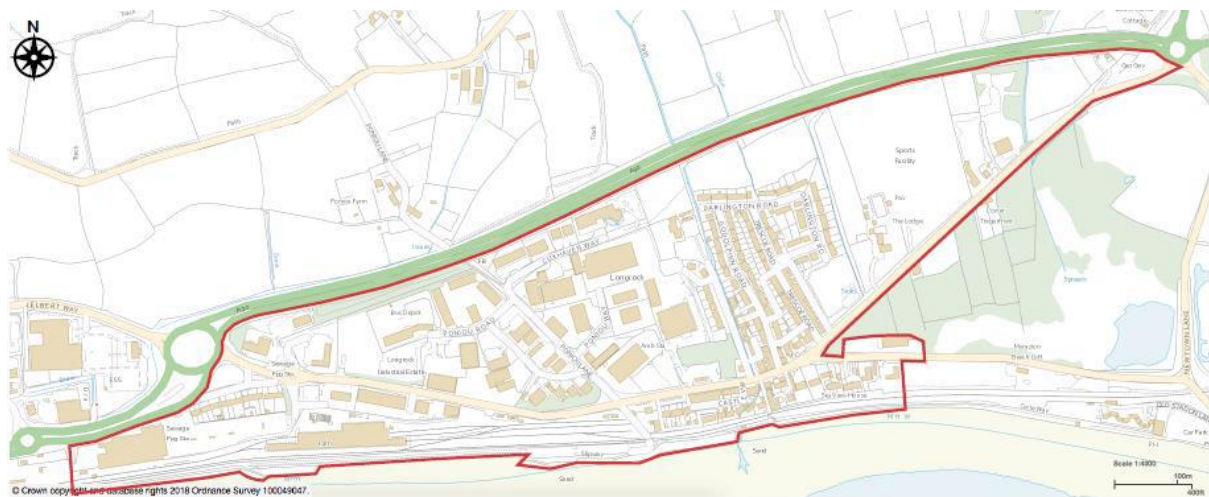


Initial Comments of the Independent Examiner : Cornwall Council Response

A response has been made to those sections where a response from Cornwall Council has been requested.

Regulation 16 Comments

At SEA and HRA screening stage, the development boundary for Long Rock was as shown here:



It was on the basis of this version that the draft Neighbourhood Development Plan (NDP) was screened. Natural England raised objections to the inclusion of any land that was not covered by the Site Allocations DPD. This was a piece of land at the extreme north eastern tip of the development boundary. This objection was communicated to the group and they amended the development boundary to remove that piece of land. On this basis Natural England indicated that they were satisfied and Cornwall Council issued the HRA and SEA screening decision. This is the correspondence:

From: Dyke, Corine <Corine.Dyke@naturalengland.org.uk>
Sent: 07 March 2019 13:58
To: Neighbourhood Planning <Neighbourhoodplanning@cornwall.gov.uk>
Subject: RE: Ludgvan NDP - SEA and HRA screening consultation

So the undeveloped land to the west of the allocation is designated greenspace? Why on earth would they want that within the development boundary if it is on the edge of the settlement? Safest to keep it out I would have thought. But if designated then not our concern
 Rest sounds fine
 Corine

From: Neighbourhood Planning [<mailto:Neighbourhoodplanning@cornwall.gov.uk>]
Sent: 07 March 2019 13:47

To: Dyke, Corine <Corine.Dyke@naturalengland.org.uk>
Subject: RE: Ludgvan NDP - SEA and HRA screening consultation

Hello Corine,
I've double checked the Ludgvan development boundary and spoken to the group. They have amended the development boundary at the eastern end to exclude a small triangle of land (currently looks like scrubland with a highways depot or something like that) which was the only piece of land within the Longrock boundary that isn't designated as a greenspace or part of the site allocations DPD.
On that basis I'm going to issue the screening decision that SEA and HRA are not required.
Best wishes
Sarah

Sarah Furley | Group Leader Neighbourhood Planning
Cornwall Council | Planning and Sustainable Development
sarah.furley@cornwall.gov.uk | Tel: 504294 (internal) | External: 01872 224294
<http://www.cornwall.gov.uk/> | 'Onen hag oll'
3B, Pydar House, Pydar Street, Truro, TR1 1XU

To keep up to date with changes in the Planning & Sustainable Development Service, please check [What's new in Planning](#)

