

**Luxulyan Neighbourhood Development Plan 2018 - 2030**

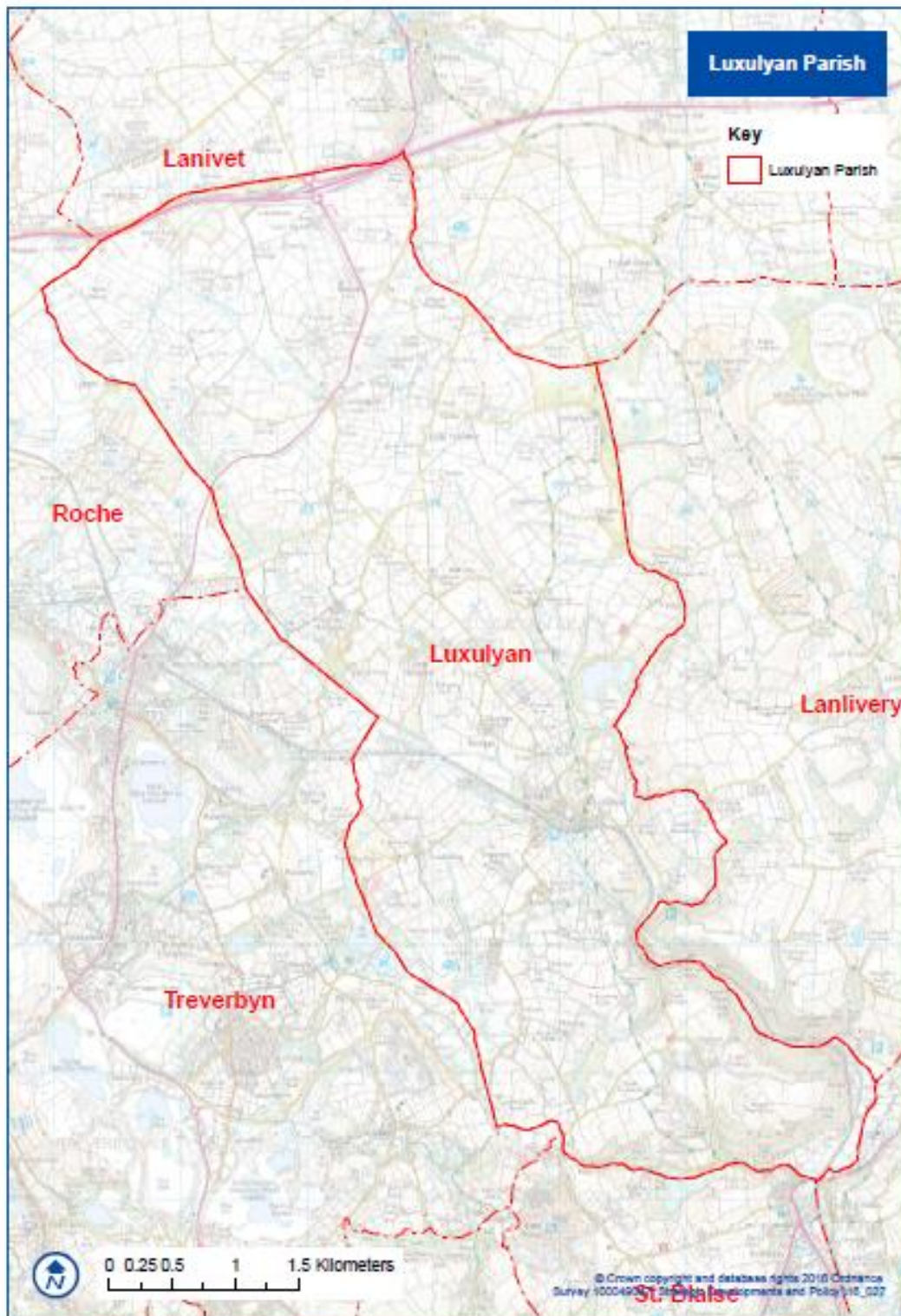
**BASIC CONDITIONS STATEMENT**

**Date: 30th August 2018**

**Town and Country Planning Act 1990 (as amended)  
Statement under paragraph 8(2) of Schedule 4B**

# Luxulyan Neighbourhood Development Plan

Submitted by Luxulyan Parish as the Qualifying Body for the Luxulyan Neighbourhood Development Plan Area comprising the Parish of Luxulyan.



