

# **South Hill Neighbourhood Development Plan 2017 - 2030**

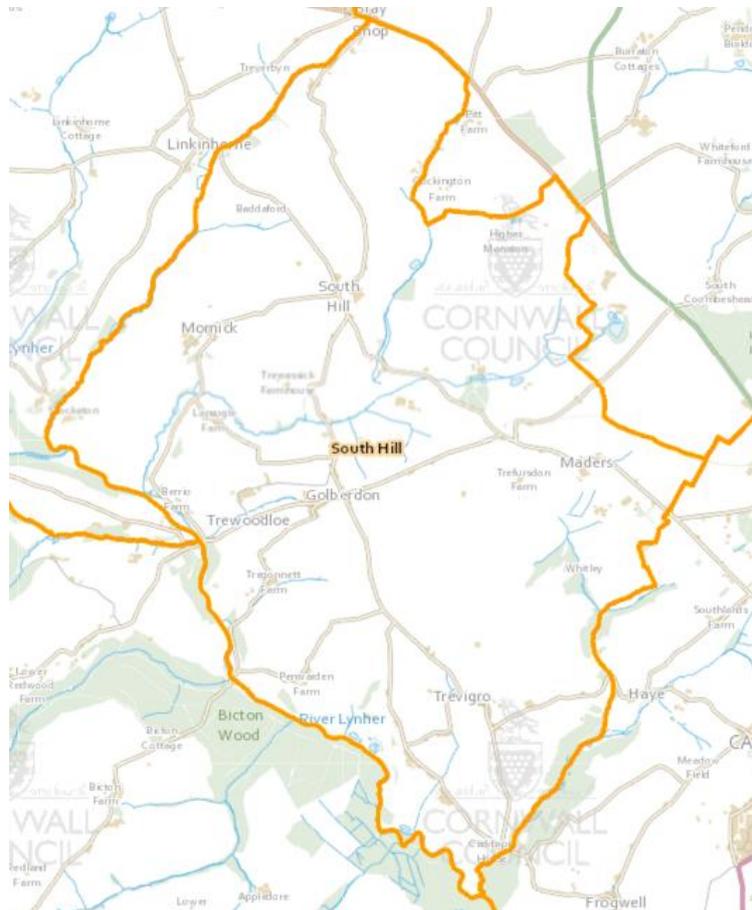
## **BASIC CONDITIONS STATEMENT**

**Date: 21<sup>st</sup> March 2017**

**Town and Country Planning Act 1990 (as amended)  
Statement under paragraph 8(2) of Schedule 4B**

# South Hill Neighbourhood Development Plan Proposal

Submitted by South Hill Parish as the Qualifying Body for the South Hill Neighbourhood Development Plan Area comprising the Parish of South Hill.



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## **Submission Documents Accompanying Basic Conditions Statement**

- South Hill Neighbourhood Development Plan (sent separately )
- Consultation Statement (sent separately)
- Evidence Base Summary (sent separately)

## **1 INTRODUCTION**

This Basic Conditions Statement has been produced to explain how the proposed South Hill Neighbourhood Development Plan (SHNDP) has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B to the Town and County Planning Act 1990 have been met.

## **2 BACKGROUND TO THE [NAME OF PLAN] NEIGHBOURHOOD DEVELOPMENT PLAN.**

Production of the South Hill Neighbourhood Development Plan was undertaken by the South Hill Parish Council, working in partnership with Cornwall Council (CC). The plan is based on consultation with local people, businesses and others with an interest in the area over a 36 month period.

## **3 SUPPORTING DOCUMENTS AND EVIDENCE**

The South Hill Neighbourhood Development Plan is supported by the following documents: Consultation Statement; Evidence Base Summary, and a statement from Cornwall Council on whether there is a need for Strategic Environmental Assessment or Habitat Regulation Assessment of the plan.

#### **4 BASIC CONDITIONS TO BE MET**

Schedule 4B to the Town and County Planning Act (Para 8) sets out the following basic conditions that Neighbourhood Development Plans must meet:<sup>1</sup>

- 8(1) **The examiner must consider the following—**
- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),*
  - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,*
  - (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
  - (e) such other matters as may be prescribed.*
- (2) **A draft neighbourhood development plan meets the basic conditions if—**
- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,*
  - (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*
  - (e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*
  - (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and*
  - (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*
- (6) *The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).*

#### **5 HOW THE SOUTH HILL NEIGHBOURHOOD DEVELOPMENT PLAN MEETS THE BASIC CONDITIONS.**

##### **5.1 Para 1a. Does the draft South Hill Neighbourhood Development Plan meet the basic conditions?**

How the draft South Hill Neighbourhood Development Plan meets the basic conditions (as required by 1(a) and sub-paragraph 2) is set out in Sections 5 – 11 of this Basic Conditions Statement.

