

Carlyon Parish Neighbourhood Development Plan 2022 – 2030



Basic Conditions Statement July 2022

Basic Conditions Statement

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Basic Conditions Statement

1 Introduction

This Basic Conditions Statement has been prepared by James Evans BA (Hons) AssocRTPI of Evans Planning, an Independent Planning Consultancy based in Cornwall for the Carlyon Parish Neighbourhood Development Plan (the NDP) on behalf of Carlyon Parish Council.

The area has been designated a qualifying area and the Parish Council is a qualifying body, please see Appendix A for the Cornwall Council designation letter.

This Basic Conditions Statement is submitted to Cornwall Council under Regulation 15(1)(d) and Regulation 22(1)(e) of the Neighbourhood Planning (General) Regulations 2012 (as amended) to demonstrate that the NDP meets the legislative basic conditions contained with the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004 (as amended) to ultimately enable the NDP to be put to a referendum.

2 Legal Framework

Regulation 15 of Part 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the requirements for the qualifying body submitting an NDP to the local planning authority as follows:

15. (1) Where a qualifying body submits a plan proposal to the local planning authority it must include –

- a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;*
- b) a consultation statement;*
- c) the proposed neighbourhood development plan; and*
- d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.*

Part (a) is provided within Appendix B of this statement and includes the application, map and designation decision notice.

Parts (b) and (c) have been prepared and accompany this statement as part of the submission.

The requirements for part (d) in respect of neighbourhood development plans are that the NDP meets the basic conditions as outlined overleaf.

4 The Basic Conditions

Only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (as amended). The basic conditions are:

- a. **having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).**
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
- d. **the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.**
- e. **the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).**
- f. **the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.**
- g. **prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).**

In this regard, we are dealing specifically with a Neighbourhood (Development) Plan. Thereby the conditions outlined under sections b. and c. referred to above, which apply only to Orders are not relevant in this case.

Over the following pages it will be demonstrated how the NDP meets each of relevant conditions outlined above.

5 Meeting the Basic Conditions

Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan) Throughout the preparation of the NDP and having regard as to appropriateness to make the plan, regard has been had to 'national policies and advice contained in guidance issued by the Secretary of State.'

Principally this has related to the policies contained within the National Planning Policy Framework (NPPF) and the Government's National Planning Practice Guidance (NPPG), the latter of which provides guidance on the application of policies in the NPPF in response to on-going advice from Central Government and relevant case law.

The Ministry of Housing, Communities and Local Government published the latest version of the NPPF in July 2021. This is the most recent revision of the National Planning Policy Framework (other revisions took place in 2018 and 2019) since it was originally published in 2012. The NPPF implements around 85 reforms announced originally through the Housing White Paper, the planning for the right homes in the right places consultation and the draft revised National Planning Policy Framework consultation.

Turning to the sections of the 2021 NPPF for delivering sustainable development as listed below, we have taken each policy in turn and highlighted the relevant sections applicable to each of the NDP policies and how the policy has had appropriate regard to their policy direction.

Section 1. Introduction

Section 2. Achieving sustainable development

Section 3. Plan-making

Section 4. Decision-making

Section 5. Delivering a sufficient supply of homes

Section 6. Building a strong, competitive economy

Section 7. Ensuring the vitality of town centres

Section 8. Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 10. Supporting high quality communications

Section 11. Making effective use of land

Section 12. Achieving well-designed places

Section 13. Protecting Green Belt land

Section 14. Meeting the challenge of climate change, flooding and coastal change

Section 15. Conserving and enhancing the natural environment

Section 16. Conserving and enhancing the historic environment

Section 17. Facilitating the sustainable use of minerals

Table 1: Having Regard to National Policy and Advice

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
<p>CARLYON NDP POLICY 1a: Housing</p> <p>Policy H1: Housing Development</p>	<p>Delivering a sufficient supply of homes (paragraphs 60-80)</p>	<p>Paragraph 78 explains that <i>‘In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.’</i></p> <p>Paragraph 79 further explains that. <i>‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.’</i></p> <p>Paragraph 80 of the NPPF sets out that <i>‘Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; c) the development would re-use redundant or disused buildings and enhance its immediate setting; d) the development would involve the subdivision of an existing residential building; or e) the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.’</i></p> <p>In accordance with the above objectives identified within paragraph 78 and 79 of the NPPF, policy H1 of the NDP is responsive to local circumstances in rural areas by supporting housing developments that are of an appropriate scale, reflect local needs and are located at existing settlements to facilitate the objective to enhance or maintain the vitality of rural communities.</p> <p>Further policy H1 identifies development boundaries to distinguish between the appropriate locations of market-led housing proposals, and affordable housing led rural exception sites or housing in the open countryside.</p>
<p>CARLYON NDP POLICY 1b: Housing</p> <p>Policy H2 Housing Design</p>	<p>Promoting sustainable transport (paragraphs 104 to 113)</p>	<p>Paragraph 62 of the NPPF outlines that <i>‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students,</i></p>

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
	<p>Achieving well-designed places (paragraphs 126-136)</p> <p>Conserving and enhancing the natural environment (paragraphs 174-188)</p> <p>Conserving and enhancing the historic environment (paragraphs 189-208)</p>	<p><i>people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.'</i></p> <p>Paragraph 77 explains that <i>'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.'</i></p> <p>Paragraph 127 of the NPPF states that <i>'Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.'</i></p> <p>Paragraph 130 states that <i>'Planning policies and decisions should ensure that developments:</i></p> <ul style="list-style-type: none"> <i>a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i> <i>b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;</i> <i>c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);</i> <i>d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;</i> <i>e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and</i> <i>f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'</i> <p>Paragraph 174 explains that <i>'Planning policies and decisions should contribute to and enhance the natural and local environment by:</i></p> <ul style="list-style-type: none"> <i>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</i>