## **CONTENTS**

- 1 Introduction
- 2 Background to the Neighbourhood Development Plan.
- 3 Supporting Documents and Evidence
- 4 Basic Conditions to be met.
- 5 How the Neighbourhood Development Plan meets the Basic Conditions.
- 6 Conformity with guidance issued by the Secretary of State – The National Planning Policy Framework
- 7 Contribution to the Achievement of Sustainable Development
- 8 General conformity with the strategic policies of the development plan(s) for the area
- 9 Detailed Consideration of Neighbourhood Plan Policies:
- 10 Compatibility with EU Regulations
- 11 Prescribed conditions and prescribed matters.
- 12 Conclusion

## **APPENDICES**

- Appendix 1 Neighbourhood Area – Decision notice confirming Neighbourhood area designation
- Appendix 2 Table of Neighbourhood Plan Policy Links
- Appendix 3 Summary of Policies of the Cornwall Local Plan (2016)
- Appendix 4 Cornwall Council - Statement on the need for Habitat Regulation Assessment of the Luxulyan Neighbourhood Development Plan

## **Submission Documents Accompanying Basic Conditions Statement**

Luxulyan Neighbourhood Development Plan

Consultation Statement

Equality Impact Assessment

## **1 INTRODUCTION**

This Basic Conditions Statement has been produced to explain how the proposed Luxulyan Neighbourhood Development Plan (LNDP) has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B to the Town and County Planning Act 1990 have been met.

## **2 BACKGROUND TO THE LUXULYAN NEIGHBOURHOOD DEVELOPMENT PLAN.**

Production of the Luxulyan Neighbourhood Development Plan was undertaken by the Luxulyan Parish Council, working in partnership with Cornwall Council (CC). The plan is based on consultation with local people, businesses and others with an interest in the area over a 24-month period.

## **3 SUPPORTING DOCUMENTS AND EVIDENCE**

The Luxulyan Neighbourhood Development Plan is supported by the following documents: Consultation Statement; Equality Impact Statement and a statement from Cornwall Council on whether there is a need for Strategic Environmental Assessment or Habitat Regulation Assessment of the plan.

#### **4 BASIC CONDITIONS TO BE MET**

Schedule 4B to the Town and County Planning Act (Para 8) sets out the following basic conditions that Neighbourhood Development Plans must meet: 8(1)

- 8(1) **The examiner must consider the following—**
- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),*
  - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,*
  - (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
  - (e) such other matters as may be prescribed.*
- (2) **A draft neighbourhood development plan meets the basic conditions if—**
- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,*
  - (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*
  - (e) the making of the neighbourhood development 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 neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and*
  - (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*
- (6) *The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).*

#### **5 HOW THE LUXULYAN NEIGHBOURHOOD DEVELOPMENT PLAN MEETS THE BASIC CONDITIONS.**

##### **5.1 Para 1a. Does the draft Luxulyan Neighbourhood Development Plan meet the basic conditions?**

How the draft Luxulyan Neighbourhood Development Plan meets the basic conditions (as required by 1(a) and sub-paragraph 2) is set out in Sections 5 – 11 of this Basic Conditions Statement.

##### **5.2 Para 1b. Whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,**

*The provision of 61E(2), 61J and 61L as amended by s38C(5)(b) is a reference to the provision of 38A and 38B.*

The following is submitted in respect of 38A and 38B.

### **38A**

- 1) Luxulyan Parish Council is a qualifying body and entitled to submit a Neighbourhood Development Plan (LNDP) for its own parish.
- 2) The LNDP expresses policies relating to the development and use of land solely within the neighbourhood area.

*3) to 12) are essentially post examination procedures.*

### **38B**

- 1) a) The LNDP covers the period up to and including 2030, some 12 years. This period has been chosen to align with the Cornwall Local Plan, prepared by Cornwall Council.
- 1) b) The LNDP does not include any provision for excluded development such as national infrastructure
- 1) c) The LNDP does not relate to more than one neighbourhood area. It relates only to the Luxulyan Neighbourhood Area as designated by Cornwall Council on 4<sup>th</sup> August 2016.