##### **5.2 Para 1b. Whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,**

*The provision of 61E(2), 61J and 61L as amended by s38C(5)(b) is a reference to the provision of 38A and 38B.*

The following is submitted in respect of 38A and 38B.

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<sup>1</sup> Para 8 of schedule 48 to the 1990 Town and Country Planning Act (excluding 2b. c3-5 as required by 38C (5))

### 38A

- 1) **South Hill Parish Council** is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP) for its own parish.
- 2) The South Hill NDP expresses policies relating to the development and use of land solely within the neighbourhood area.
- 3) to 12) are essentially post examination procedures.

### 38B

- 1) a) The NDP covers the period up to and including 2030, some 13 years. This period has been chosen to align with the Cornwall Local Plan, prepared by Cornwall Council.
- 1) b) The NDP does not include any provision for excluded development such as national infrastructure
- 1) c) The NDP does not relate to more than one neighbourhood area. It relates only to the South Hill Neighbourhood Area as designated by Cornwall Council on the 14<sup>th</sup> April 2014.

*A copy of the decision notice confirming designation of the South Hill Neighbourhood Area is attached in Appendix 1.*

- 2) There are no other NDPs in place in the South Hill neighbourhood area.
- 3) Refers to conflicts within the NDP and clarifies that in the event of conflict between a NDP Policy and any other statement or information in the plan, the conflict must be resolved in favour of the policy.
- 4) Refers to regulations made by the Secretary of State relating to NDPs in the Neighbourhood Planning (General) Regulations 2012 which have been used to inform the process of making the South Hill NDP. These regulations set out:
  - the process by which neighbourhood plans are to be made and set out the consultation bodies for NDPs (*referred to in the Consultation Statement accompanying this plan*)
  - that NDPs which are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment.  
*The Cornwall Local Plan has undertaken a Habitats Regulations Assessment (HRA). The screening exercise for the South Hill NDP concluded that there are no European sites that would be affected by the proposals within the South Hill NDP, and therefore it was agreed that an HRA was not necessary.*
- 5) Refers to the publication of NDPs once made by a local planning authority in accordance with the regulations.

6) Clarifies what is excluded development

5.3 **Para 1(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates,**

It is not considered that there is any benefit or reason for extending the area for the referendum beyond the Designated Neighbourhood Plan Area.

5.4 **Paragraph 1(e) such other matters as may be prescribed**

There are no other prescribed matters

## 6 CONFORMITY WITH GUIDANCE ISSUED BY THE SECRETARY OF STATE - THE NATIONAL PLANNING POLICY FRAMEWORK

### *Paragraph 2a*

*A draft neighbourhood development plan meets the basic conditions if -*

*(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,*

- 6.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies contained in the NPPF constitute the Government's view of what sustainable development means in practice for the planning system.
- 6.2 NPPF sets out 12 core land-use planning principles that should underpin plan-making and decision-taking. These are that planning should:
- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area....
  - .....be a creative exercise in finding ways to enhance and improve the places in which people live their lives; proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
  - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - take account of the different roles and character of different areas .....promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
  - support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources.....
  - contribute to conserving and enhancing the natural environment and reducing pollution....
  - encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
  - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
  - conserve heritage assets in a manner appropriate to their significance...

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all.....

6.3 These principles have been embodied throughout the production of the NDP which has also had regard to the following key policy areas as evidenced below and summarised in Appendix 2.

#### **6.4 Building a Strong, Competitive Economy**

6.4.1 NPPF Para 21 states that LPA's should plan positively for local inward investment to match and meet anticipated needs over the plan period. Support should be given to existing business whilst identifying priority areas for infrastructure provision and environmental enhancement. Planning should operate to encourage and not act as an impediment to sustainable growth and policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.

6.4.2 A key theme of the South Hill NDP is to support and strengthen the local employment base and attract businesses to the South Hill area, with the long term vision of providing a variety of new employment opportunities to meet local needs and to support the local economy.

