

:

**INDEPENDENT EXAMINER'S REPORT ON THE
DOBWALLS AND TREWIDLAND
NEIGHBOURHOOD DEVELOPMENT PLAN**

deborah mccann

SECTION 1 Contents

CONTENTS

Section 1

Contents.....	2
---------------	---

Section 2

Summary.....	3
--------------	---

Section 3

Introduction.....	4-7
-------------------	-----

Section 4

The Report.....	8-44
-----------------	------

1. <i>Appointment of the Independent Examiner</i>	8
2. <i>Qualifying Body</i>	8
3. <i>Neighbourhood Plan Area</i>	8
4. <i>Plan Period</i>	8
5. <i>Cornwall Council Regulation 15 assessment of the plan</i>	8
6. <i>Site Visit</i>	8
7. <i>Consultation Process</i>	8
8. <i>Regulation 16 Consultation and Comment on Responses</i>	9
9. <i>Compliance with the Basic Conditions</i>	9
10. <i>Planning Policy</i>	10
11. <i>Other Relevant Policy Considerations</i>	11-16
12. <i>Dobwalls and Trewidland Neighbourhood Development Plan Policies</i>	17-46

Section 5

Conclusions and Recommendations.....	47
--------------------------------------	----

SECTION 2

Summary

As the Independent Examiner appointed by Cornwall Council to examine the Dobwalls and Trewidland Neighbourhood Development Plan, I can summarise my findings as follows:

1. *I find the Dobwalls and Trewidland 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 Dobwalls and Trewidland Neighbourhood Development Plan go to Referendum.*
3. *I have read the Dobwalls, and Trewidland 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 Dobwalls and Trewidland 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

3.Introduction

3.1. Neighbourhood Plan Examination.

My name is Deborah McCann, and I am the Independent Examiner appointed to examine the Dobwalls and Trewidland 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 Dobwalls and Trewidland Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Dobwalls and Trewidland 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 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 not require clarification however the Qualifying Body provided a response to the representations received at Regulation 16. This additional information is publicly available on the Cornwall Council website and covered in my report within the relevant policy.

3.2. 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

Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic

Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications. Policies in a plan which have elements which either seek to control things or which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

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

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Dobwalls and Trewidland 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:

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.*
5. *Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.*

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

4.The Report

4.1. Appointment of the Independent examiner

Cornwall Council has appointed me as the Independent Examiner for the Dobwalls and Trewidland Neighbourhood Development Plan with the agreement of Dobwalls and Trewidland Parish Councils.

4.2. Qualifying body

I am satisfied that Dobwalls Parish Council is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP) for its own parish (and that of the partner Trewidland Ward of the Parish Council of St Keyne and Trewidland).

4.3. Neighbourhood Plan Area

Application for designation as a Neighbourhood Plan Area under the Neighbourhood Planning Regulations 2012 (part 2, S6) and it was formally designated by Cornwall Council on 19 January 2017.

The designated Dobwalls and Trewidland Neighbourhood Area covers the Parish of Dobwalls and the Trewidland Ward of the Parish of St Keyne and Trewidland and the Basic Conditions Statement submitted confirms there are no other Neighbourhood Plans covering the area of the Dobwalls and Trewidland Neighbourhood Development Plan.

4.4. Plan Period

It is intended that the Dobwalls and Trewidland Neighbourhood Development Plan will cover the period to 2030, chosen to align with the Cornwall Local Plan.

4.5. Cornwall Council initial assessment of the Plan (Regulation 15).

Dobwalls and Trewidland Councils submitted the draft Dobwalls and Trewidland Neighbourhood Plan to Cornwall Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations. Cornwall Council made an initial assessment of the Neighbourhood Development Plan and the supporting documents

and is satisfied that these comply with the specified criteria.

Site Visit

I carried out an unaccompanied site visit on the 20 July 2023 to familiarise myself with the Neighbourhood Plan Area.

4.7. The Consultation Process

The Dobwalls and Trewidland 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.

I am satisfied that the consultation process was carried out robustly, that the community were aware of the process and had the opportunity to comment at the appropriate stages and that the Consultation Statement as submitted meets the required standard.

4.8. Regulation 16 consultation by Cornwall Council and record of responses.

The Cornwall Council placed the Dobwalls and Trewidland Neighbourhood Development Plan out for consultation under Regulation 16 from 14 June 2021 to 27 July 2022.

A large number of representations were received during the consultation period, and these were made available by Cornwall Council as part of the supporting information supplied for the examination process. The Dobwalls and Trewidland NP steering group and the Parish Council provided a response to the representations received. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate. Please see my comments in paragraph 4.7 above with regard to the adequacy of the consultation process.