*A copy of the decision notice confirming designation of the Luxulyan Neighbourhood Area is attached in Appendix 1.*

- 2) There are no other LNDPs in place in the Luxulyan neighbourhood area.
- 3) Refers to conflicts within the LNDP and clarifies that in the event of conflict between a LNDP Policy and any other statement or information in the plan, the conflict must be resolved in favour of the policy.
- 4) Refers to regulations made by the Secretary of State relating to LNDPs in the Neighbourhood Planning (General) Regulations 2012 which have been used to inform the process of making the Luxulyan NDP. These regulations set out:
  - the process by which neighbourhood plans are to be made and set out the consultation bodies for LNDPs (*referred to in the Consultation Statement accompanying this plan*)
  - that LNDPs which are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment.

*The Luxulyan LNDP has been subject to Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment. The Cornwall Local Plan has undertaken a Habitats Regulations Assessment (HRA). The screening exercise for the Luxulyan LNDP concluded that there are European sites that would not be affected by the proposals, also that there would not be likely significant effect and therefore it was agreed that an HRA was not necessary.*
  - that NDO (Neighbourhood Development Orders) may be subject to an Environmental Impact Assessment (not relevant for LNDPs).

- 5) Refers to the publication of LNDPs once made by a local planning authority in accordance with the regulations.
- 6) Clarifies what is excluded development

5.3 **Para 1(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates,**

It is not considered that there is any benefit or reason for extending the area for the referendum beyond the Designated Neighbourhood Plan Area.

5.4 **Paragraph 1(e) such other matters as may be prescribed**

There are no other prescribed matters

## 6 CONFORMITY WITH GUIDANCE ISSUED BY THE SECRETARY OF STATE - THE NATIONAL PLANNING POLICY FRAMEWORK

### *Paragraph 2a*

*A draft neighbourhood development plan meets the basic conditions if -*

*(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,*

- 6.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies contained in the NPPF constitute the Government's view of what sustainable development means in practice for the planning system.
- 6.2 NPPF sets out 12 core land-use planning principles that should underpin plan-making and decision-taking. These are that planning should:
- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area....
  - be a creative exercise in finding ways to enhance and improve the places in which people live their lives; proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
  - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - take account of the different roles and character of different areas ....., promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
  - support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources;
  - contribute to conserving and enhancing the natural environment and reducing pollution;
  - encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
  - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
  - conserve heritage assets in a manner appropriate to their significance;



- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all.

6.3 These principles have been embodied throughout the production of the LNDP which has also had regard to the following key policy areas as evidenced below and summarised in Appendix 2.

#### 6.4 **Building a Strong, Competitive Economy**

6.5 NPPF Para 21 states that LPA's should plan positively for local inward investment to match and meet anticipated needs over the plan period. Support should be given to existing business whilst identifying priority areas for infrastructure provision and environmental enhancement. Planning should operate to encourage and not act as an impediment to sustainable growth and policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.

#### 6.6 **Delivering a Wide Choice of High Quality Homes**

6.7 NPPF states that to boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area....,
- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements ....
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period .....
- set out their own approach to housing density to reflect local circumstances.

6.8 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the NPPF states that local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community ....
- identify the size, type, tenure and range of housing that is required locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such

policies should be sufficiently flexible to take account of changing market conditions over time.

- 6.9 The approach to housing development set out in the LNDP is consistent with this guidance, with the stated long-term aspiration of providing good quality new housing to support Luxulyan as a whole. This provides for around the twenty-two homes required by the Cornwall Local Plan as a share of the Community Network Area that the plan sits within and allows for additional housing growth as required by local needs.