6.4.3 The NDP sets out the following specific policies that are intended to support and strengthen the local employment base and contribute towards the NPPF objective of building a strong, competitive economy.

<b>Policy B1</b>	This policy permits the development of new business premises of a scale and design in keeping with the character of the local area. It seeks to encourage economic growth in this rural area and create jobs and prosperity. It welcomes and supports proposals which lead to the improvement, modernisation or upgrading of current employment sites.
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#### **6.5 Ensuring the Vitality of Town Centres**

6.5.1 The South Hill NDP area does not include a town, only rural settlements.

#### **6.6 Promoting Sustainable Transport**

6.6.1 The very limited development expected within the South Hill NDP area gives little or no opportunity for Neighbourhood Planning policies to improve transport in the area, and the South Hill NDP does not include a transport policy.

- 6.6.2 In addition the NPPF states that plans should ensure that developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping leisure, education and other activities.
- 6.6.3 South Hill NDP Housing Policy H1 includes a provision for rural workers to live permanently at or near their place of work in the countryside.

## **6.7 Delivering a Wide Choice of High Quality Homes**

- 6.7.1 NPPF states that to boost significantly the supply of housing, local planning authorities should:
- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area....,
  - identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirements ....
  - identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
  - for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period .....
  - set out their own approach to housing density to reflect local circumstances.
- 6.7.2 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the NPPF states that local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community ....
  - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
  - where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- 6.7.3 The approach to housing development set out in the South Hill NDP is consistent with this guidance, with the stated long-term aspiration of providing good quality new housing to support South Hill as a whole. The Cornwall LP:SP has not set a specific housing requirement for the South Hill parish but has set a minimum target of 520 new dwellings for the remainder of the Caradon Community Network Area excluding Callington, of which there were 150 completions and 304 dwellings with the benefit of planning permission or under construction at 31<sup>st</sup> March 2016 , that contribute to the CNA target. A realistic estimate of

the probable housing requirement within the parish would be 1 to 2 dwellings per year, and this is similar to the number of new dwellings built here in recent years. However the plan also allows for additional housing growth as required by local needs.

Non site specific policies include:

**Policy H1** sets out the criteria against which housing developments will be tested. This prioritises the location of sites with the South Hill area.

## **6.8 Requiring good design**

6.8.1 The NPPF attaches great importance to the design of the built environment with “*good design seen as a key aspect of sustainable development*” (para 56). Neighbourhood Plans are therefore expected to “*develop robust and comprehensive policies that set out the quality of development that will be expected for the area*”, based on stated objectives for the future of the area. Policies should not however attempt to impose architectural styles or particular taste or stifle innovation.

6.8.2 Policies should aim to ensure that developments:

- “- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development:*
- *Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit:*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks.*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation:*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping.”*

6.8.3 The need to improve the quality of design of new development is keenly felt in the plan area and has featured highly throughout previous public consultation and is a key long-term aspiration of the plan, to ensure that new development is the best that can be achieved to complement the quality of historic development in the area.

6.8.4 Specific policies that seek to secure good design are:

**Policy H1** Criteria to ensure that any new development will reflect and complement the locally distinctive character of the site and its immediate context, and will comply with the guidance set out in the Cornwall Council’s Design Guide.

## 6.9 Promoting Healthy Communities

6.9.1 NPPF highlights the important role planning can play in facilitating social interaction and creating healthy and inclusive communities. It suggests that authorities should create a shared vision with communities of the residential environment and facilities they wish to see. Production of the TKNDP has involved extensive consultation and engagement with the local community as detailed in the accompanying consultation statement, including specific targeting of, for example, young people and the elderly.

6.9.2 NPPF states that planning policies should aim to achieve places which promote:

- Opportunities for meetings between members of the community
- Safe and accessible environments
- Safe and accessible developments

6.9.3 With regards to social, recreational and cultural facilities it comments that policies should: *“plan positively for the provision and use of shared space, community facilities .....and other local services to enhance the sustainability of communities and residential environments: Guard against the unnecessary loss of valued facilities and services.... Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”*

6.9.4 The South Hill NDP contains policies to promote healthy communities through :

- a) **Policy C1** Supports the continued improvement of the Parish Hall at Golberdon for use by the local community for social, recreational and educational purposes.