From: Dyke, Corine <Corine.Dyke@naturalengland.org.uk>
Sent: 13 February 2019 16:34
To: Furley Sarah <Sarah.Furley@cornwall.gov.uk>
Subject: Ludgvan NDP - SEA and HRA screening consultation

Dear Sarah
Please find attached Natural England's response to the screening consultation on the Ludgvan neighbourhood plan.
If you would like to discuss, please let me know.
I apologise for the delay.
Kind regards
Corine

From: Furley Sarah [<mailto:Sarah.Furley@cornwall.gov.uk>]
Sent: 17 January 2019 11:09
To: 'SPDC@environment-agency.gov.uk' <SPDC@environment-agency.gov.uk>; Consultations (NE) <consultations@naturalengland.org.uk>; Stuart, David <David.Stuart@HistoricEngland.org.uk>
Cc: Ball Emma <emma.ball@cornwall.gov.uk>
Subject: Ludgvan neighbourhood development plan - SEA and HRA screening consultation

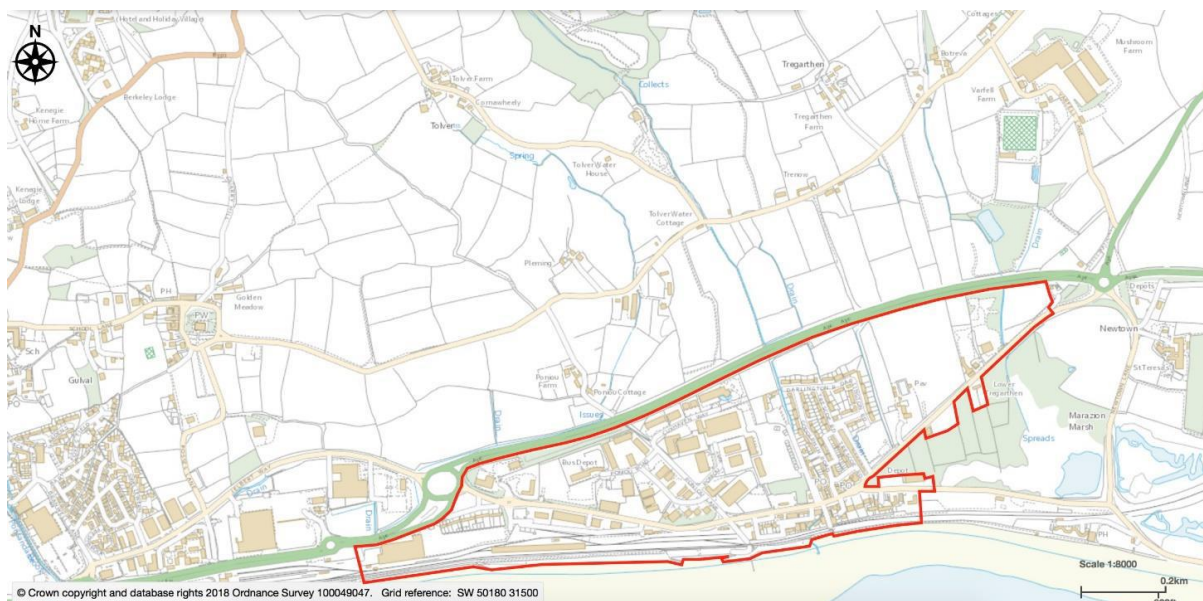
Dear All,
Ludgvan parish have sent us their draft pre-submission version NDP and requested SEA and HRA screening.

Please find attached the Screening report and draft NDP. Please could I ask for your comments on the need for SEA within 21 days – ie by **Friday 8 February 2019**. Please could Natural England also comment on the need for Appropriate Assessment.

The NDP is complete with maps etc. in the document – there are some further evidence base reports, such as Local green Space Appraisals, Settlement Boundary Criteria and Local Evidence Report on the NDP pages of the Ludgvan Parish Council website
<http://www.ludgvan.org.uk/neighbourhood-planning.html>

Best wishes
 Sarah

Sarah Furley | Group Leader Neighbourhood Planning
 Cornwall Council | Planning and Sustainable Development
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However, in the presubmission version, although the triangular area of land at the eastern tip of Longrock development boundary was removed, two small parcels of land to the south of the road along the southern edge of the boundary were added. This change was not picked up by Cornwall Council officers, in error. The basis on which the screening decision was issued, with the agreement of Natural England as confirmed in their email of 7 March 2019, was for the development boundary to run along the road – with the small area excluded as

described above. We apologise for not picking up the subsequent additions. If these were removed from the development boundary, we maintain our decision that HRA and SEA are not required.