#### **Housing policies**

LH1 - New Housing Developments

LH2 - Rural Exceptions Housing for Local People

LH3 - Housing on Farms

LH4 - Housing for Older People

#### **6.10 Local Landscape Character**

- 6.11 The NPPF sets out guidance on how to develop positive strategies for the conservation and enjoyment of the historic environment, taking into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
  - the desirability of new development making a positive contribution to local character and distinctiveness; and
  - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 6.12 The LNDP seeks to protect and enhance the landscape and important areas of local green space and encourage their appreciation by local people and visitors.
- 6.13 The areas and features that the LNDP seeks to afford protection are those that have been recognised as being special. These areas include those with a statutory designation in recognition of their international importance, i.e. The World Heritage Site of Luxulyan Valley but also include those that do not have a statutory designation but have been recognised by Cornwall Council as being of local importance and given a local designation, such as in the Cornwall & Isles of Scilly Landscape Character Assessment (CA 39 St Austell Bay and Luxulyan Valley), County Wildlife Sites and the Area of Great Landscape Value.
- 6.14 The LNDP also seeks to retain the much-loved local scenery in keeping with the responses to the questionnaire to preserve the tranquillity, dark skies, Cornish hedges, quality of the landscape, unique granite boulders, village amenities, farming landscape, field patterns, trees & woodlands, stream, ridges & skylines, and historic features.

- 6.15 The area determined to be the most important to the landscape and historic setting of Luxulyan, by the responses to the questionnaire, is identified in the plan and Policy LLNE1 is aimed at protecting and enhancing the existing historic buildings and areas of special character consistent with NPPF guidance.

**Local Landscape Character**

LLNE1: Local Landscape Character.

## 7 CONTRIBUTION TO THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

### *Paragraph 2(d)*

*A draft neighbourhood development plan meets the basic conditions if -*

*(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*

- 7.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF therefore is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.
- 7.2 There are three elements to sustainable development: economic, social and environmental. These require the planning system to perform a number of roles:
- An economic role - contributing to building a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy
- 7.3 The Luxulyan LNDP contributes to the achievement of sustainable development by:
- Planning positively for housing growth to meet the needs of present and future generations by meeting housing need up to the year 2030;
  - Setting criteria for development to ensure that sites chosen best meet the overall objectives of the plan and help to create a sustainable rural community;
  - By requiring new development to be where it relates well to existing settlements and the landscape
  - By protecting locally important open spaces and landscape features;
  - By protecting and enhancing the natural, built and historic environment of Luxulyan.
- 7.4 The NPPF also indicates that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking to ensure that Plans are deliverable.
- 7.5 Ensuring that the LNDP is deliverable has involved:
- Making sure that any sites identified for development are capable of being brought forward within the lifetime of the plan:
  - Ensuring that infrastructure requirements are identified and:

- Setting out a delivery table, with actions and outcomes in relation to the Neighbourhood Plan policies.
- 7.6 With regards to future infrastructure requirements, this is being addressed at Cornwall-wide level through work being undertaken in association with the Cornwall Local Plan, such as the Strategic Housing Market Assessment (SHMA) and Infrastructure Delivery Plan (IDP). This will in turn be used to inform production of CC's Community Infrastructure Levy (CIL) which will be used to assist with the delivery of critical infrastructure requirements.
- 7.7 NPPF states that the Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place and at the present time it is proposed that some 25% of CIL will be allocated to those areas with a Neighbourhood Development Plan in place.

## **8 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN FOR THE AREA.**

### *Paragraph 2(e)*

*A draft neighbourhood development plan meets the basic conditions if -*

*(e) the making of the neighbourhood development 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),*

8.1 One of the basic conditions that neighbourhood plans must satisfy is that they are in general conformity with the strategic policies of the adopted development plan for the local area, i.e. the high-level strategic elements in the local plan that are essential to delivering the overall planning and development strategy for the local area. S.38 of the Planning and Compulsory Purchase Act 2004 defines “development plan” as the development plan documents (DPDs) adopted for the area and Schedule 8 extends this to include saved local plans.

### **The Cornwall Local Plan**

8.2 Following Local Government Reorganisation in 2009, Cornwall Council was formed from the County Council and previous District and Borough Councils in Cornwall. Work subsequently commenced on a new Cornwall Local Plan. The plan was Submitted to the Secretary of State in February 2015 and the Inspector’s decision letter was received on the 23<sup>rd</sup> of September 2016. The Cornwall Local plan was formally Adopted in November 2016.

8.3 The Local Plan provides strategic policy guidance for the whole of Cornwall. The plan also continues to use some of the existing Saved Policies of the predecessor Local and Borough Plans for the purposes of development management to supplement those of the Adopted Local Plan and as such conformity with these policies will continue to be relevant up until the Site Allocations DPD is Adopted.