4.9. Compliance with the Basic Conditions

A Basic Conditions Statement was produced for the Dobwalls and Trewidland Neighbourhood Development Plan. The purpose of this statement is to set out in detail how the Neighbourhood Development Plan, as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Dobwalls and Trewidland 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.
5. Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. (Prescribed Conditions)

Documents brought to my attention by the Unitary Authority for my examination

included:

(a) The Dobwalls and Trewidland 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 Dobwalls and Trewidland 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 Dobwalls and Trewidland Neighbourhood Development Plan Steering Group considers that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitats Regulations Assessment and addresses how the plan contributes to the achievement of sustainable development.

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Dobwalls and Trewidland Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

4.10 Planning Policy

4.10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of my examination of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) July 2021 (as updated).

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 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

The Dobwalls and Trewidland Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

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

4.10.2. Local Planning Policy- The Development Plan

Dobwalls and Trewidland lies within the area covered by Cornwall Council. The relevant development plan is the Cornwall Local Plan 2016.

4.10.3 To meet the Basic Conditions, the Dobwalls and Trewidland Neighbourhood Development Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2021 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management,

water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.10.4 Neighbourhood Plans should only contain non-strategic policies. The NPPF 2021(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

4.10.5 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.10.6 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan

policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.10.7 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

I have considered the Strategic policies of the Development Plan and the Policies of the Dobwalls and Trewidland 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.

4.11. Other Relevant Policy Considerations

4.11.1 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.

The Dobwalls and Trewidland Neighbourhood Development Plan Steering Group requested that Cornwall Council screen the Neighbourhood Plan for Strategic Environmental Assessment. Natural England, the Environment Agency and Historic England were consulted as part of the screening process. The screening opinion, issued on 8 April 2020 concluded that SEA was not required for the Dobwalls and Trewidland Neighbourhood Development Plan.

Directive 92/43/EEC and Directive 2009/147/EC seek to protect and improve Europe's most important habitats and species. As part of the screening request for the SEA screening a Habitats Regulations Assessment Screening request was also submitted to Cornwall Council. Cornwall Council concluded as part of the SEA screening that the Dobwalls and Trewidland Parish NDP is unlikely to have significant effects on the environment or on European Sites and that an HRA was there not required. This view is confirmed by the consultation bodies and the full screening report and the responses from the Environment Agency, Natural England and Historic England are available to view on the Cornwall Council website.

I am satisfied with this conclusion.

Prescribed Matters

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

I am satisfied that there are no likely significant effects on any European site resulting from

the policies in the Plan and therefore the Prescribed Matters in this connection are met.

4.11.2 Sustainable development

The Basic Conditions Statement sets out how the plan addresses achieving sustainable development using a sustainability matrix:

I am satisfied having regard to this document and other relevant documents, policies and legislation that the Dobwalls and Trewidland Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions in this regard.

European Convention of Human Rights and to comply with the Human Rights Act 1998.

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.

The Basic Conditions Statement refers to how the development of the plan and its policies accord with EU Human Rights obligations.

I am satisfied with this conclusion.

I am satisfied that the Dobwalls and Trewidland Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.

4.11.3 Excluded development

I am satisfied that the Dobwalls and Trewidland 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.

4.11.4 Development and use of land

I am satisfied that the Dobwalls and Trewidland Neighbourhood Development Plan

covers development and land use matters.

4.12 Dobwalls and Trewidland Neighbourhood Development Plan Policies

General comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Dobwalls and Trewidland Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:

- Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.
- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

The details of these modifications are set out within my comments on the related

policies. My comments on policies are in blue with the modified policies in red.

4.12.1 The Neighbourhood Plan Vision, Strategic Aims and Policies

THE VISION FOR DOBWALLS AND TREWIDLAND PARISH 2030

In 2030 the area covered by the Dobwalls and Trewidland plan, will be a resilient community where residents of all ages have appropriate and affordable homes, full and equitably paid employment, access to suitable education, health and social care facilities and recreation and live in a sustainable, safe and protected environment, with suitable and affordable local, regional and national transport links.

The objectives of the Dobwalls and Trewidland NDP are as follows:

1. Landscape, Biodiversity and Heritage.
2. Community Facilities and Green Infrastructure.
3. Housing.
4. Community Health.
5. Accessibility, Communications & Transport.
6. Business, Economy, and Jobs.

COMMENT

I am satisfied that the Dobwalls and Trewidland NDP vision and objectives were developed from the consultation process and that the policies within the plan reflect both the vision and objectives.

