holiday or residential development may also be considered but only where this would specifically support long-term sustainable open-access and economic opportunity.***

***COMMENT***

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

***Rame NDP Policy 10: Mount Edgcumbe Country Park (Maker-with-Rame Parish)***

***Proposals for development affecting the park and gardens at Mount Edgcumbe (see Figure 4) will only be approved where all the following criteria can be satisfied:***

- (i) that the important historic and architectural features, layout and ornamentation of the gardens are protected, preserved and enhanced;*
- (ii) that the character of the parkland setting is preserved or enhanced; and,*
- (iii) that trees and woodland that contribute towards the character of the historic gardens are retained.*

**COMMENT**

*I have no comment on this policy*

**Rame NDP Policy 11: Commercial Growth area for Millbrook (Millbrook Parish)**

*Within Millbrook Parish, industrial and/or business development (including small workshops) that encourage the movement of HGV and large vehicles must be located to the west of Hounster Hill (see Figure 5).*

**COMMENT**

*All planning applications must be determined on their own merit. This policy seeks to prevent development in a particular location without considering the impact of any individual proposal on that area and without clarity as to what is meant by “encourage the movement of HGV and large vehicles”. As currently worded I do not consider that this policy has regard to National Policy and therefore does not meet the Basic Conditions. The policy should be reworded.*

*The policy should be reworded as follows:*

**Rame NDP Policy 11: Commercial Growth area for Millbrook (Millbrook Parish)**

*Within Millbrook Parish, industrial and/or business development (including small workshops) that are proposed to be located to the west of Hounster Hill (see Figure 5) will be supported, subject to other policies in this plan. Any proposal which increases the movement of HGVs and other large vehicles must be supported by a Transport Assessment and will only be supported where the impact is assessed as acceptable.*

**Rame NDP Policy 12: Southdown & Foss Quay Boatyards**

*(Millbrook Parish)*

*The development of workshops within the existing boatyard and above the mean high water mark on the site of the Southdown or Foss Quay (see Figure 6) for B1 and B2 uses, that do not encourage the movement of HGV and large vehicles, will be permitted provided that proposals do not:*

- *Add to difficulties with water supply, sewerage and sewage treatment and water disposal*
- *Have a materially adverse impact on the village or rural environment in terms of visual appearance, noise, effluent or fumes it would emit or traffic it would generate*
- *Have a materially adverse impact on designated nature conservation sites (SSSI, SAC or SPA) or AONB*
- *Have a materially adverse impact on existing businesses located in the area*

#### **COMMENT**

*The wording of this policy is imprecise and as a result could be considered not to meet the Basic Conditions in terms of having regard for National Policy, in particular Paragraph 32 of the NPPF:*

*“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

*I am unclear as to whether the inclusion of the bullet point “Have a materially adverse impact on existing businesses located in the area” is intended to imply protection in terms of amenity and business operation for neighbouring businesses or to be “anti competition”, for clarity this bullet point should be deleted.*

*The policy should be reworded as follows:*

#### **Rame NDP Policy 12: Southdown & Foss Quay Boatyards**

***(Millbrook Parish)***

***The development of workshops within the existing boatyard and above the mean high water mark on the site of the Southdown or Foss Quay (see Figure 6) for B1 and B2 use is supported in principal however due to the environmental sensitivity of the location any proposal should be supported by an appropriate level of information to enable the impact of the proposals to be fully assessed (including a Transport Statement or Assessment and mitigation measures where necessary).***

***The information provided should be appropriate to the scale of the proposal and where necessary include information on the impact upon:***

- ***water supply, sewerage and sewage treatment and water disposal***
- ***the village and wider rural environment in terms of visual appearance, noise, effluent or fumes it would emit or traffic it would generate***
- ***sites protected by nature conservation and/or landscape designations (SSSI, SAC or SPA) or AONB***

#### **Rame NDP Policy 13: Millbrook Lake and Green Space - Safeguarded Land (Millbrook Parish)**

***Millbrook Lake and its surrounding green area, including the playing fields (see Figure 7), must be***

*protected and enhanced as a public open space and amenity area.*

**COMMENT**

*I consider that this policy is seeking to designate Millbrook Lake and Green Space as a Local Green Space as described in the National Planning Policy Framework (NPPF)*