## 6.10 Meeting the challenge of climate change, flooding and coastal change

6.10.1 Local Authorities are encouraged to adopt proactive strategies to mitigate and adapt to climate change, taking into account flood risk. Para 95 of the NPPF states that in order to support the move to a low carbon future, LPA's should plan for new development in location and ways which reduce greenhouse gas emissions. Actively support energy efficiency improvements to existing buildings and set local requirements for sustainable buildings that is consistent with the Governments zero carbon policy and adopt nationally described standards.

6.10.3 Policy criteria will help to provide for sustainable opportunities and provide the opportunity to reduce vehicular movement and increase more sustainable forms of transport such as walking and cycling. New development is required to be of a high quality, designed to incorporate open space and link strongly to Green Infrastructure provision, all of which will

contribute towards mitigating and adapting to climate change and reducing greenhouse emissions.

6.10.4 Specific policies in the NDP aimed at meeting the challenges of climate change, flooding and coastal changes are:

**Policy C2** Designates and safeguards the Childrens' Play Area and Golberdon recreation field as a Local Green Space

## 6.11 Conserving and enhancing the natural environment

6.11.1 NPPF states that the planning system should contribute to and enhance the natural and local environment and states that plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.

6.11.2 Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value with distinctions being made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

6.11.3 Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure;

6.11.4 The landscape of the South Hill NDP area is highly valued by the Local Population. As such a key aspiration of the plan is to create new green infrastructure as well as conserving and enhancing natural assets.

6.11.5 Specific policies in the NDP aimed at conserving and enhancing the natural environment are:

**Policies H1 and B1** Both contain provisions to preserve and enhance the green infrastructure, and protect and enhance the habitat for wildlife.

## 6.12 Conserving and enhancing the historic environment

6.12.1 The NPPF sets out guidance on how local planning authorities should develop positive strategies for the conservation and enjoyment of the historic environment, taking into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local
- character and distinctiveness; and

- opportunities to draw on the contribution made by the historic environment to the character of a place.

6.12.2 The South Hill NDP area contains a number of historic buildings and structures which are valued by the community and are mentioned in the NDP. However, all of these are already listed, and it was not felt necessary to include specific policies in the plan to further protect them

## 7 CONTRIBUTION TO THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

### *Paragraph 2(d)*

*A draft neighbourhood development plan meets the basic conditions if -*

*(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*

- 7.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF therefore is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.
- 7.2 There are three elements to sustainable development: economic, social and environmental. These require the planning system to perform a number of roles:
- an economic role - contributing to building a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy
- 7.3 The South Hill NDP contributes to the achievement of sustainable development by:
- Planning positively for housing growth to meet the needs of present and future generations by meeting housing need up to the year 2030;
  - Prioritising brownfield sites suitable for redevelopment opportunities;
  - Promoting energy efficient design and technology;
  - Setting criteria for development to ensure that sites chosen best meet the overall objectives of the plan and help to create sustainable communities;
  - Providing for improved public transport links and enhanced pedestrian links to recreation facilities;
  - Locating new development where it relates well to the existing settlements,
  - Protecting locally important open spaces and landscape features;
  - Protecting and enhancing the natural, built and historic environment of South Hill parish.
- 7.4 The NPPF also indicates that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking to ensure that Plans are deliverable.

- 7.5 With regards to future infrastructure requirements, this is being addressed at Cornwall-wide level through work being undertaken in association with the Cornwall Local Plan, such as the Strategic Housing Market Assessment (SHMA) and Infrastructure Delivery Plan (IDP). This will in turn be used to inform production of CC's Community Infrastructure Levy (CIL) which will be used to assist with the delivery of critical infrastructure requirements. In setting CIL, CC will need to ensure that the level set will not prejudice the delivery of new development.
- 7.9 NPPF states that the Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place and at the present time it is proposed that some 25% of CIL will be allocated to those areas with a Neighbourhood Development Plan in place.

**Policy C3** Requires that the Local Element of the Community Infrastructure Levy (CIL) income, must be spent in accordance with the list of local projects maintained by the South Hill Parish Council.

## **8 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN FOR THE AREA.**

### *Paragraph 2(e)*

*A draft neighbourhood development plan meets the basic conditions if -*

*(e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*

- 8.1 One of the basic conditions that neighbourhood plans must satisfy is that they are in general conformity with the strategic policies of the adopted development plan for the local area, i.e. the high-level strategic elements in the local plan that are essential to delivering the overall planning and development strategy for the local area. S.38 of the Planning and Compulsory Purchase Act 2004 defines “development plan” as the development plan documents (DPDs) adopted for the area and Schedule 8 extends this to include saved local plans.