4.13 DOBWALLS AND TREWIDLAND NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

Policy: Landscape Character

LC1: Minimise the Impact on the Local Landscape

Proposals for development in the plan area should:

- Demonstrate that they sustain local character and have appropriate regard to the identity of the local character assessment and settlement edge analysis evidenced in

the D&T NDP Landscape Character Statement (LCS) through the design, siting and scale of the development proposal.

- Not have a negative impact on the unique landscape as demonstrated in the LCS and, where possible, enhance the character and setting of the area.

LC2: Understanding of the Local Landscape

Applicants should demonstrate evidence of a clear understanding of the local landscape, built and natural environments and wildlife habitats in order to ensure that the proposed development:

- i. Will not detract from their significance and character.
- ii. Will be visually well integrated with nearby structures in terms of form, scale, building details, local features, materials, finishes, colour, siting, landscaping and characteristic patterns of settlement, reflecting the Cornwall Design Guide.
- iii. Does not contribute to light pollution of the night sky or provides significant mitigating measures.
- iv. Is not likely to lead to or increase anti-social behaviour.

COMMENT

I have no comment on this policy.

Policy: Biodiversity

BIO1: Protection of Biodiversity

To protect the character, local distinctiveness and significance of the plan area developers should avoid adverse impact on the natural environment. All sites outside the main settlements of Dobwalls and Trewidland, Trewidland and Doublebois must comply with CLP 23: Sensitivity, beauty, capacity, bio- geodiversity and conservation and ensure that soil quality is protected particularly in areas with Agricultural Land Classification is 3B or above.

COMMENT

I have no comment on this policy.

BIO2: Tree Management

Development proposals should, wherever possible, retain and maintain designated trees and protect others. Where a proposal to remove trees is made a detailed tree appraisal and replanting scheme must first be agreed.

COMMENT

I have no comment on this policy.

BIO3: Green Infrastructure

Development proposals should, where relevant, recognise and allow for wildlife forage areas, corridors and green spaces, as these encourage, enhance, underpin and sustain the green infrastructure of the plan area and its surroundings.

COMMENT

I have no comment on this policy.

BIO4: Biodiversity Best Practice

Development proposals must demonstrate compliance with best practice as set out in the Cornwall Biodiversity Supplementary Planning Document (SPD) in relation to creating new habitats, e.g., bee bricks, bird/bat boxes and hedgerow corridors and, if possible, ensure net gain to the biodiversity of the site, including the planting of indigenous tree species in all new housing developments, at least one tree per household.

COMMENT

This policy refers to the biodiversity SPD. This document is now called the "Cornwall Planning for Biodiversity Guide." In addition, the reference to

biodiversity net gain does not reflect national policy. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

BIO4: Biodiversity Best Practice

Development proposals must demonstrate compliance with best practice as set out in the Cornwall Planning for Biodiversity Guide (SPD) in relation to creating new habitats, e.g., bee bricks, bird/bat boxes and hedgerow corridors and ensure net gain to the biodiversity of the site in accordance with national policy, including the planting of indigenous tree species in all new housing developments, at least one tree per household.

BIO5: Protection of Community Spaces

Applicants must be aware of the need to protect and enhance valued community space from unwanted development. This would include woodlands shown below on the ERCCIS biodiversity map, open land use designations indicated shown on the following Open Space maps, access areas on the Green Space maps (see 10.5 Community Facilities and Green Infrastructure - Green Infrastructure), relevant Ordnance Survey (OS) maps and public rights of way (PRoW).

COMMENT

I have no comment on this policy.

Policy: Climate Change and Energy

CCE1: Renewable Energy Schemes

All development proposals for any form of renewable energy scheme in the plan area should:

- a. be integrated so that the energy generated can be supplied directly to domestic, business or other buildings, to reduce energy consumption and show how they meet the criteria set out in the Landscape Character Statement.

b. be fully or partly owned by the residents of the plan area, businesses or community associations. This can be demonstrated by the evidence that the development is fully or partly owned through an appropriate community energy enterprise.

c. be accompanied by Community Infrastructure Levy (CIL) contributions to the upgrading of the energy performance of existing poor-quality housing in terms of improving thermal performance and reduced fuel poverty and CO2 production.