*The NPPF states the following:*

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

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

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

*I am satisfied that the area concerned does meet the requirements of the NPPF in being considered a Local Green Space but for clarity the policy should be reworded.*

*The policy should be reworded as follows:*

***Rame NDP Policy 13: Millbrook Lake Local Green Space (Millbrook Parish)***

***Millbrook Lake and its surrounding green area, including the playing fields (see Figure 7), is designated as a Local Green Space and must be protected and enhanced as a public open space and amenity area.***

***Rame NDP Policy 14: Rame Peninsula Gateway***

***(SheviocK Parish)***

***Housing development will only be permitted in SheviocK Parish where:***

*a. it is infill development within the existing built up area of the village of Portwrinkle (Figure 8); and/or,*

*b. it is infill development within the existing built up area of the village of Sheviocock (Figure 9) and where this provides for or contributes to new informal recreational opportunities (e.g. areas of open space) within the village; and/or,*

*c. it is infill development within the existing built up area of the village of Crafhole (Figure 10) and where this provides for, or contributes to, new informal recreational opportunities (e.g. areas of open space) including at the site of the proposed play park/open space identified in Figure 10.*

#### **COMMENT**

*I have considered this policy in the context of the constraints on development in the areas of the Neighbourhood Plan Area covered by this policy and the impact on the potential to deliver housing to meet local need identified both by Cornwall Council and in the evidence base supporting this plan. Cornwall Council acknowledges however that the Rame NDP allows for some flexibility in that the main settlement, Millbrook, does not have a settlement boundary, and this will enable infill and rounding off to occur at Millbrook as well as exception sites here and around other settlements. In addition, Cornwall Council will be monitoring the delivery of housing within all Neighbourhood Plan Areas and will make further Strategic Allocations if considered necessary:*

*“In Para 1.69 of the Cornwall Local Plan we set out our approach that ‘should [neighbourhood plans] not reach submission stage within two years of the adoption of this [Local] Plan or do not make sufficient housing provision within the Neighbourhood Plan to meet key targets, the Council will undertake the necessary site allocations to support the delivery of the targets set out in the local plan.”*

*I have rehearsed my deliberation on this issue in my comments on Rame NDP Policy 5 and do not consider it necessary to repeat this, however I have concluded that Policy 5, as modified covers the issue of the delivery of affordable housing adequately and I therefore do not propose any modification of this policy.*

#### **Rame NDP Policy 15: Development in St. John Village (St John Parish)**

*Housing development will only be permitted in St John Conservation Area (see Figure 11) where it is single dwellings adjoining the eastern edge of the existing built up area of St John, or infilling within the existing built up area of the village.*

#### **COMMENT**

*I have considered this policy in the context of the constraints on development in the areas of the Neighbourhood Plan Area covered by this policy and the impact on the potential to deliver housing to*

*meet local need identified both by Cornwall Council and in the evidence base supporting this plan. Cornwall Council acknowledges however that the Rame NDP allows for some flexibility in that the main settlement, Millbrook, does not have a settlement boundary, and this will enable infill and rounding off to occur at Millbrook as well as exception sites here and around other settlements. In addition, Cornwall Council will be monitoring the delivery of housing within all Neighbourhood Plan Areas and will make further Strategic Allocations if considered necessary:*

*“In Para 1.69 of the Cornwall Local Plan we set out our approach that ‘should [neighbourhood plans] not reach submission stage within two years of the adoption of this [Local] Plan or do not make sufficient housing provision within the Neighbourhood Plan to meet key targets, the Council will undertake the necessary site allocations to support the delivery of the targets set out in the local plan.”*

*I have rehearsed my deliberation on this issue in my comments on Rame NDP Policy 5 and do not consider it necessary to repeat this, however I have concluded that Policy 5, as modified covers the issue of the delivery of affordable housing adequately and I therefore do not propose any modification of this policy.*

## **SECTION 5**

### **Conclusion and Recommendations**

1. *I find that the Rame Peninsula Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
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 Rame Peninsula 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 Rame Peninsula 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 Rame Peninsula Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

*Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD*

*Planning Consultant*

*NPIERS Examiner*

*CEDR accredited mediator*

*8<sup>th</sup> March 2016*