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
		<p><i>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</i></p> <p><i>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</i></p> <p><i>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</i></p> <p><i>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</i></p> <p><i>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'</i></p> <p>Paragraph 190 advises that <i>'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:</i></p> <p><i>a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;</i></p> <p><i>b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;</i></p> <p><i>c) the desirability of new development making a positive contribution to local character and distinctiveness; and</i></p> <p><i>d) opportunities to draw on the contribution made by the historic environment to the character of a place.'</i></p> <p>The purpose of policy H2 of the NDP is to reinforce and strengthen the above objectives at local level with housing proposals, having specific regard to the design and character of Carlyon Parish and the style of accommodation that is required.</p> <p>The policy is also supported by paragraph 104 e) which supports development which takes into account <i>'patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.'</i></p> <p>Further paragraph 107 of the NPPF explains that <i>'If setting local parking standards for residential and non-residential development, policies should take into account:</i></p>

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
		<p><i>a) the accessibility of the development;</i></p> <p><i>b) the type, mix and use of development;</i></p> <p><i>c) the availability of and opportunities for public transport;</i></p> <p><i>d) local car ownership levels; and</i></p> <p><i>e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.'</i></p>
<p>CARLYON NDP POLICY 1b: Housing</p> <p>Policy H3: Replacement Dwellings</p>	<p>Delivering a sufficient supply of homes (paragraphs 60-80)</p> <p>Achieving well-designed places (paragraphs 126-136)</p> <p>Meeting the challenge of climate change, flooding and coastal change (paragraphs 152 to 173)</p> <p>Conserving and enhancing the natural environment (paragraphs 174-188)</p>	<p>Policy seeks to maintain control over accommodation scale so as to ensure the level and manner of accommodation is appropriate in context, alongside supporting the provision of habitat connectivity and appropriate flood management.</p> <p>The policy accords with Paragraph 127 of the NPPF states that '<i>Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.'</i></p> <p>Policy also seeks to safeguard and enhance the biodiversity in the Parish in accordance with paragraph 174 d) which supports development that would result in '<i>minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'</i></p> <p>Paragraph 152 sets out that '<i>The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.'</i></p> <p>Paragraph 159 continues '<i>Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'</i></p>
<p>CARLYON NDP POLICY 2: Green Buffers</p> <p>Policy GB1 Green Buffers</p>	<p>Promoting healthy and safe communities (paragraphs 92-103)</p> <p>Conserving and enhancing the natural</p>	<p>The policy's objective is to provide specific policy direction to proposals that could impact upon identified green buffers and recreational areas which provide valued landscape and visual character, alongside recreational value to the Parish as a whole and the setting of settlements.</p> <p>The policy follows the direction from the following components of the NPPF:</p>

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
	<p>environment (paragraphs 174-188)</p>	<p>Paragraph 92 c) encourages the aim to achieve healthy, inclusive, and safe places, with the objectives to <i>‘enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.’</i></p> <p>Paragraph 179 of the NPPF also seeks to:</p> <p><i>‘To protect and enhance biodiversity and geodiversity, plans should:</i></p> <p><i>a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶²; and</i></p> <p><i>b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.’</i></p> <p>Paragraph 185 outlines that <i>‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.’</i></p>
<p>CARLYON NDP POLICY 3: Character & Heritage</p> <p>Combined policies CH1 and CH2</p>	<p>Achieving well-designed places (paragraphs 126-136)</p> <p>Meeting the challenge of climate change, flooding and coastal change (paragraphs 152 to 173)</p> <p>Conserving and enhancing the natural environment (paragraphs 174-188)</p>	<p>Policy seeks to ensure that all new development is respectful and coherent with their context, and achieves the objective of delivering high quality design.</p> <p>In support of this policy, a village design statement has been undertaken to identify the distinctive characteristics and key features of the Parish to have regard to in decision making and preparing proposals for policy CH1.</p> <p>Further, a separate List of Local Historic and Cultural Assets has also been identified for policy CH2.</p> <p>The policy approach is supported by the following components from the NPPF:</p> <p>Paragraph 127 of the NPPF states that <i>‘Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both</i></p>

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
		<p><i>through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.'</i></p> <p>Paragraph 130 states that 'Planning policies and decisions should ensure that developments:</p> <ul style="list-style-type: none"> <i>a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i> <i>b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;</i> <i>c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);</i> <i>d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;</i> <i>e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and</i> <i>f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'</i> <p>Paragraph 174 explains that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> <i>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</i> <i>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</i> <i>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</i> <i>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</i> <i>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions</i>

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
		<p><i>such as air and water quality, taking into account relevant information such as river basin management plans; and</i></p> <p><i>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'</i></p> <p>Paragraph 190 advises that <i>'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:</i></p> <p><i>a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;</i></p> <p><i>b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;</i></p> <p><i>c) the desirability of new development making a positive contribution to local character and distinctiveness; and</i></p> <p><i>d) opportunities to draw on the contribution made by the historic environment to the character of a place.'</i></p>
<p>CARLYON NDP POLICY 4: Climate Change and Green Infrastructure</p>	<p>Promoting healthy and safe communities (paragraphs 92-103)</p> <p>Conserving and enhancing the natural environment (paragraphs 174-188)</p>	<p>The policy supports the maintenance and enhancement of the green infrastructure in the Parish.</p> <p>The policy is supported by Paragraph 152, which explains that <i>'The planning system should support the transition to a low carbon future in a changing climate, ... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'</i></p> <p>The policy is also in accordance with paragraph 153 which sets out that <i>'Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.'</i></p> <p>The policy is further supported by paragraph 179, which explains that <i>'To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶²; and b) promote the conservation, restoration and</i></p>