### **The Cornwall Local Plan**

- 8.9 Following Local Government Reorganisation in 2009, Cornwall Council was formed from the County Council and previous District and Borough Councils in Cornwall. Work subsequently commenced on a new Cornwall Local Plan. The plan was Submitted to the Secretary of State in February 2015 and the Inspector’s decision letter was received on the 23<sup>rd</sup> of September 2016. The Cornwall Local plan was formally Adopted in November 2016.
- 8.10 The Local Plan provides strategic policy guidance for the whole of Cornwall. The plan also continues to use some of the existing Saved Policies of the predecessor Local and Borough Plans for the purposes of development management to supplement those of the Adopted Local Plan and as such conformity with these policies will continue to be relevant up until the Site Allocations DPD is adopted. An area to the south and west of the parish is AGLV, so saved policies CL8 and CL9 from the Caradon Local Plan apply.
- 8.11 Policy 2 sets out the spatial strategy for Cornwall, consisting of the following principles:
- Respecting and enhancing quality of place – maintaining and respecting the special character of Cornwall, recognising that urban and rural landscapes, designated and undesignated are important;
  - Providing solutions to current and future issues – assisting the creation of resilient and cohesive communities; and
  - Generating and sustaining economic activity – improving conditions for business and investment in Cornwall.
- 8.12 Policy 2a sets out key targets for the Local Plan, including the headline requirement for a minimum 52,500 homes up to 2030, 38,000 full time jobs and 704,000 square metres of employment space and at least 318 permanent pitches for Gypsies and Travellers, 60 transit pitches and 11 plots for Travelling Showpeople.

8.13 Policy 3 of the Local Plan (Role and function of places) sets out the hierarchy of settlements in Cornwall .

8.14 The broad scale of development proposed in the NDP is consistent with the Local Plan. The neighbourhood plan provides criteria by which applications can be structured to meet the Local Plan requirement for employment land. The plan makes allowance for around 26 dwellings over the plan period which, when added to sites with planning permission or development completed since 2010 (454 dwellings), totals 480 dwellings against a Local Plan requirement of 520 for the Community Network area in which the plan is situated. The South Hill NDP allows for enough development to meet local need and is in general conformity with the Cornwall Local Plan.

8.15 Section 9 of this Basic Condition Statement demonstrates specifically how the NDP conforms to the key strategic policies and objectives of the local plan. The term 'general conformity' is not defined in law but the use of the adjective 'general' is clearly intended to introduce some degree of flexibility, the extent of which will depend upon the planning judgement of the decision maker and the particular circumstances of the case.

8.15 It is considered that the ambition of the NDP is aligned with and positively supports the strategic needs and priorities of the wider local area and promotes development consistent with the requirements of the Local Plan.

8.16 A more detailed assessment of the policies contained in the NDP and their relationship to policies in the Local Plan is set out in the following section and summarised in Appendix 2.

## 9 DETAILED CONSIDERATION OF SOUTH HILL NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES:

### 9.1 Business Development NDP Policies

**Policy B1** – supports business and commercial developments of an appropriate scale and character taking account of neighbouring residential properties. Prioritises the use of brownfield land and sets out requirements for high quality, energy efficient design.

9.1.1 The above mentioned policy is considered to be in conformity with the following policies of the adopted Local Plan.

**Policy 1 - presumption in favour of sustainable development**

**Policy 2 –spatial strategy:** Improve conditions for business and investment and provide for new employment floorspace. Make best use of resources and existing infrastructure, Increase energy efficiency, positively manage new development through high quality design.

**Policy 5 – Jobs and skills:** supports development to stimulate new jobs and economic growth. Safeguards existing employment sites. Sets out criteria for the location of new employment space.

**Policy 12 – Design:** Requires high quality design underpinned by character, layout, movement, and adaptability.

**Policy 21- Best use of land and existing buildings:** prioritise the use of previously developed land

**Policy 23 – Natural Environment:** Development should recognise and respect distinct and diverse landscape of Cornwall

**Policy 25 – Green Infrastructure:** protect and enhance a diverse, connected and functional network of open spaces, retaining and enhancing the most important infrastructure assets

### 9.2 Housing Development NDP Policies

**Policy H1** – supports housing developments of an appropriate scale and character that help to meet local housing need. Priorities the use of brownfield land and sets out requirements for high quality, energy efficient design.