8.4 Policy 2 sets out the spatial strategy for Cornwall, consisting of the following principles:

- Respecting and enhancing quality of place – maintaining and respecting the special character of Cornwall, recognising that urban and rural landscapes, designated and undesignated are important;
- Providing solutions to current and future issues – assisting the creation of resilient and cohesive communities; and
- Generating and sustaining economic activity – improving conditions for business and investment in Cornwall.

8.5 Policy 2a sets out key targets for the Local Plan, including the headline requirement for a minimum 52,500 homes up to 2030, 38,000 full time jobs and 704,000 square metres of employment space and at least 318 permanent pitches for Gypsies and Travellers, 60 transit pitches and 11 plots for Travelling Show people.

- 8.6 Policy 3 of the Local Plan (Role and function of places) sets out the hierarchy of settlements in Cornwall.
- 8.7 The broad scale of development proposed in the LNDP is consistent with the Local Plan. The neighbourhood plan provides criteria by which applications can be structured to meet the Local Plan requirement for 22 dwellings over the plan period.
- 8.8 Section 9 of this Basic Condition Statement demonstrates specifically how the LNDP conforms to the key strategic policies and objectives of the local plan. The term 'general conformity' is not defined in law but the use of the adjective 'general' is clearly intended to introduce some degree of flexibility, the extent of which will depend upon the planning judgement of the decision maker and the particular circumstances of the case.
- 8.9 It is considered that the ambition of the LNDP is aligned with and positively supports the strategic needs and priorities of the wider local area and promotes development consistent with the requirements of the Local Plan.
- 8.10 A more detailed assessment of the policies contained in the LNDP and their relationship to policies in the Local Plan is set out in the following section and summarised in Appendix 2.

## 9 DETAILED CONSIDERATION OF LUXULYAN NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES:

### 9.5 Housing

- LH1 - New Housing Development
- LH2 - Rural Exceptions Housing for Local People
- LH3 - Housing on Farms
- LH4 - Housing for Older People

### 9.6 CORNWALL LOCAL PLAN

#### **Policy 1 - Presumption in favour of sustainable development**

**Policy 2 – Spatial strategy:** make best use of resources and existing infrastructure, increase energy efficiency, positively manage new development through high quality design. Deliver sufficient housing of appropriate types to meet future requirements in particular meeting affordable housing ... needs.

**Policy 3 – Role and function of places:** the scale and mix of uses should be proportionate to the role and function of places.

**Policy 6 – Housing mix:** new developments will be required to provide a mix of house size, type, price and tenure to address identified needs and market demand.

**Policy 8 – Affordable housing:** requires a target of 40% affordable housing in developments in Luxulyan

**Policy 9 – Rural Exception Sites: the provision of local needs housing on the edge of villages is a key feature of Cornwall’s rural housing delivery**

**Policy 12 – Design:** requires high quality design underpinned by character, layout, movement, adaptability and community engagement.

**Policy 13 – Development Standards:** requires development to provide on-site open space, reduce impacts from pollution and minimise energy consumption.

**Policy 16 – Health and wellbeing:** improving the health and wellbeing of Cornwall through maximising opportunities for physical activity, encourage food growing and provide flexible community space.

**Policy 21- Best use of land and existing buildings:** prioritise the use of previously developed land.

**Policy 23 – Natural Environment:** development should recognise and respect distinct and diverse landscape of Cornwall

**Policy 25 – Green Infrastructure:** protect and enhance a diverse, connected and functional network of open spaces and waterscapes, retaining and enhancing the most important infrastructure assets



**9.7 Local Landscape Character**

LLNE1: Local Landscape Character.

The community rates the importance of protecting its historic features and culture highly. The LNDP also seeks to retain the much-loved local scenery in keeping with the responses to the questionnaire to preserve the tranquillity, dark skies, Cornish hedges, quality of the landscape, unique granite boulders, village amenities, farming landscape, field patterns, trees & woodlands, stream, ridges & skylines, and historic features.

9.8 The above-mentioned policy is considered to be in conformity with the following policies of the adopted Cornwall Local Plan.

**9.9 CORNWALL LOCAL PLAN**

**Policy 1 - presumption in favour of sustainable development**

**Policy 24 – Historic Environment:** development proposals must sustain Cornwall’s local distinctiveness and protect, conserve and enhance the historic environment; including designated and non-designated historic assets and conservation areas.