COMMENT

Cornwall Council Climate Emergency DPD has now been adopted. The policy as currently written is not in general conformity with Policy RE1 – Renewable and Low Carbon Energy. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

CCE1: Renewable Energy Schemes

Proposals for any form of renewable energy scheme in the plan area should be in conformity with Policy RE1 of the Cornwall Climate Emergency DPD and where appropriate:

a. be integrated so that the energy generated can be supplied directly to domestic, business or other buildings, to reduce energy consumption and show how they meet the criteria set out in the Landscape Character Statement.

b. be fully or partly owned by the residents of the plan area, businesses or community associations. This can be demonstrated by the evidence that the development is fully or partly owned through an appropriate community energy enterprise.

c. be accompanied by Community Infrastructure Levy (CIL) contributions to the upgrading of the energy performance of existing poor-quality housing in terms of improving thermal performance and reduced fuel poverty and CO2 production.

CCE2: Vehicle Charging Points

All new developments should include onsite electrical vehicle charging points or appropriate electrical supply to allow access to such a facility appropriate to the development.

COMMENT

The provision of vehicle charging points is now covered under the Building Regulations and this policy can be removed.

CCE3: Water Management

a) Ensure that no new developments increase the risk of flooding or erosion either within specific sites, within settlements or on the surrounding landscape where it may particularly impact on local roads, lanes and pedestrian routes.

b) Ensure that all new developments take opportunities to maximise rainwater capture and reuse and safely retain flood water onsite as a means of reducing flooding downstream and increasing biodiversity.

COMMENT

I have received response from Cornwall Council in relation to this policy:

"Policy CCE3 could add: "Alterations to existing buildings in areas at flood risk should be designed to reduce the risk of flooding and enable faster recovery from flooding, for instance by including Property Flood Resilience (PFR) measures like flood doors, raised sockets and appliances and solid tiled floors." More information on PFR can be found on the "Be Flood Ready" website (see <https://www.befloodready.uk/>). "

Policy CCE3 could also support the use of multi-functional Natural Flood Management and SuDS. "

I consider that these additions would add value to the policy and therefore the policy should be modified as follows:

CCE3: Water Management

a) Ensure that no new developments increase the risk of flooding or erosion either within specific sites, within settlements or on the surrounding landscape where it may particularly impact on local roads, lanes and pedestrian routes. The use of multi-functional Natural Flood Management and SuDS will be supported.

b) Alterations to existing buildings in areas at flood risk should be designed to reduce the risk of flooding and enable faster recovery from flooding, for instance by including Property Flood Resilience (PFR) measures like flood doors, raised sockets and appliances and solid tiled floors." More information on PFR can be found on the "Be Flood Ready" website (see <https://www.befloodready.uk/>). "

b) Ensure that all new developments take opportunities to maximise rainwater capture and reuse and safely retain flood water onsite as a means of reducing flooding downstream and increasing biodiversity.

Policy: Community Facilities

CF1: Protection of Community Facilities

Development proposals should retain, promote and enhance essential community facilities - village halls, public toilets, shops/post offices, schools, open spaces, car parking and Public Rights of Way The loss of community and cultural assets will be resisted unless replacements of better value are provided at an agreed location.

COMMENT

For consistency with Policy 4: Shopping, services and community facilities, of the CLP and to meet the Basic Conditions the policy should be modified as follows:

CF1: Protection of Community Facilities

Proposals should, wherever possible retain, promote and enhance essential community facilities - village halls, public toilets, shops/post offices, schools, open spaces, car parking and Public Rights of Way. The loss of community and cultural assets will not be supported unless it can be demonstrated that:

a. there is no need for the facility or service;

b. it is not viable; or

c. adequate facilities or services exist, or the service can be re- provided in locations that are similarly accessible by walking, cycling or public transport.

CF2: Promotion of Community Facilities and Services

Development of community health and cultural facilities and services in sustainable locations (e.g., health clinic facilities, allotments, play parks, fitness trails, extensions to cycle trails and sporting facilities, etc) will be supported.

COMMENT

I have no comment on this policy.

CF3: Facilities to Meet the needs of All Sectors of the Community

Developments should provide continuous even surfaces and dropped kerbs suitable for pedestrians and wheeled users to aid safe mobility.

COMMENT

I have no comment on this policy.

CF4: Redundant Buildings

Proposals for the re-use of a redundant building, or part of a redundant building, for either residential or business purposes will be supported, provided that any changes

are proportionate and in keeping with the character of the original building and its surroundings. Regardless of its location within a settlement or in the open countryside, a building will be considered redundant if it has not been used for its normal purpose for a significant period and the building is at least 10 years old.

COMMENT

For clarity the term "not been used for its normal purpose" should be replaced with " has been vacant".