9.2.1 The above mentioned policies are considered to be in conformity with the following policies of the adopted Cornwall Local Plan.

**Policy 1 - presumption in favour of sustainable development**

**Policy 2 –Spatial strategy:** make best use of resources and existing infrastructure, Increase energy efficiency, positively manage new development through high quality design.

**Policy 12 – Design:** Requires high quality design underpinned by character, layout, movement, and adaptability.

**Policy 13 – Development Standards:** Requires development to provide on-site open space, reduce impacts from pollution and minimise energy consumption.

**Policy 21- Best use of land and existing buildings:** prioritise the use of previously developed land

**Policy 23 – Natural Environment:** Development should recognise and respect the distinct and diverse landscape of Cornwall

**Policy 25 – Green Infrastructure:** protect and enhance a diverse, connected and functional network of open spaces, retaining and enhancing the most important infrastructure assets

### 9.3 Community NDP Policies

**Policy C1 – The Parish Hall.** Protects and supports the improvement of the parish hall for use by the local community for social, recreational and educational purposes.

**Policy C2 - Local green space designations.** Protects and designates the recreation field and childrens' play area as Local Green Spaces.

- 9.3.1 The above mentioned policy is considered to be in conformity with the following policies of the adopted Cornwall Local Plan.

**Policy 4 – Shopping, services and community facilities:** community facilities should be retained wherever possible.

**Policy 16 – Health and wellbeing:** Improving the health and wellbeing of Cornwall through maximising opportunities for physical activity, encourage food growing and provide flexible community space.

**Policy 25 – Green Infrastructure:** protect and enhance a diverse, connected and functional network of open spaces, retaining and enhancing the most important infrastructure assets

## 10 COMPATABILITY WITH EU REGULATIONS

### *Paragraph 2f*

*A draft neighbourhood development plan meets the basic conditions if -*

*(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations*

- 10.1 A Sustainability Assessment of the Cornwall Local Plan was consulted upon in 2010 and updates in 2012 and 2015/16. This was submitted to the statutory environmental bodies: English Heritage, Natural England and the Environment Agency and was also made publically available on the Cornwall Council website: <http://www.cornwall.gov.uk/environment-and->

[planning/planning/planning-policy/cornwall-local-plan/sustainability-appraisal-and-habitat-regulation-assessment](#) .The SA has now been adopted as part of the Cornwall Local Plan.

- 10.2 There is no requirement for a Neighbourhood Development Plan to carry out a Sustainability Appraisal, but the South Hill NDP policies have been developed to take account of the 3 dimensions of sustainability, economic , environmental, and social.
- 10.3 Cornwall Council were asked to carry out a SEA Screening for the draft South Hill NDP in August 2016. In September 2016 we were advised that no Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA) would be required.
- 10.15 The South Hill NDP provides a strategy for the development of the neighbourhood area, and a range of policies, which will result in positive benefits for parts of the local community with protected characteristics, Age, Disability, Gender Re-assignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex, Sexual Orientation and Cornish Status. The NDP has policies to retain service and leisure facilities that will benefit these groups equally.

It is considered that the draft South Hill NDP is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998.

## **Conclusion**

The NDP is considered to be compatible with relevant EU obligations.

## **11 PRESCRIBED CONDITIONS AND PRESCRIBED MATTERS.**

### *Paragraph 2g*

*A draft neighbourhood development plan meets the basic conditions if -*

*(g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*

There are no other prescribed matters.

## **12 CONCLUSION**

It is considered that the Basic Conditions as set out in Schedule 4B to the Town and County Planning Act 1990 (as amended) have been met by the South Hill Neighbourhood Development Plan. It is therefore respectfully suggested to the Examiner that the South Hill Neighbourhood Development Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act and should proceed to Referendum.

## APPENDIX 1

### SOUTH HILL NEIGHBOURHOOD PLAN CONFIRMATION OF DESIGNATION

#### DECISION OF THE PORTFOLIO HOLDER FOR ENVIRONMENT, HERITAGE AND PLANNING

In respect of attached report for and on behalf of Chloe Pitt

**Subject Matter:**

Decision regarding designation of Neighbourhood Plan Area for South Hill Neighbourhood Plan.

