

Ludgvan Parish Neighbourhood Plan 2018 -2030

Initial Comments of the Independent Examiner

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

18th October 2019

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Ludgvan Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents that I have been sent. I visited the plan area on Wednesday 16th October 2019 and also saw traffic conditions on the A30 during the peak period, the following morning.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. I do still have to reserve the right to call for a public hearing, if I consider that it will assist my examination, but I consider that is very unlikely.
3. However, there are a number of matters that I wish to receive either clarification or further comments from the Parish Council or in some cases from Cornwall Council. Such requests are quite normal during the examination process and will help me prepare my report and come to my conclusions.

Regulation 16 Comments

4. Firstly, I have already offered the Parish Council the opportunity to respond the comments made in the representations submitted at the Regulation 16 stage.
5. In addition, I would invite Cornwall Council's response to the representations from Natural England, dated 26th September 2019, which suggests that there should be an Appropriate Assessment undertaken, for the areas of Long Rock which are included in the settlement boundary, but are outside the Site Allocations area which was covered by the Local Plan's Appropriate Assessment for Site PZ – E4. I note that the HRA screening report refers to "there are no areas of land within the development boundary at Long Rock which are not covered either by greenspace designations or the Site Allocation DPD". That does not appear to me to be factually correct as the Natural England letter refers to land and buildings opposite the allocation sites, which are included in the settlement boundary.
6. I note that Cornwall Council's screening letter dated 7th March 2019, referred to the request for Natural England to confirm whether or not HRA was required. Can I be provided with a copy of the response Cornwall Council received from Natural England, along with confirmation as to whether the settlement boundary has changed since that letter.

Policy LUD1 Protecting the Natural Environment

7. I invite the Parish Council to revisit the wording of the first sentence of this policy as it appears that the final part, "may be supported " is superfluous.

Policy LUD 4 Coastal Change Management Area

8. I consider that it is important that decision makers know whether a site lies within the Coastal Change Management Area. Can I be provided with a plan showing the extent of the area where this policy applies which can then be inserted into the plan?

Policy LUD5 Heritage Assets

9. Can the Parish Council confirm whether the Schedule of Local Heritage Value has been produced? I do not consider that a decision of the Parish Council to include a building in its list would confer a status as a non-designated heritage asset. That could have been done by the inclusion of the building in the neighbourhood plan supported by evidence of its significance. Does Cornwall Council have a view on this?
10. For your information, I set down below the relevant section of the PPG guidance on that topic.

How are non-designated heritage assets identified?

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.

It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (Advice on local lists can be found on [Historic England's website](#).) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological

interest. The historic environment record will be a useful indicator of archaeological potential in the area.

11. At the present time, I am not convinced that the policy adds to the protection to heritage assets, already offered by Policy 24 of the Local Plan that already protects both designated and non-designated heritage assets

Policy LUD7 Settlement Area Boundaries

12. Can I be provided with a copy of the settlement boundary criteria, that was used by the Parish Council when the boundary was being drawn up, as the online linkage is not currently available. I am particularly interested in the reason for the inclusion of the allotments, which does not seem to be part of the built form of the settlement of Long Rock.
13. Should the neighbourhood plan include a policy to specify a minimum figure for meeting the housing needs for the area, as set out in the plan, namely the 56-unit figure, provided by Cornwall Council, and should that be explicit in excluding housing delivery in Long Rock, which is viewed as part of the wider Penzance area?

Policy LUD8 Development in the Countryside

14. What would be the presumption be in respect of conversion of buildings outside of a settlement area. Similarly, how would the policy relate to proposals for domestic extensions, outside of the settlement boundaries?

Policy LUD10 Open Space

15. As I read this policy, it has two aims to protect natural features on a site and secondly for the scheme to incorporate soft landscaping. However, the policy title and para 8.31 refer to the provision of open space within developments. Should that be set out in the policy or is the intention to rely upon Local Plan open space expectations set out in Policy 25 in which case the title of the policy could be amended?

Policy LUD11 Local Housing Needs

16. Is the intention that the policy only requires affordable housing on schemes of more than 10 units or should the wording reflect the requirements of smaller schemes to make a financial contribution to affordable housing?
17. What is meant by “give priority to local households” Is it restricted to residents with links to that settlement, Ludgvan Parish or the wider Penzance, Hayle, Marazion area? Could Cornwall Council advise whether such a policy could apply to dwellings for sale at a discount or starter homes where there is an income threshold as set out in the glossary to the NPPF as constituting affordable housing. I note that the development on the strategic site at Long Rock will be contributing to meeting wider strategic housing needs.

Policy LUD 12 Second Homes

18. Neighbourhood Plan policies must be based on evidence. I note that others in their Reg 16 comments, have raised concern that this policy is not based on evidence of the harm that second homes impose on the area, whether it is be through the high numbers of second homes in a settlement affecting the viability of local services or the effect of second homes on market prices. I note that the local resident's concerns are expressed in terms of the possibility of new houses being used as second homes. In the absence of evidence of existing harm, I am minded to recommend the deletion of the policy, but I am offering the Parish Council the final opportunity to make representations on this point.

Concluding Remarks

19. I am sending this note direct to Ludgvan Parish Council, as well as Cornwall Council. I would request that both parties' responses should be sent to me by 5 pm on **31st October 2019**.
20. I will be grateful, if a copy of this note and any subsequent responses are placed on the appropriate neighbourhood plan websites.

John Slater BA (Hons), DMS, MRTPI

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Independent Examiner to the Ludgvan Parish Neighbourhood Plan.

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