Policy: Green Infrastructure

GS1: Local Open Space

Areas identified on the Dobwalls and Trewidland and Trewidland Local Open Space maps (see 10.2 Landscape, Biodiversity and Heritage – Biodiversity) will be afforded protection, while permitting improvements intended to increase their amenity value without reducing public access.

COMMENT

I have no comment on this policy.

GS2: Trewidland and Doublebois New Open Space

To meet open space needs in Trewidland and Doublebois new development should provide or support an appropriate natural area for children's play, exploration, informal games and community use.

COMMENT

I have no comment on this policy.

GS3: Local Green Space and Infrastructure

a) Areas listed and shown as Greenspaces on the following Greenspace maps and site matrix are considered to be of intrinsic special worth (in accordance with NPPF

paragraph 102) and any development which would result in harm to their character, setting, accessibility, appearance, wildlife or general quality, will not be supported.

b) As part of the Forest for Cornwall initiative, tree planting in these areas, as an element of any development and to preserve ancient woodland at Doublebois, will be supported.

c) Access to all Public Rights of Way will be retained and, where necessary, reinstated.

COMMENT

It has been confirmed that the known owners of the proposed LGSs have been consulted, and I have had access to the responses received. Some landowners were supportive however there were objections. I have carefully considered the comments made. Whilst an objection by an owner is not automatically a barrier to the designation of a LGS it is my role to carefully consider whether or not the objection raises issues which are relevant in the decision-making process.

Local Green Space designation is a “restrictive and significant policy designation” equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.

The NPPF 2021 states:

“101. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should 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 updated and be capable of enduring beyond the end of the plan period.

102. The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) 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), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

103. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

In addition, Neighbourhood planning guidance states:

" Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space."

Importantly, sites which are already subject to a statutory designation such as Historic Parks and Gardens or Scheduled Ancient Monuments are already subject to high levels of protection and would not benefit from an additional local designation. Likewise, sites which fall within the curtilage of a listed building or Conservation Area do not necessarily need additional protection under this policy as their importance and contribution to a settlement must already be considered if any application falls within or in the vicinity of these sites.

I have carefully considered the evidence put before me for all the designations proposed. The decision to designate a particular site is a matter of planning balance and I have made my decision based on whether or not I consider the proposed designations meet the NPPF tests. I find that the proposed LGSs do meet the requirements of the NPPF with the exception of the following:

1. I. Dobwalls Primary School

2. TA. School grounds and pitch

Whilst I acknowledge that these areas are important to the community they should be more appropriately referred to as open spaces/recreational spaces as defined in the NPPF 2021 Paragraphs 98-99:

"Open space and recreation

98. Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

3. L.1 West Verges south of main road through village, L.2 Mid Verges south of main road through village and L.3 East Verges south of main road through village.

Whilst I accept that these areas contribute significantly to the landscape setting of the parish, I do not consider they meet the tests to be designated as LGSs.

Paragraph 103 of the NPPF states that the policies for managing development within a Local Green Space should be consistent with those for Green Belts. Paragraphs 147-149 detail the policy framework for development affecting the Green Belt. Paragraph 147, in particular states;

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

It should be noted that designation as a LGS does not preclude all development. It protects a designated site from inappropriate development except in very special circumstances. Paragraph 149 of the NPPF (2021) sets out what types of development would not (my emphasis) be considered inappropriate:

" 149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

For Clarity, the policy should be modified to reflect the requirements of the NPPF 2021 and recent caselaw (see Court of Appeal Judgement in the Case of The Queen (On the Application of Lochailort Investments Limited) and Mendip District Council Norton St Philip Parish Council 2nd October 2020) which clearly states that Local Green Space polices in neighbourhood plans should not deviate from the policy requirements of the NPPF. To reflect the modification to this policy the mapping within the plan should also be modified to show the Local Green Space designations clearly with adequate annotation. For clarity and to meet the Basic Conditions the policy should be modified as follows:

GS3: Local Green Space

The following areas shown on map (?) are designated as Local Green Spaces:

Dobwalls and Doublebois/Treburgie

A. Treheath Green North and Treheath Green South

B. Beechwood Drive skate natural amenity

C. Dobwalls United Church

D. Triangle seating area

E. Newton Court

F. Treburgie Water green route (as revised)

Trewidland

G. Trewidland burial ground

H. Trewidland Village notice board and seat

Inappropriate development* will not be supported except in very special circumstances.

*** Ref paragraphs 103 and 147 of the NPPF 2021**

As part of the Forest for Cornwall initiative, tree planting in these areas, as an element of any development and to preserve ancient woodland at Doublebois, will be supported.