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
		<i>enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'</i>
<p>CARLYON NDP POLICY (combined policy) 5a: Protection of formal open spaces, playing pitches and leisure</p> <p>Policy 5b: Local Green Space</p>	<p>Promoting healthy and safe communities (paragraphs 92-103)</p> <p>Conserving and enhancing the natural environment (paragraphs 174-188)</p>	<p>Policy 5a identifies important formal or informal recreational space or sports pitch or leisure facilities that are to be protected from development unless specific criteria is met. The approach here being consistent with paragraph 99 of the NPPF, which sets out:</p> <p><i>'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</i></p> <p><i>a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or</i></p> <p><i>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</i></p> <p><i>c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'</i></p> <p>With Policy 5b, a number of open spaces of community value have been highlighted within this policy.</p> <p>Paragraph 101 of the NPPF explains that <i>'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.'</i></p> <p>Paragraph 102 of the NPPF continues to say that. <i>'The Local Green Space designation should only be used where the green space is:</i></p> <p><i>a) in reasonably close proximity to the community it serves;</i></p> <p><i>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</i></p> <p><i>c) local in character and is not an extensive tract of land.'</i></p> <p>Policy 5b of the NDP relates to land which is important to the community for special protection for historical significance and recreational value. The areas of open spaces are within reasonable proximity to the community, and the land is not considered to be required for housing or economic use given that these aspects have been established through other policies in</p>

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
		the NDP. It is thereby concluded that this policy accords with the provisions of the paragraphs above.
<p>CARLYON NDP POLICY 6: Footpaths, Access and Public Rights of Way (combined policy)</p> <p>FP1. Carlyon Bay Beaches</p> <p>FP2 - Footpaths, cycle paths and bridleways</p>	<p>Promoting sustainable transport (paragraphs 104 to 113)</p> <p>Meeting the challenge of climate change, flooding and coastal change (paragraphs 152 to 173)</p>	<p>Policy FP1 supports development to retain and improves safe access to the beach facilities at Carlyon Bay.</p> <p>The component of the policy is supported by paragraph 98 of the NPPF which explains that <i>'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.'</i></p> <p>Further, paragraph 104 c) of the NPPF which sets out that <i>'c) opportunities to promote walking, cycling and public transport use are identified and pursued.'</i></p> <p>Policy FP2 seeks to safeguard and enhance the existing and deliver future safe and accessible footpaths, cycle paths and bridleways in the parish as supported through paragraphs 100 and 104 of the NPPF, which states :</p> <p>Paragraph 100:</p> <p><i>'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'</i></p> <p>Paragraph 104:</p> <p><i>'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:</i></p> <p><i>a) the potential impacts of development on transport networks can be addressed;</i></p> <p><i>b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;</i></p> <p><i>c) opportunities to promote walking, cycling and public transport use are identified and pursued;</i></p> <p><i>d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and</i></p> <p><i>e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.'</i></p>

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
<p>CARLYON NDP POLICY 7: Infrastructure (combined policy)</p> <p>IN1. Sustainable design</p> <p>IN2. Traffic & Transport</p>	<p>Promoting healthy and safe communities (paragraphs 92-103)</p> <p>Promoting sustainable transport (paragraphs 104 to113)</p> <p>Meeting the challenge of climate change, flooding and coastal change (paragraphs 152 to 173)</p>	<p>Policy IN1 seeks development to deliver a sustainable design through adequate foul and surface water provisions.</p> <p>The policy is in accordance with paragraph 153 which sets out that '<i>Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.</i>'</p> <p>Policy IN2 seeks a number of measures through development to deliver safe and accessible environments through transport infrastructure.</p> <p>The approach is supported by Paragraph 152, which explains that '<i>The planning system should support the transition to a low carbon future in a changing climate, ... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.</i>'</p>
<p>CARLYON NDP POLICY 8:Employment (Combined Policy):</p> <p>EE1 Improvements to existing employment space</p> <p>EE2 – St Austell Bay Business Park</p> <p>EE3 – Vacant rural buildings</p> <p>EE4 – New employment</p>	<p>Building a strong, competitive economy (paragraphs 81 to 85)</p> <p>Making effective use of land (paragraphs 119 to 125)</p> <p>Meeting the challenge of climate change, flooding and coastal change (paragraphs 152 to 173)</p>	<p>The four components of this policy seek to maintain and encourage Carlyon Parish's local economy ensuring that people will have good opportunities and access to local employment, the policy also seeks to retain existing business space and encourages the re-use/redevelopment of vacant sites and buildings.</p> <p>The policy has been written in accordance with the NPPF and most specifically, paragraphs 84 and 85 as set out below:</p> <p>Paragraph 84:</p> <p><i>'Planning policies and decisions should enable:</i></p> <p><i>a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;</i></p> <p><i>b) the development and diversification of agricultural and other land-based rural businesses;</i></p> <p><i>c) sustainable rural tourism and leisure developments which respect the character of the countryside.'</i></p> <p>Paragraph 85:</p> <p><i>'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not</i></p>

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
		<p><i>well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'</i></p>
<p>CARLYON NDP POLICY 9: Tourism (Combined Policy)</p> <p>ET1. Rural diversification</p> <p>ET2.Retention of hospitality businesses</p>	<p>Building a strong, competitive economy (paragraphs 81 to 85)</p> <p>Promoting healthy and safe communities (paragraphs 92-103)</p>	<p>Policy ET1 supports rural diversification relating to tourism activities.</p> <p>The policy aligns with paragraph 84 which sets out that:</p> <p><i>'Planning policies and decisions should enable:</i></p> <p><i>a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;</i></p> <p><i>b) the development and diversification of agricultural and other land-based rural businesses;</i></p> <p><i>c) sustainable rural tourism and leisure developments which respect the character of the countryside.'</i></p> <p>With reference to Policy ET2, it seeks to only support the redevelopment or change of use of buildings and land from local retail facilities and service trade use (including cafes, pubs and restaurants) to residential use unless the premises have been vacant for 3 months. The policy accords with paragraph 93 of the NPPF with specific regard to point c of the criteria as set out below:</p> <p><i>'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</i></p> <p><i>a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</i></p> <p><i>b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;</i></p> <p><i>c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;</i></p> <p><i>d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and</i></p> <p><i>e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.'</i></p>