**Decision:**

That the South Hill Neighbourhood Area is designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

**Reason for the Decision:**

In accordance with the Neighbourhood Planning (General) Regulations 2012 ('The Regulations') any Neighbourhood Plan being produced must be carried out within a Neighbourhood Area, the extent of which must be submitted to, publicly advertised and consulted on for prescribed period and approved by Cornwall Council.

**Alternative options considered:**

None other than that contained in the report.

**Conflicts of interest declared:**

None

**Dispensations granted in respect of a conflict of interest:**

N/A

Dated ..... 14th April 2014 .....

Signed ..... *Edwin Hannohrel* .....

Portfolio Holder for Environment, Heritage and Planning

Implementation Date ..... 25 April 2014 .....



## APPENDIX 2:

### Table of Neighbourhood Plan Policy Links

NDP Policy	NPPF	Cornwall Local Plan
<b>Employment</b>		
<b>B1</b> Business Development	<ul style="list-style-type: none"> <li>• Building a strong, competitive economy;</li> <li>• Ensuring the vitality of town centres;</li> <li>• Conserving and enhancing the natural environment.</li> <li>• Meeting the challenge of climate change</li> <li>• Requiring Good Design.</li> <li>• High quality homes</li> <li>• Promoting Sustainable Transport</li> </ul>	1 Sustainable development 2 Spatial strategy 4 Shopping, services and community facilities 5 Jobs and skills 12 Design 21 Best use of land and existing buildings 23 Natural Environment 25 Green infrastructure
<b>Housing</b>		
<b>H1</b> Housing Development	<ul style="list-style-type: none"> <li>• High quality homes</li> <li>• Ensuring the vitality of town centres;</li> <li>• Conserving and enhancing the natural environment.</li> <li>• Meeting the challenge of climate change</li> <li>• Requiring Good Design.</li> <li>• Promoting Sustainable Transport</li> </ul>	1 Sustainable development 2 Spatial strategy 3 Role and function of places 6 Housing mix 8 Affordable housing 12 Design 13 Development standards 16 Health and well-being 21 Best use of land and existing buildings 23 Natural Environment 25 Green infrastructure; 26 Flood risk management and coastal change.
<b>Community</b>		

<p><b>C1 The parish hall</b></p> <p><b>C2 Local green spaces</b></p>	<ul style="list-style-type: none"> <li>• Building a strong, competitive economy;</li> <li>• Ensuring the vitality of town centres;</li> <li>• Conserving and enhancing the natural environment.</li> <li>• Meeting the challenge of climate change</li> </ul>	<p>1 Sustainable development  3 Role and function of places  12 Design  13 Development standards  16 Health and well-being  23 Natural Environment  25 Green infrastructure  28 Infrastructure</p>
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## Appendix 3 – Summary of Policies of the Cornwall Local Plan (2016)

Policy	Title	Summary
1	Presumption in favour of sustainable development	Sets out the presumption in favour of sustainable development as defined in the NPPF
2	Spatial Strategy	Sets out the principles for development in Cornwall. The priorities being to support the special character and landscapes of Cornwall; creation of resilient communities and improving conditions for business and investment in Cornwall, including economic priorities for named towns.
2a	Key targets	Sets out the minimum housing number requirement as well as targets for employment space and jobs, Gypsy and Traveller provision, student and nursing and specialist accommodation.
3	Role and function of places	Sets out the hierarchy of settlements with growth figures for the main towns and by Community Network area for the rest of Cornwall. Also sets out the principles for development of the Eco-communities and defines infill growth.
4	Shopping, services and community facilities	Sets out the approach the Council will take to the retail hierarchy as well as specific policies for protecting primary shopping areas and rural shops and facilities.
5	Business and tourism	Sets out the approach to the location of and requirements for new employment and tourism space as well as the requirements for releasing employment space if no longer viable.
6	Housing mix	Sets out the requirements for mix of housing types and tenure on schemes of 10 dwellings or more. Sites of 200+ dwellings require additional specialised housing.
7	Housing in the Countryside	Sets out the special circumstances where new housing in the countryside will be allowed.
8	Affordable Housing	Sets the threshold for affordable housing contributions or provision on site, the percentage required for each parish or main town and the split between affordable rented and intermediate housing.
9	Rural Exceptions Sites	Sets out the approach to schemes outside of but adjacent to existing built up areas where they would comprise between 50 and 100% affordable housing.
10	Managing Viability	Sets out the approaches expected to be considered where a site cannot deliver the required proportion of affordable housing on site.