Policy: School Places

SC1: School Places

a) Proposals to expand Dobwalls and Trewidland Primary School to accommodate additional pupils could be supported but it is essential to work with Cornwall Council to keep the capacity of the school and potential pressure on places under review.

b) Planning proposals for future residential development would be reviewed by the Education Service at Cornwall Council following standard planning procedures and Section 106 contributions would be sought towards the creation of additional places where necessary.

COMMENT

Planning applications must be determined on their own merit in accordance with the development plan. This is not really a planning policy but a statement. The Education Department are consulted on residential developments and will seek contributions for school places where appropriate. This policy should be removed although any supporting text can remain in the plan.

Policy: Development Boundaries

HO1: Development Boundaries

This plan establishes development boundaries for Dobwalls and Trewidland, Trewidland and Doublebois. Only proposals for small scale housing development of infill, rounding off within the development boundaries will be supported so that the open countryside is preserved, and agricultural land retained for its primary use.

In fact, there is very little, if any, land of significant size within the development boundaries to accommodate more than a minimal number of residential properties.

These policies are formulated on the basis that any residential development inside the development boundaries conforms to Cornwall Local Plan (CLP) Policy 8, in that the plan area falls within Zone 5 which gives a starting point of 25% for affordable housing in a development of five or more homes.

Also, any proposed development outside the development boundaries will be treated as rural exception sites in accordance with CLP Policy 9, with a minimum of 50% affordable housing.

The D&T NDP steering group considers there is no land bordering the development boundaries which meets the criteria for “rounding off” as stated in CLP paragraph

1.68. Therefore, there can be no justification for a hypothetical extension of the development boundaries during the plan period to include potential land for “rounding off”.

Dobwalls and Trewidland: Ensure that future development schemes within the village development boundary are appropriate, with a minimum of 25% affordable, to complement existing developments, with the emphasis on affordable housing and rented accommodation for people with a genuine local need.

Trewidland: Ensure any new residential properties within the village development boundary are appropriate and that development proposals are limited to schemes offering a minimum of 25% affordable homes suitable for young families.

Doublebois: Ensure future development proposals within the development boundary emphasise affordable housing and rented accommodation for people with a genuine local need, with a minimum of 25% affordable.

COMMENT

This policy contains information that is more appropriately located in the supporting text for the policy. I am satisfied that the development boundaries have been established through the application of an appropriate methodology. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

HO1: Development Boundaries

This plan establishes development boundaries for Dobwalls and Trewidland, Trewidland and Doublebois. Only proposals for small scale housing development of infill, rounding off within the development boundaries will be supported so that the open countryside is preserved, and agricultural land retained for its primary use. Affordable housing should be delivered in accordance with CLP Policy 8.

HO2: Rural Exception Sites

Rural exception sites will only be supported where the proposal is in accordance with Policy 9 of the Cornwall Local Plan and evidence can be given that the development will not have:

- a) A negative impact on the Landscape Character (as set out in the Landscape Character Statement).
- b) Negative impacts on the adjacent settlement character or infrastructure. (This is to curtail isolated development elsewhere in the plan area, which would fall outside the established development boundaries).

COMMENT

Some elements of policy HO1 are more appropriately located in this policy. for clarity the policy should be modified as follows:

HO2: Rural Exception Sites

Any proposed residential development outside the development boundaries will be treated as rural exception sites in accordance with CLP Policy 9, with a minimum of 50% affordable housing and will be supported if it has been demonstrated that the development will not have:

- a) A negative impact on the Landscape Character (as set out in the Landscape Character Statement).**
- b) Negative impacts on the adjacent settlement character or infrastructure. (This is to curtail isolated development elsewhere in the plan area, which would fall outside the established development boundaries).**

Policy: Housing Mix

HM1: Affordable Housing

Development proposals which contribute to a balanced mix of truly affordable free market and rented homes - including starter homes, self-build, family homes and

accessible homes suitable for key workers, the elderly, those with disability, impaired mobility or additional needs - will be supported where they can give clear evidence of their economic viability.

a. Ensure that appropriate building land is made available to allow elderly, disabled and vulnerable people with a link to the plan area to live independently.

b. Make available affordable plots of land for self-build, affordable homes for sale and to rent that provide decent, secure homes that meet the Living Home Standard, either through affordable rent (Registered Social Landlords) self-build or collaborative partnership schemes.

c. Support groups or organisations in delivering affordable housing where exception sites are the only option.