NDP Policy	NPPF 2021	Explanation of how the policy has regard to the National Policy and Guidance
<p>CARLYON NDP POLICY 10: Retail and Small Business</p> <p>ER1 – Redevelopmen t of existing employment buildings</p>	<p>Building a strong, competitive economy (paragraphs 81 to 85)</p> <p>Promoting healthy and safe communities (paragraphs 92-103)</p> <p>Achieving well-designed places (paragraphs 126-136)</p>	<p>The policy supports the upgrade or redevelopment of existing employment buildings and the surrounding environment, subject to set criteria.</p> <p>The policy is supported by paragraph 84:</p> <p><i>‘Planning policies and decisions should enable:</i></p> <p><i>a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;</i></p> <p><i>b) the development and diversification of agricultural and other land-based rural businesses;</i></p> <p><i>c) sustainable rural tourism and leisure developments which respect the character of the countryside.’</i></p> <p>The policy is also supported by paragraph 92 of the NPPF, sub section b) which reads as follows:</p> <p><i>‘B) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.’</i></p>

NB. A number of the sections in the NPPF are not applicable to the NDP area or do not have a directly relevant policy within the document as the relevant planning policy considerations are already considered to be adequately managed through policies in the NPPF and/ or the adopted Cornwall Local Plan.

d. The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

From its starting point, the NDP has been prepared with a clear understanding of the requirement for achieving sustainable development as outlined in paragraphs 1- 17 of the NPPF.

Table 1 on the preceding pages demonstrates how the NDP has had regard to the policies in the NPPF which deliver sustainable development. In addition, Table 2 on the subsequent pages outlines how the NDP demonstrates conformity with the Cornwall Local Plan.

The NDP as a result clearly contributes to achieving sustainable development by seeking to protect and enhance what is valuable to the community whilst allowing for development that contributes to supporting a strong, vibrant and healthy Parish and building a strong, responsive and competitive rural economy.

Thereby the NDP policies seek to achieve sustainable development by seeking jointly and simultaneously the three mutually dependent roles of sustainable development - economic, social and environmental – and the interplay between them.

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

There are two development plan documents for the area, the first of which being Cornwall Local Plan (CLP). The CLP was adopted by Cornwall Council on the 22 November 2016.

The CLP contains the following strategic policies:

Policy 1 Presumption in favour of sustainable development

Policy 2 Spatial strategy

Policy 2a Key targets

Policy 3 Role and function of places

Policy 4 Shopping, services and community facilities

Policy 5 Jobs and skills

Policy 6 Housing mix

Policy 7 Housing in the countryside

Policy 8 Affordable housing

Policy 9 Rural Exception Schemes

Policy 10 Managing viability

Policy 11 Gypsies, Travellers and Travelling Showpeople

Policy 12 Design

- Policy 13 Development standards
- Policy 14 Renewable and low carbon energy
- Policy 15 Safeguarding renewable energy
- Policy 16 Health and wellbeing
- Policy 17 Minerals – general principles
- Policy 18 Minerals safeguarding
- Policy 19 Strategic waste management principles
- Policy 20 Managing the provision of waste management facilities
- Policy 21 Best use of land and existing buildings
- Policy 22 European protected sites
- Policy 23 Natural environment
- Policy 24 Historic environment
- Policy 25 Green infrastructure
- Policy 26 Flood risk management and coastal change
- Policy 27 Transport and accessibility
- Policy 28 Infrastructure

Table 2 overleaf provides a summary of how each of the NDP policies align with the applicable policies in the CLP to demonstrate the '*general conformity*' of the NDP with the strategic policies for the area, being those in the CLP.

Further to the adoption of the CLP in November 2016, Cornwall Council adopted the Cornwall Site Allocations Development Plan Document (the Allocations DPD), on 26 November 2019. The Allocations DPD identifies the location of a number of housing and employment uses. The document focuses on 10 towns/conurbations and two eco-communities in Cornwall. The Allocations DPD also looks at the wider strategy for the towns. It includes economic growth and the delivery of infrastructure.

There is a site allocation from the Allocations DPD falling within Carlyon Parish, STA-E3 Location Par Moor. Please refer to Table 3 on page 28, which again sets out how the policies in the NDP are in '*general conformity*' with the policies in the Allocations DPD.

Table 2 Demonstrating Conformity with the Strategic Policies in the Development Plan for the Area – the CLP

NDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
CARLYON NDP POLICY 1a: Housing Policy H1: Housing Development	Policy 2: Spatial strategy Policy 2a: Key targets Policy 3: Role and function of places Policy 6: Housing mix Policy 7: Housing in the countryside Policy 8: Affordable housing Policy 9: Rural Exception Schemes	<p>Policy H1 of the NDP supports specified housing developments that are of an appropriate scale, reflect local needs and are located at existing settlements, further the policy delineates development boundaries to distinguish between the appropriate locations of market-led housing proposals, and affordable housing led rural exception sites or housing in the open countryside. The policy demonstrates where housing will be supported in principle.</p> <p>The policy follows the direction from the CLP as follows:</p> <p>Paragraph 1.64 of the Cornwall Local Plan (CLP) highlights that outside of the main urban areas <i>‘development would be expected to focus upon meeting local need and supporting the sustainability of smaller communities through windfall development, including infill sites and exceptions sites. Development should be of a scale and nature appropriate to the character, role and needs of the local community.’</i> This approach complies with Policy 2A which seeks to <i>‘provide homes in a proportionate manner where they can best meet need.’</i></p> <p>The supporting text to Policy 3 of the CLP states that the <i>‘majority of parishes that do not have a town or village named in Policy 3 can meet the remaining housing requirement through the following:</i></p> <ol style="list-style-type: none"> 1. Existing sites with planning permission; 2. Infill; 3. Small scale rounding off; 4. The development of previously developed land within or adjoining settlements; 5. Rural exception sites’. <p>No settlement within the Parish is named in policy 3.</p> <p>Policy 3 itself states that:</p> <p><i>‘Outside of the main towns identified in this Policy, housing and employment growth will be delivered for the remainder of the Community Network Area housing requirement through;</i></p> <ul style="list-style-type: none"> • <i>identification of sites where required through Neighbourhood Plans</i> • <i>rounding off of settlements and use of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;</i> • <i>infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside. Proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished;</i> • <i>rural exception sites under Policy 9’</i> <p>Paragraph 1.68 of the CLP explains that <i>‘Neighbourhood Plans can provide detailed definition on which settlements are appropriate for infill and boundaries to which the policy will operate.’</i></p>
CARLYON NDP POLICY 1b: Housing Policy H2 Housing Design	Policy 2: Spatial strategy Policy 13: Design Policy 14: Renewable and low carbon energy Policy 23: Natural environment	<p>The purpose of policy H2 of the NDP is to reinforce and strengthen good design objectives at local level with housing proposals, having specific regard to the design and character of Carlyon Parish.</p> <p>The approach is supported by a number of policies in the CLP, such as the following:</p> <p>Point 1 of policy 2 (Respecting and enhancing quality of place) seeks to <i>‘maintain and respect the special character of Cornwall, recognising that all urban and rural landscapes, designated and undesignated, are important by:</i></p>

NDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
	Policy 24: Historic Environment	<p><i>Ensuring that the design of development is high quality and demonstrates a cultural, physical and aesthetic understanding of its location;</i></p> <p><i>Considering the impact of development upon the biodiversity, beauty and diversity of landscape and seascape, character and setting of settlements, wealth of natural resources, agricultural, historic and recreational value of Cornwall;</i></p> <p><i>Identifying the value and sensitivity, of the character and importance of landscapes, biodiversity and geodiversity and historic assets;</i></p> <p><i>Protecting, conserving and enhancing the natural and historic landscape, heritage, cultural, biodiversity and geodiversity assets of Cornwall in recognition of their international, national and local status, in accordance with national legislation and policy, as amplified by the other policies of this plan.'</i></p> <p>Policy 12 of the CLP:</p> <p><i>'1. As part of a comprehensive place-shaping approach, proposals will be judged against fundamental design principles of:</i></p> <ul style="list-style-type: none"> <i>a. character – creating places with their own identity and promoting local distinctiveness while not preventing or discouraging appropriate innovation. Being of an appropriate scale, density, layout, height and mass with a clear understanding and response to its landscape, seascape and townscape setting; and</i> <i>b. layout – provide continuity with the existing built form and respect and work with the natural and historic environment; high quality safe private and public spaces; and improve perceptions of safety by overlooking of public space; and</i> <i>c. movement – creating a network of safe well connected routes which are easy to read and navigate by the use of landmarks, spaces, views and intersections; and</i> <i>d. adaptability, inclusiveness, resilience and diversity – building structures can be easily altered, particularly internally, to respond to both climate change and changing social and economic conditions and provide a mix and pattern of uses; and</i> <i>e. engagement process – undertaking community engagement, involvement and consultation in the design process proportionate to the scheme.</i> <p><i>2. In addition development proposals should protect individuals and property from:</i></p> <ul style="list-style-type: none"> <i>a. overlooking and unreasonable loss of privacy; and</i> <i>b. overshadowing and overbearing impacts; and</i> <i>c. unreasonable noise and disturbance.'</i> <p>Policy 13 of the CLP <i>'5. Avoidance of adverse impacts, either individually or cumulatively, resulting from noise, dust, odour, vibration, vermin, waste, pollution and visual effects. Such adverse impacts should be avoided or mitigated during the construction, operation or restoration stage of development; and 6. Utilising opportunities for natural lighting, ventilation and heating by design, layout and orientation.'</i></p> <p>Point 3 of policy 14 requires all new development to provide <i>'an appropriate level of off street parking and cycle parking taking into account the accessibility of the location in terms of public transport and proximity to facilities and services'.</i></p>

NDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
		<p>Policy 14 of the CLP also encourages renewable energy deliver but acknowledges that care is required in terms of landscape integration as per policy 23 below.</p> <p>The overarching objective for policy 23 of the CLP states at point 1 that <i>‘Development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall’s natural environment and assets according to their international, national and local significance.’</i></p> <p>Policy 24 Historic Environment supports development proposals that <i>‘sustain the cultural distinctiveness and significance of Cornwall’s historic rural, urban and coastal environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated assets and their settings.’</i></p> <p>Policy 24 additionally explains that <i>‘All development proposals should be informed by proportionate historic environment assessments and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports) identifying the significance of all heritage assets that would be affected by the proposals and the nature and degree of any effects and demonstrating how, in order of preference, any harm will be avoided, minimised or mitigated.’</i></p>
CARLYON NDP POLICY 1b: Housing Policy H3 Replacement Dwellings	Policy 7: Housing in the countryside Policy 13: Design	<p>Policy seeks to maintain control over accommodation scale so as to ensure the level and manner of accommodation is appropriate in context, supports habitat connectivity and flood management.</p> <p>The policy accords with policy 7 1. which states that <i>‘Replacement dwellings broadly comparable to the size, scale and bulk of the dwelling being replaced and of an appropriate scale and character to their location’</i></p>
CARLYON NDP POLICY 2: Green Buffers Policy GB1 Green Buffers	Policy 23: Natural environment Policy 25: Green infrastructure	<p>The polices objective is to provide specific policy direction to proposals that could impact upon identified green buffers and recreational areas which provide valued landscape and visual character, alongside recreational value to the Parish as a whole and the setting of settlements.</p> <p>The approach aligns with point 1 of policy 23 of the CLP which sets out that <i>‘Development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall’s natural environment and assets according to their international, national and local significance’</i> and point 5 of policy 25 of the CLP seeks to provide <i>‘accessible and good quality open space and where applicable improved access to coastal space.’</i></p>
CARLYON NDP POLICY 3: Character & Heritage Combined policies CH1 and CH2	Policy 2: Spatial strategy Policy 13: Design Policy 23: Natural environment Policy 24: Historic Environment Policy 25: Green Infrastructure	<p>Policy seeks to ensure that all new development is respectful and coherent with their context, and achieves to objective of delivering high quality design. The policy is supported by a village design statement which has been undertaken to identify the distinctive characteristics and key features to have regard to in decision making and preparing proposals for policy CH1. Further, a separate List of Local Historic and Cultural Assets has also been identified for policy CH2.</p> <p>The policy approach is supported by a number of policies in the CLP, such as: Point 1 of policy 2 (Respecting and enhancing quality of place) seeks to <i>‘maintain and respect the special character of Cornwall,</i></p>

NDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
		<p><i>recognising that all urban and rural landscapes, designated and undesignated, are important by:</i></p> <p><i>Ensuring that the design of development is high quality and demonstrates a cultural, physical and aesthetic understanding of its location;</i></p> <p><i>Considering the impact of development upon the biodiversity, beauty and diversity of landscape and seascape, character and setting of settlements, wealth of natural resources, agricultural, historic and recreational value of Cornwall;</i></p> <p><i>Identifying the value and sensitivity, of the character and importance of landscapes, biodiversity and geodiversity and historic assets;</i></p> <p><i>Protecting, conserving and enhancing the natural and historic landscape, heritage, cultural, biodiversity and geodiversity assets of Cornwall in recognition of their international, national and local status, in accordance with national legislation and policy, as amplified by the other policies of this plan.'</i></p> <p>Policy 23. 1. Natural Environment outlines that 'development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance'.</p> <p>Policy 24 Historic Environment supports development proposals that 'sustain the cultural distinctiveness and significance of Cornwall's historic rural, urban and coastal environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated assets and their settings.'</p>
CARLYON NDP POLICY 4: Climate Change and Green Infrastructure	Policy 16: Health and wellbeing Policy 25: Green infrastructure	<p>The policy supports the maintenance and enhancement the green infrastructure in the Parish.</p> <p>The policy is supported by point 3 of Policy 16 of the CLP seeks to 'Maximise the opportunity for physical activity through the use of open space, indoor and outdoor sports and leisure facilities and providing or enhancing active travel networks that support and encourage walking, riding and cycling' and Policy 25 which requires 'Retaining and enhancing the most important environmental infrastructure assets and connections that contribute to the functionality of networks of ecosystems and our Strategic Environmental Infrastructure Network in their existing location.'</p> <p>Policy 25 of the CLP explains that 'The existing green infrastructure network in Cornwall, which is important to recreation, leisure, community use, townscape and landscape quality and visual amenity will be protected and enhanced.'</p>
CARLYON NDP POLICY (combined policy) 5a: Protection of formal open spaces, playing pitches and leisure Policy 5b: Local Green Space	Policy 16: Health and wellbeing Policy 23: Natural environment Policy 25: Green infrastructure	<p>Policy 5a identifies important formal or informal recreational space or sports pitch or leisure facilities that are to be protected from development unless specific criteria is met. The approach here being consistent with</p> <p>With Policy 5b, a number of open spaces of community value have been highlighted as Local Green Space designations.</p> <p>Both components of this policy align with point 3 of Policy 16 of the CLP seeks to 'Maximise the opportunity for physical activity through the use of open space, indoor and outdoor sports and leisure facilities and providing or enhancing active travel networks that support and encourage walking, riding and cycling'.</p>

NDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
		<p>Point 1 of policy 23 of the CLP sets out that <i>‘Development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall’s natural environment and assets according to their international, national and local significance.’</i></p> <p>Further policy 25 which requires development to achieve the objective of <i>‘Retaining and enhancing the most important environmental infrastructure assets and connections that contribute to the functionality of networks of ecosystems and our Strategic Environmental Infrastructure Network in their existing location.’</i></p> <p>Policy 25 of the CLP also explains that <i>‘The existing green infrastructure network in Cornwall, which is important to recreation, leisure, community use, townscape and landscape quality and visual amenity will be protected and enhanced.’</i></p> <p>Point 5 of policy 25 continues that development should seek to provide <i>‘accessible and good quality open space and where applicable improved access to coastal space.’</i></p> <p>Point 7 further outlines that <i>‘in exceptional circumstances where retention of the most important green infrastructure assets and connections is outweighed by the benefits arising from the development proposals and they cannot be retained on site, the loss resulting from the proposed development should be replaced by equivalent or better provision in terms of quantity and quality and ecological or open space value that enhances the provision of ecosystem services in a suitable location.’</i></p>
<p>CARLYON NDP POLICY 6: Footpaths, Access and Public Rights of Way (combined policy)</p> <p>FP1. Carlyon Bay Beaches FP2 - Footpaths, cycle paths and bridleways</p>	<p>Policy 23: Natural environment Policy 25: Green infrastructure</p>	<p>Policy FP1 supports development retain and improves safe access to the beach facilities at Carlyon Bay. Further, policy FP2 seeks to safeguard and enhance the existing and deliver future safe and accessible footpaths, cycle paths and bridleways in the parish</p> <p>The policy approach is supported by the following section of the CLP:</p> <p>Point 1D of policy 13 seeks to create <i>‘a network of safe well connected routes which are easy to read and navigate by the use of landmarks, spaces, views and intersection’.</i></p> <p>Point 3 of Policy 16 of the CLP seeks to <i>‘Maximise the opportunity for physical activity through the use of open space, indoor and outdoor sports and leisure facilities and providing or enhancing active travel networks that support and encourage walking, riding and cycling’</i> and Policy 25 which requires <i>‘Retaining and enhancing the most important environmental infrastructure assets and connections that contribute to the functionality of networks of ecosystems and our Strategic Environmental Infrastructure Network in their existing location.’</i></p> <p>Policy 25 of the CLP explains that <i>‘The existing green infrastructure network in Cornwall, which is important to recreation, leisure, community use, townscape and landscape quality and visual amenity will be protected and enhanced.’</i></p> <p>Policy 27.4 of the CLP requires that development proposals should <i>‘Be designed to provide convenient accessible and appropriate cycle and pedestrian routes, public transport and road routes within and in the immediate vicinity of the development....’</i></p>

NDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
<p>CARLYON NDP POLICY 7: Infrastructure (combined policy)</p> <p>IN1. Sustainable design</p> <p>IN2. Traffic & Transport</p>	<p>Policy 13: Development Standards</p> <p>Policy 25: Green infrastructure</p> <p>Policy 26: Flood risk management and coastal change</p> <p>Policy 27: Transport and accessibility</p> <p>Policy 28: Infrastructure</p>	<p>Policy IN1 seeks development to deliver a sustainable design through adequate foul and surface water provisions.</p> <p>The policy follows the direction in policy 26 of the CLP, which sets out as follows under sub sections 2 and 3:</p> <p><i>'2. Development should be sited, designed, of a type and where necessary relocated in a manner that: a. increases food resilience of the area, taking account of the area's vulnerability to the impacts of climate change and coastal change and the need to avoid areas of food risk, in the first instance, taking into account the vulnerability of the use proposed; and b. minimises, or reduces and where possible, eliminates food risk on site and in the area; and c. enables or replicates natural ground and surface water flows and decreases surface water run off, particularly in Critical Drainage Areas, through sustainable urban drainage systems (SUDS), utilising green infrastructure where possible and as guided by local standards, including Cornwall drainage guidance; and d. the safeguarding of land, where it is identified to be functional food storage, to make space for water at times of food; and e. where applicable, supports community-led local solutions to managing food risk and coastal change; and f. does not create avoidable future liability for maintenance for public bodies and communities.</i></p> <p><i>3. Development proposals of 10 dwellings or more or over 0.5 ha should provide a long term water management plan, which includes maintenance of surface water drainage systems, measures to improve the network of surface water drainage systems on and around the site (e.g. culverts etc.) and identifies opportunities and funding for future enhancement.'</i></p> <p>Policy IN2 seeks a number of measures through development to deliver safe and accessible environments through transport infrastructure.</p> <p>Point 1D of policy 13 seeks to create <i>'a network of safe well connected routes which are easy to read and navigate by the use of landmarks, spaces, views and intersection'</i>.</p> <p>Point 3 of Policy 16 of the CLP seeks to <i>'Maximise the opportunity for physical activity through the use of open space, indoor and outdoor sports and leisure facilities and providing or enhancing active travel networks that support and encourage walking, riding and cycling'</i> and P</p> <p>olicy 25 which requires <i>'Retaining and enhancing the most important environmental infrastructure assets and connections that contribute to the functionality of networks of ecosystems and our Strategic Environmental Infrastructure Network in their existing location.'</i></p> <p>Policy 25 of the CLP explains that <i>'The existing green infrastructure network in Cornwall, which is important to recreation, leisure, community use, townscape and landscape quality and visual amenity will be protected and enhanced.'</i></p> <p>Policy 27.4 of the CLP requires that development proposals should <i>'Be designed to provide convenient accessible and appropriate cycle and pedestrian routes, public transport and road routes within and in the immediate vicinity of the development....'</i></p> <p>Both components of the policy are also supported by in accordance with policy 28 of the CLP and in particular, points 1 and 2 as described below:</p>

NDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
		<p><i>'Developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Contributions will be used to provide or enhance local infrastructure that is adversely affected by the development of a site but which will not be delivered on that site. Development will be permitted where it would:</i></p> <ol style="list-style-type: none"> <i>1. Be supported by appropriate infrastructure provided in a timely manner; and</i> <i>2. Provide on-site mitigation measures or make financial contributions for site specific infrastructure provision not in the Regulation 123 list, including maintenance and management contributions, to be negotiated on a site-by-site basis.'</i>
<p>CARLYON NDP POLICY 8:Employment (Combined Policy):</p> <p>EE1 Improvements to existing employment space</p> <p>EE2 – St Austell Bay Business Park</p> <p>EE3 – Vacant rural buildings</p> <p>EE4 – New employment</p>	<p>Policy 3: Role and function of places</p> <p>Policy 4: Shopping, services and community facilities</p> <p>Policy 5: Jobs and skills</p>	<p>The four components of this policy seek to maintain and encourage Carlyon Parish's local economy ensuring that people will have good opportunities and access to local employment, the policy also seeks to retain existing business space and encourages the re-use/redevelopment of vacant sites and building.</p> <p>The policy direction is endorsed by policy 5.1 of the CLP which requires that business and employment sites <i>'should be:</i></p> <ol style="list-style-type: none"> <i>a) well integrated with our city, towns and villages; or</i> <i>b) within areas that are well served by public transport and communications infrastructure; or</i> <i>c) in the countryside and smaller rural settlements be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location such as farm diversification; or</i> <i>d) an extension to an existing business where re-location would be impractical or not viable. '</i> <p>Point 2 of policy 5 relates to the loss of business space and a criteria approach in assessing whether such proposal is supported. It reads as follows:</p> <p><i>'2. Proposals that would result in the loss of business space must:</i></p> <ol style="list-style-type: none"> <i>i. demonstrate there is no market demand through active and continued marketing for at least a period of 9 months; or</i> <i>ii. result in the provision of better quality employment space allowing for mixed use; or</i> <i>iii. be necessary to meet a clear need for community facilities; or</i> <i>iv. be unsuitable to continue as business use due to environmental considerations.'</i>
<p>CARLYON NDP POLICY 9: Tourism (Combined Policy)</p> <p>ET1. Rural diversification</p> <p>ET2.Retention of hospitality businesses</p>		<p>Policy ET1 supports rural diversification relating to tourism activities. With reference to Policy ET2, it seeks to only support the redevelopment or change of use of buildings and land from local retail facilities and service trade use (including cafes, pubs and restaurants) to residential use unless the premises have been vacant for 3 months. The policy accords with</p> <p>With regard to tourism uses, policy 5 3 of the CLP supports <i>'The development of new or upgrading of existing tourism facilities through the enhancement of existing or provision of new, high quality sustainable tourism facilities, attractions and accommodation will be supported where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes. Proposals should provide a well balanced mix of economic, social and environmental benefits.'</i></p>

NDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
<p>CARLYON NDP POLICY 10: Retail and Small Business</p> <p>ER1 – Redevelopment of existing employment buildings</p>		<p>The policy supports the upgrade or redevelop existing employment buildings and the surrounding environment, subject to set criteria.</p> <p>The policy is supported by policy 5.1 of the CLP requires that business and employment sites <i>'should be:</i></p> <ul style="list-style-type: none"> a) <i>well integrated with our city, towns and villages; or</i> b) <i>within areas that are well served by public transport and communications infrastructure; or</i> c) <i>in the countryside and smaller rural settlements be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location such as farm diversification; or</i> d) <i>an extension to an existing business where re-location would be impractical or not viable. '</i> <p>Point 2 of policy 5 relates to the loss of business space and a criteria approach in assessing whether such proposal is supported. It reads as follows:</p> <p><i>'2. Proposals that would result in the loss of business space must:</i></p> <ul style="list-style-type: none"> i. <i>demonstrate there is no market demand through active and continued marketing for at least a period of 9 months; or</i> ii. <i>result in the provision of better quality employment space allowing for mixed use; or</i> iii. <i>be necessary to meet a clear need for community facilities; or</i> iv. <i>be unsuitable to continue as business use due to environmental considerations.</i>

NB. A number of the policies in the CLP are not applicable to the NDP area or do not have a directly relevant policy within the document as the relevant planning policy considerations are already considered to be adequately managed through policies in the NPPF and/or the CLP.

Table 3 Demonstrating Conformity with the Strategic Policies in the Development Plan for the Area – the Allocations DPD

With reference to the table below, unlike the preceding tables, the layout does not list each NDP policy in turn. This is because the relevant component of the Allocations DPD relates to one specific allocation at Par Moor, for which the predominance of policies in the NDP are not relevant. Therefore, the table below lists only the relevant policies from the NDP to this allocation.

Allocations DPD policy	Applicable NDP Policies	Explanation of how the policy is in general conformity with the development plan
<p>STA-E3</p> <p>Location : Par Moor</p> <p>Site_area : 7.7 ha</p> <p>Allocation : B1, B2, B8 employment space</p>	<p>CARLYON NDP POLICY 3: Character & Heritage</p> <p>Combined policies CH1 and CH2</p> <p>CARLYON NDP POLICY 4: Climate Change and Green Infrastructure</p> <p>CARLYON NDP POLICY 7</p>	<p>Site allocation: Approx. 4,000 sqm B1 a/b uses and approx. 19,000 sqm of B1c, B2, and B8 employment space.</p> <p>Site Allocation is referred to directly in the NDP under paragraphs 17.8 to 17.9 and the direction in the Allocation is supported by the listed policies in the NDP, to bring forward employment development on this site, which has a temporary permission until 2023 as a construction depot. New development is required to be brought forward in accordance with a master plan/ concept plan and have due regard to blue/green infrastructure., flood risk and biodiversity constraints.</p>

Allocations DPD policy	Applicable NDP Policies	Explanation of how the policy is in general conformity with the development plan
	IN1. Sustainable design	
	IN2. Traffic & Transport	
	CARLYON NDP POLICY 8	
	EE1 Improvements to existing employment space	
	EE4 – New employment	

f. The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

In this regard the National Planning Practice Guidance explains that there are four directives that may be of particular relevance to neighbourhood planning:

- *Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).*
- *Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).*
- *Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively).*

In the case of *Directive 2001/42/EC* a screening opinion was obtained from Cornwall Council in terms of the need for Strategic Environmental Assessment (SEA) whereby it was concluded that a SEA was not required. See decision letter at Appendix C).

With regard to *Directive 2011/92/EU* the NDP does not in itself propose any projects that are likely to have significant environmental effects. Compliance with this directive is more relevant to Neighbourhood Development Orders.

Turning to *Directive 92/43/EEC* and *Directive 2009/147/EC* these seek to protect and improve Europe's most important habitats and species. As part of the screening request for the SEA a Habitat Regulation Assessment Screening request was also submitted and it was concluded that no HRA was required.

Further, the parish falls entirely outside of the '*Zones of Influence*' of the Plymouth and Tamar Estuaries Special Area of Conservation and Special Protection Area; the Falmouth and Helford Special Area of Conservation; and the Penhale Dunes Special Area of Conservation. The above European Sites are subject to strategic mitigation measures in the CLP to deal with recreational impacts, as the parish is outside of the '*Zones of Influence*' it can be concluded that there will be no adverse impacts on features of European sites arising from the NDP.

As a consequence of the above, Directives 92/43/EEC and 2009/147/EC have been met.

We additionally wish to confirm that the policies in the plan accord with EU Human Rights obligations, for example the policies in the plan are equal to all individuals, and all residents in the Parish have had the right to a "fair hearing" through an effective and proportionate consultation process to reach out to different groups potentially affected. Consultation responses have been taken into account in a satisfactory manner during the processing of the plan.

g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

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.)

Through the Submission of the Screening request for the SEA and the HRA it has been established that the NDP is not likely to have a significant effect on a European site or a European offshore marine site.

List of Appendices

Appendix A: Cornwall Council Designation Letter

Appendix B: Designation letter and map which identifies the area to which the proposed neighbourhood development plan relates

Appendix C: Decision letter from Cornwall Council in response to the screening request to determine if the Plan requires an SEA or HRA