## 10 COMPATIBILITY WITH EU REGULATIONS

### *Paragraph 2f*

*A draft neighbourhood development plan meets the basic conditions if -*

*(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations*

### **Sustainability Appraisal (SA)**

- 10.1 Strategic Environmental Assessment (SEA) is a requirement of the EC Directive on the assessment of the effects of certain plans and programmes on the environment. The requirements of this Directive do not apply to the LNDP

### **Habitat Regulations Assessment (HRA)**

- 10.2 A Habitats Regulations Assessment (HRA) was undertaken as part of the Cornwall Local Plan at Publication stage and updated for the Examination of the plan. This concluded that the Cornwall Local Plan policy framework is sufficient to deliver necessary measures to avoid or mitigate any adverse effects on the integrity of European sites.
- 10.3 The assessment of the potential impacts on internationally designated wildlife sites resulting from the proposals for inclusion in the Luxulyan Neighbourhood Development Plan has concluded that there will be no adverse effects on the integrity of sites. One of the assumptions behind this conclusion is that the mitigation and monitoring measures suggested for the Cornwall Local Plan are implemented.
- 10.4 The conclusion that there will be no adverse effects on the integrity of internationally designated sites means that a full HRA of the Luxulyan Neighbourhood Development Plan is not required if the level of growth is maintained at that set out in the proposed plan. Should the level of growth be increased, the need for a full HRA may have to be reassessed.
- 10.5 The Habitats Regulations Assessment (HRA) checks for potential impacts on internationally designated wildlife sites arising from the implementation of a plan such as the Luxulyan Neighbourhood Development Plan. This stage of the HRA has looked in simple terms, at the potential impacts of the Luxulyan Neighbourhood Development Plan on internationally designated wildlife sites within 20km of the Neighbourhood Area.
- 10.6 The conclusion of this assessment is that the Luxulyan Neighbourhood Development Plan, implemented in the framework established through the Cornwall Local Plan, will not have an adverse effect on the integrity of internationally designated sites either on its own or in combination with other plans. The Luxulyan Neighbourhood Development Plan will therefore not need to be subject to a Habitats Regulations Assessment.

## Equality Impact Assessment

- 10.7 The Equality Act 2010 places a duty on all public authorities to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a “protected characteristic” and those who do not.
- 10.8 An Equality Impact Assessment (EqIA) was undertaken during the course of producing the LNDP which examined the impact of the LNDP on groups with protected characteristics.
- 10.9 The EqIA concluded the policies contained within the Luxulyan Neighbourhood Development Plan will not have negative impacts upon groups with protected characteristics. Many of the policies contained within the Plan seek to cater for the needs of people with protected characteristics in the Plan area. The Luxulyan Neighbourhood Development Plan’s vision, objectives and policies all aim to foster community cohesion and social inclusion.

## Conclusion

- 10.10 The LNDP is considered to be compatible with relevant EU obligations.

## 11 PRESCRIBED CONDITIONS AND PRESCRIBED MATTERS.

### *Paragraph 2g*

*A draft neighbourhood development plan meets the basic conditions if -*

*(g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*

- 11.1 There are no other prescribed matters

## 12 CONCLUSION

It is considered that the Basic Conditions as set out in Schedule 4B to the Town and County Planning Act 1990 (as amended) have been met by the Luxulyan Neighbourhood Development Plan. It is therefore respectfully suggested to the Examiner that the Luxulyan Neighbourhood Development Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act and should proceed to Referendum.