COMMENT

A NDP can only include policies that will be used to assess planning applications once they are submitted, it can't ensure that land is made available. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

HM1: Affordable Housing

Proposals for affordable housing should provide a mix of homes to meet local needs. In particular, development proposals that offer the following housing types will be supported:

- homes for elderly, disabled and vulnerable residents that allow independent living**
- serviced plots of land to enable self or custom-build**
- community led schemes that provide affordable homes to meet a local need**
- affordable starter homes for sale and rent**

HM2: Sheltered/Supported Housing

Development proposals which include the provision of supported or sheltered housing for the elderly, those with disability, impaired mobility or additional needs will be supported where they are situated on sites which have good level access to public services and community facilities.

COMMENT

I have no comment on this policy.

Policy: Development Standards

HS1: Site and Building Design

Proposals will be supported which:

- Comply with CLP Policy 12 protecting residential amenities, achieving high standards of sustainable build and demonstrating how the design, construction and operation will minimize the use of fossil fuels and natural resources and ensure long term high performance and ease of maintenance in the building in terms of its structural, thermal and moisture control performance.

Respond to the design, scale, height, appearance and material of surrounding buildings, provide designs which suit a range of age and social groups, home working and mobility and reflect the unique character of the community landscape and its position in the heart of the area.

- Take opportunities to design out crime and anti-social behaviour.
- Proposed developments should include electric vehicle charging points.

COMMENT

I have received comments from Cornwall Council in connection with this policy:

"Policy HS1 could also encourage the use of materials and finishes able to withstand the effects of Cornwall's humid maritime climate and the impacts of climate change (for example, using resilient materials and siting to reduce mould, rusting and discolouration and the impact of high winds)."

I consider these additions would add value and the policy should be modified as follows:

HS1: Site and Building Design

Proposals will be supported which:

Comply with CLP Policy 12 protecting residential amenities, achieving high standards of sustainable build and demonstrating how the design, construction and operation will minimise the use of fossil fuels and natural resources and ensure long term high performance and ease of maintenance in the building in terms of its structural, thermal and moisture control performance. The use of materials and finishes able to withstand the effects of Cornwall's humid maritime climate and the impacts of climate change (for example, using resilient materials and siting to reduce mould, rusting and discolouration and the impact of high winds) is encouraged.

Respond to the design, scale, height, appearance and material of surrounding buildings, provide designs which suit a range of age and social groups, home working and mobility and reflect the unique character of the community landscape and its position in the heart of the area.

- Take opportunities to design out crime and anti-social behaviour.**
- Proposed developments should include electric vehicle charging points in accordance with by policy SEC1 of the CEDPD**

HS2: Carbon Reduction Technologies

All planning applications and developments must accord with CLP Policies 13 and 14 in terms of energy standards.

COMMENT

Following the adoption of the Cornwall Climate Emergency DPD the policy should be modified as follows:

HS2: Carbon Reduction Technologies

Proposals for new development should be in conformity with the requirements of national policy and the Cornwall Climate Emergency DPD in terms of energy standards.

HE1: Community Health Accommodation

Development proposals will be encouraged which take account of the existing housing provision and contribute to a balanced mix of open market and affordable, accessible rented homes for: the elderly, those with disability, impaired mobility and additional needs and families. Developments should be located to take advantage of the level access to shops, public transport services and other local facilities available in the centre of Dobwalls.

COMMENT

I have no comment on this policy.

HE2: Improving Community Health

Development proposals should support the physical and mental health of individuals and the social health of the community through:

- Contribution to the provision of useable on-site open space and playable spaces for children form part of the green-space network for walkers.
- Providing other appropriate public open space and facilities for teenagers and adults.
- Take opportunities to design out crime and anti-social behaviour.

COMMENT

I have no comment on this policy.

Policy: Roads and Traffic

RT1: Safe Access to Road and Highway Infrastructure

All new development proposals for commercial or industrial enterprises or dwellings should include a statement which demonstrates safe and sustainable accessibility to the road and highways infrastructure.

COMMENT

To ensure that the policy can be applied consistently and to avoid confusion the policy should be modified as follows:

RT1: Safe Access to Road and Highway Infrastructure

All proposals for commercial, industrial enterprises or residential development should include a statement which demonstrates how safe and sustainable accessibility to the road and highways infrastructure will be achieved.

RT2: Access to Public Transport

All new major development proposals for commercial or industrial enterprises or dwellings should include a statement which demonstrates safe and sustainable accessibility to public transport and key destinations, such as shops and schools.

COMMENT

To ensure that the policy can be applied consistently and to avoid confusion the policy should be modified as follows:

RT2: Access to Public Transport

All proposals for major commercial, industrial or residential development

should include a statement which demonstrates how safe and sustainable accessibility to public transport and key destinations, such as shops and schools will be achieved.