Policy LUD 4 Coastal Change Management Area

The Policy defines the area as 'The CCMA extent is defined by the latest and current Cornwall Coastal Vulnerability Map (CCVM) held and applied by Cornwall Council as the Coast Protection Authority. This map shows a minimum width of CCMA of 10m landward from the current coastal erosion line as shown on the CCVM.' We can provide a copy of this map if required.

Policy LUD5 Heritage Assets

We agree that without identification of such a list, the policy does not add any extra protection to Policy 24 of the Cornwall Local Plan.

Policy LUD7 Settlement Area Boundaries

Q13.

The indicative housing requirement figures provided to NDP groups are updated annually from the Cornwall Monitoring report. The figure of 56 dated from 2017. In 2018 the figure was 16. The most recent figures, as at April 2019, show that no additional figure is required to deliver the Local Plan housing requirement for the West Penzance rural community network area.

Cornwall Council supplies indicative figures to NDP groups, in accordance with paragraph 66 of the National Planning Policy Framework (NPPF). These figures are to enable NDP groups to devise an appropriate strategy. Cornwall Council is satisfied that the strategy of drawing development boundaries is in general conformity with the Cornwall Local Plan and that, in this case, the neighbourhood plan need not include a policy to specify a minimum figure for meeting the housing needs for the area.

Policy LUD8 Development in the Countryside

Q14.

The NDP operates in conjunction with policies of the Cornwall Local Plan., as acknowledged by LUD8 criterion e. Therefore Policy 7 of the Cornwall Local Plan, Housing in the countryside, will operate for the conversion of buildings. Domestic extensions of properties outside of development boundaries would normally be acceptable in strategic policy terms, provided they were in line with other policies; the parish council may wish to clarify their intention here.

Policy LUD11 Local Housing Needs

Q16

The emerging Housing Supplementary Planning Document (SPD) is probably useful in clarifying the way strategic planning policies governing affordable housing provision are applied. It is available on the Cornwall Council website here:

<https://www.cornwall.gov.uk/media/37814118/final-housing-spd-april-2019-print-version.pdf>

The provision of and thresholds for affordable housing are controlled by strategic policies 8 and 9 of the Cornwall Local Plan. Therefore, whether the NDP mentions the thresholds for onsite provision and for financial contributions in designated rural areas or not, these thresholds will apply.

All new housing schemes with the plan area on sites where there is a net increase of more than 10 dwellings or gross floorspace of 1,000 m² must contribute towards meeting affordable housing need.

In designated rural areas or AONB the threshold will be 5 dwellings or more. For dwellings between 6 and 10 dwellings a financial contribution in lieu of on-site provision. (Cornwall Local Plan Policy 8, summary)

Proposals on sites outside of but adjacent to the existing built up area of smaller towns, villages and hamlets, whose primary purpose is to provide affordable housing to meet local needs will be supported.

Market housing will only be supported where it is essential for the successful delivery of the development based on detailed financial appraisal.

Market housing must not represent more than 50% of the homes or 50% of the land take. (Cornwall Local Plan, Policy 9, summary)

Q17

On strategic sites, allocated in the DPD, the local connection criteria to town (in this case Penzance) and parish where the site is located, both apply. This means that residents of Ludgvan parish and Penzance parish will all be eligible. These are the local connection criteria:

<https://www.cornwall.gov.uk/media/20357437/ah-appendix-1-local-connection-criteria.pdf>

Restriction to local occupancy can only be applied to affordable housing products, but these products do include discount sale and starter homes. See page 6, paragraphs 9 and 10 of the Housing SPD, under the heading 'Affordable Housing Products.' Local connection criteria will be applied to all such products, in line with strategic policy and with housing strategy. Discounted ownership (p9) and starter homes (p11) are listed as intermediate affordable housing products in this section of the SPD.

The eligibility criteria and local connection criteria for affordable housing are set out in housing strategy and an NDP cannot vary this. This is made clear in paragraph 57 of the emerging Housing SPD:

It should be noted that Neighbourhood Development Plans cannot vary the criteria used to determine local housing need (or eligibility to access such homes once built), as this is set by strategic policy contained within the Local Plan and the Council's strategic housing allocation policy - and must be consistently applied throughout Cornwall to all affordable tenures.