11	Gypsies and Travellers and Travelling Showpeople	Sets out the criteria that will be applied to assessing sites for permanent and transit pitches for Gypsies and Travellers and Travelling Showpeople.
12	Design	Sets out the principles that will be applied to all applications in terms of setting design principals and potential impacts on existing individuals and properties.
13	Development Standards	Sets standards for new development in terms of sufficient internal space, open space, layout, parking and accessibility. Developments of more than 10 dwellings should provide 25% accessible homes.
14	Renewable and low carbon energy	Supports energy efficiency and renewable energy proposals (turbines require an allocation in Neighbourhood Plans), setting out the criteria to be applied in relation to impacts on people and the AONB.
15	Safeguarding renewable energy	Safeguards existing facilities and resources for renewable energy.
16	Health and well-being	Sets out the approach to avoiding pollution, managing Air Quality Management Areas, maximising opportunities for physical activity and encouraging open space provision.
17	Minerals – general principles	Sets out the principles applied to mineral development proposals.
18	Minerals safeguarding	Safeguards minerals resources, reserves and mineral related development from sterilisation and inappropriate development.
19	Strategic Waste management principles	Sets out the criteria applied to new waste facilities including extensions to existing sites and protection of existing facilities.
20	Managing the provision of waste management facilities	Sets out the approach to new or improved facilities for waste management, including energy recovery facilities.
21	Best use of land and existing buildings	Sets out support for reusing brownfield and poorer quality land, reusing buildings and increasing building densities.
22	European protected sites – mitigation of recreational impacts from development	A requirement for funding, mitigation or management applied to sites for development within defined distances (zones of influence ) from European designated sites
23	Natural environment	Sets out the approach to be applied to local, national and internationally designated landscapes, biodiversity, geodiversity and habitats.
24	Historic environment	Sets out the criteria and principles to be applied to designated and non-designated heritage assets including Listed Buildings, Scheduled Ancient Monuments and Conservation Areas

25	Green Infrastructure	Sets out the objective to protect and improve green infrastructure, including buffering natural spaces, improving access and managing green spaces and assets
26	Flood risk management and coastal change	Sets the criteria to be applied to development to increase flood resilience, reduce flood risk and safeguarding land where it is functional flood storage.
27	Transport and accessibility	Sets the objectives to reduce the need to travel through location of development, improving public transport and encouraging active travel modes (walking and cycling).
28	Infrastructure	Seeks to ensure that contributions are taken from development to provide necessary social, economic and green infrastructure for Cornwall.

## **Appendix 4 - Cornwall Council Statement on the need for Strategic Environmental Assessment and Habitat Regulation Assessment of the South Hill Neighbourhood Plan**

Mrs J Hoskin  
Branston Farm  
Bodmin Road  
Bodmin  
PL30 4BB

**Date:** 22<sup>nd</sup> September  
2016

Dear Mrs Hoskin,

### **South Hill Neighbourhood Plan – SEA and HRA Screening**

As requested we have screened the South Hill Neighbourhood Development Plan to see whether the plan requires Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA.)

As required by the SEA regulations we produced a screening opinion for the South Hill neighbourhood plan (July 2016 draft) and consulted the statutory bodies, Natural England, Historic England and the Environment Agency. I also asked Natural England to confirm whether or not HRA was required under the HRA directive.

Based on the scale and location of development proposed, Cornwall Council is of the opinion that the South Hill neighbourhood plan is unlikely to have significant effects on the environment or on European Sites and that SEA and HRA are therefore not required.

This view is confirmed by the consultation bodies and the full screening opinion and the responses from the consultation bodies are attached.

If significant changes or additions are made to your plan I would advise you to have it rescreened.

Yours sincerely,



Principal Planning Policy Officer  
**Neighbourhood Planning Team**  
Tel: 01872 224294  
Email: [sarden@cornwall.gov.uk](mailto:sarden@cornwall.gov.uk)

Also sent by email: [t.hoskin@btinternet.com](mailto:t.hoskin@btinternet.com) and [geoff@south-hill.co.uk](mailto:geoff@south-hill.co.uk)