RT3: HGV Travel Plans

For any proposed employment sites any additional HGV traffic will be required to illustrate suitable routes on the local road and highway network in accordance with CLP Policy 27.

COMMENT

I have no comment on this policy.

RT4: Diversification of Agricultural Sites

All major developments of agricultural sites for diversification or equestrian purposes, which will alter the vehicle and public use of the surrounding rural lanes, should be accompanied by an evaluation of the potential risks to traffic and pedestrians and the fabric of the Landscape Character of the area. Applicants should provide details of how these risks can be ameliorated.

COMMENT

For consistency and to avoid confusion the word "ameliorated" at the end of the final sentence should be replaced with " mitigated".

RT5: Cycle Routes and Lanes

Proposals for the development of key cycle routes and cycle lanes will be supported where they can show clear integration with a wider policy to encourage cycling safety in accessing local facilities.

COMMENT

I have no comment on this policy.

Policy: Parking

RP1: Parking

Proposals for development will be supported where they encourage the safe use of sustainable transport services including local public transport, shuttle buses, local delivery services, cycling and/or walking. This includes the installation of publicly accessible electric vehicle charging points.

COMMENT

This policy is about alternatives to use of the private car and does not address parking. The policy should be renamed **RP1: Sustainable Transport.**

RP2: Avoid Adverse Impacts of Development

Development proposals which will increase the availability of either private or publicly accessible parking facilities should be of a size and design which will have no significant adverse effect on the traffic flows, landscape or character of the settlement within which they are located.

COMMENT

This policy relates to parking and should be retitled **RP2: Parking.**

RP3: Avoiding Loss of Community Parking

Developments which involve the loss of car parking facilities used by the public in the key areas of amenities or schools will not be supported unless:

- a. Alternative provision of equal value can be made elsewhere within the application site or within reasonable walking distance, e.g., seven minute radius (See Green Infrastructure Strategy).
- b. It can be clearly demonstrated that fewer parking spaces are required and the settlement/community will benefit from the re-use of the space.

COMMENT

I have no comment on this policy.

RP4: Appropriate Onsite Parking

Developments must provide sufficient on-site parking for the size and occupancy of the dwellings. Any plans to convert an existing garage or parking area must retain sufficient space to park within the property boundary.

COMMENT

I have no comment on this policy.

Policy: Broadband

BB1: Broadband Provision

Future developments which will provide or enhance the provision of high-speed broadband to the plan area (residential and commercial) should not impact on the character of settlements, the environment or the Landscape Character (as set out in the D&T NDP Landscape Character Statement).

COMMENT

I have no comment on this policy.

Policy: Business Employment and Jobs

BE1: Business Infrastructure

Support will be given to proposals for new development in appropriate locations which includes:

- i) Adaptations, renovations and extensions of existing buildings.
- ii) Construction of new business and storage units.

iii) Improvements to the transport and communications infrastructures.

iv) Conversion of redundant buildings to business use where the redundant building is sustainably located.

v) The creation of employment opportunities and facilities to include self-employment, micro business hub/support and I.T. infrastructure for the local community.

COMMENT

I have no comment on this policy.

BE2: Environment and Landscape Protection

Business development proposals should:

- Be sited and operated to minimise impact on residents and the environment particularly with regard to noise, odour, CO₂/particulate emissions and traffic.
- Minimise impact on and sustain the local character of the landscape as identified in the D&T NDP Landscape Character Statement, including their impact on dark skies areas.
- Not reduce or compromise existing facilities or services for which there is proven need.
- Take opportunities to design out crime and anti-social behaviour.

COMMENT

I have no comment on this policy.

BE3: Impact of Development

Large scale employment development should be supported by an appropriate assessment of traffic impacts, with particular consideration given to HGV routing. In

the case of any Strategic Road Network (SRN) impacts, this assessment should be in line with the requirements of Department for Transport (DfT) Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development. This would be in addition to the production of a travel plan.

COMMENT

I have no comment on this policy.

BE4: Site Travel Plans

All new proposals for major employment development must be accompanied by a travel plan which shows the volume of HGV which is likely to be created by the new development. The travel plan must show the likely routes of any additional HGV traffic from or to the site.

COMMENT

I have no comment on this policy.

SECTION 5

Conclusion and Recommendations

- 1. I find that the Dobwalls and Trewidland Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and 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. (As amended)*
- 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 Dobwalls and Trewidland 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 Dobwalls and Trewidland 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 Dobwalls and Trewidland 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
13 November 2023

