

Ludgvan Parish Neighbourhood Plan 2018 -2030

Further Comments of the Independent Examiner

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

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Introductory Remarks

1. On 18th October 2019, I issued my document, Initial Comments of the Independent Examiner. I am grateful for the responses that have been sent by both Ludgvan Parish Council and Cornwall Council. The replies have helped me draft my examination report.
2. However, there are two matters that have arisen as a result of the responses to which I would welcome further clarification.

HRA Screening

3. As you will be aware, the examination needs to address the matter of compliance with the Habitat Regulations which is now one of the basic conditions. Cornwall's response confirms that the basis of the screening decision, that has been issued, with purportedly made on the understanding that the settlement boundary, ran down the road at Long Rock, without appreciating the late incursion of two areas on the south side of the road. The Council's response to my Initial Comments is that their decision still stands so long as the settlement boundary is changed to delete these two areas.
4. However, the plan as submitted, and which I am required to examine, still includes the areas which were added and that means that the development boundary runs closer to the Marazion Marsh SPA. The plan would therefore allow development to take place on the south side of the road, within the settlement boundary, under the provisions of Policy LUD7, including the redevelopment of the allotments, if they were to be relocated under Policy LUD 16.
5. It therefore seems to me that there are two options in resolving the situation, either: –
 - the council rescreens the neighbourhood plan on the basis of the new settlement boundary, as per the submitted plan. That could require changes to the table in paragraph 4.2 of the Screening Decision as these areas are not included in the Site Allocation DPD, or
 - the Parish Council agrees to the line of the settlement boundary being reinstated to the line, where it runs down the road, in which case the HRA Screening Decision can stand.
6. I would therefore request that the Parish Council initially considers whether it wishes to maintain settlement boundary as submitted, in which case Cornwall Council should rescreen the plan, including consulting with Natural England. That would open up the possibility that the new screening decision could conclude that an appropriate assessment would be required. That would be an Appropriate Assessment that the Local Planning Authority would be required to undertake. Alternatively, if the Parish Council agreed to remove these two areas of land from the settlement boundary, then that is a matter

that I could consider making as a recommendation in my report to remove potential impact on the SPA.

Coastal Change Management Area

7. My concern with Policy LUD4, is that the extent of the area which is covered by this policy, is unclear and needs to be shown on a plan. I note that the policy suggests a *minimum* width of the CCMA of “10 m landwards from the coastal erosion line as shown on the Cornwall Coastal Vulnerability Map.”
8. I understand that this policy was inserted into the neighbourhood plan at the behest of Cornwall Council. In its response to my Initial Comments, the Council indicated that it could provide a copy of this map. I have now been sent a copy of the Coastal Erosion Map, which I attach to this note. I am not sure that it offers the clarity that I had been expecting for the purpose of defining the extent of the policy’s coverage.
9. It shows the intertidal area, an area of backshore, and then two main areas which the key tells me will be covered by Epoch 2 9 2025-2055 and Epoch 3 2055 to 2105. There is a small area covered by Epoch 1, for the period up to 2025, close to the boundary with Marazion Parish.
10. From my reading of the Shoreline Management Plan, it seems that the “hold the line position” should be the railway line for the medium to long term - well beyond the scope of this neighbourhood plan. That seems to be inland limits for the area where the restrictions on development set out in Policy LUD4 should apply i.e. between the low water mark and the southern boundary of the railway line. I would ask Cornwall Council to confirm whether my interpretation of the situation is accurate and if it is I would request that it provides me with a plan which shows the extent of what will be subject to the Coastal Change Management Area policies.
11. I would also seek clarification whether it is necessary for the policy to include reference to the “creation and maintenance of a continuous signed and managed route around the coast” as the coastal path is already in existence in the plan area.

Concluding Remarks

12. I am sending this note direct to Ludgvan Parish Council, as well as Cornwall Council. However, I would request that I be sent a joint response on how the parties would wish to respond to the options I presented on the HRA and the settlement boundary issue, along with the clarification of the extent of the CCMA, by 5 pm on **4th December 2019**.
13. I will be grateful, if a copy of this note and any responses are placed on the appropriate neighbourhood plan websites.

John Slater BA (Hons), DMS, MRTPI

Independent Examiner to the Ludgvan Parish Neighbourhood Plan.