## APPENDIX 1

### Neighbourhood Area – Decision notice confirming Neighbourhood area designation

## Cornwall Council

Circuit House St Clement Street Truro Cornwall TR1 1DT

Email: [planning@cornwall.gov.uk](mailto:planning@cornwall.gov.uk)

Tel: 0300 1234151

Web: [www.cornwall.gov.uk](http://www.cornwall.gov.uk)



Application number: PA16/00007/NDP

**Applicant:**

Mrs Christine Wilson  
Luxulyan Parish Council  
Lower Burlorne Tregoose  
Washaway  
Bodmin  
PL30 3AJ

**Town And Country Planning Act 1990 (As Amended)  
The Neighbourhood Planning (General) Regulations 2012**

### Designation of a Neighbourhood Area

**CORNWALL COUNCIL**, being the Local Planning Authority, **HEREBY APPROVES**, the designation of a Neighbourhood Area to be used for the creation of a Neighbourhood Development Plan as set out in the following application received on 4<sup>th</sup> June 2016 and accompanying plan(s):

**Proposal:** The designation of the Parish of Luxulyan as a Neighbourhood Area

**Relevant Body:** Luxulyan Parish Council

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 4<sup>th</sup> August 2016**

**Phil Mason  
Head of Planning, Housing and  
Regeneration**

## APPENDIX 2:

### Table of Neighbourhood Plan Policy Links

LNDP Policy	NPPF	Cornwall Local Plan
<b>Environment</b>		
LLNE1 - Local Landscape Character.	<ul style="list-style-type: none"> <li>• Conserving and enhancing the natural environment.</li> <li>• Requiring Good Design.</li> <li>• Meeting the challenge of climate change</li> </ul>	1 Sustainable development 2 Spatial strategy 12 Design 13 Development standards 16 Health and well-being 21 Best use of land and existing buildings 23 Natural Environment 25 Green infrastructure 26 Flood risk management and coastal change.
<b>Housing</b>		
LHI – Settlement Pattern LH2 - Rural Exceptions Housing for Local People LH3 - Housing on Farms LH4 - Housing for Older People LH5 - Extensions and Annexes	<ul style="list-style-type: none"> <li>• High quality homes</li> <li>• Conserving and enhancing the natural environment.</li> <li>• Meeting the challenge of climate change</li> <li>• Requiring Good Design.</li> <li>• Promoting Sustainable Transport</li> </ul>	1 Sustainable development 2 Spatial strategy 3 Role and function of places 6 Housing mix 7 Housing in the Countryside 8 Affordable housing 9 Rural Exception Sites 12 Design 13 Development standards 16 Health and well-being 21 Best use of land and existing buildings 23 Natural Environment 25 Green infrastructure; 26 Flood risk management and coastal change.

### Appendix 3 – Summary of Policies of the Cornwall Local Plan (2016)

Policy	Title	Summary
1	Presumption in favour of sustainable development	Sets out the presumption in favour of sustainable development as defined in the NPPF
2	Spatial Strategy	Sets out the principles for development in Cornwall. The priorities being to support the special character and landscapes of Cornwall; creation of resilient communities and improving conditions for business and investment in Cornwall, including economic priorities for named towns.
2a	Key targets	Sets out the minimum housing number requirement as well as targets for employment space and jobs, Gypsy and Traveller provision, student and nursing and specialist accommodation.
3	Role and function of places	Sets out the hierarchy of settlements with growth figures for the main towns and by Community Network area for the rest of Cornwall. Also sets out the principles for development of the Eco-communities and defines infill growth.
4	Shopping, services and community facilities	Sets out the approach the Council will take to the retail hierarchy as well as specific policies for protecting primary shopping areas and rural shops and facilities.
5	Business and tourism	Sets out the approach to the location of and requirements for new employment and tourism space as well as the requirements for releasing employment space if no longer viable.
6	Housing mix	Sets out the requirements for mix of housing types and tenure on schemes of 10 dwellings or more. Sites of 200+ dwellings require additional specialised housing.
7	Housing in the Countryside	Sets out the special circumstances where new housing in the countryside will be allowed.
8	Affordable Housing	Sets the threshold for affordable housing contributions or provision on site, the percentage required for each parish or main town and the split between affordable rented and intermediate housing.
9	Rural Exceptions Sites	Sets out the approach to schemes outside of but adjacent to existing built up areas where they would comprise between 50 and 100% affordable housing.
10	Managing Viability	Sets out the approaches expected to be considered where a site cannot deliver the required proportion of affordable housing on site.

11	Gypsies and Travellers and Travelling Showpeople	Sets out the criteria that will be applied to assessing sites for permanent and transit pitches for Gypsies and Travellers and Travelling Showpeople.
12	Design	Sets out the principles that will be applied to all applications in terms of setting design principals and potential impacts on existing individuals and properties.
13	Development Standards	Sets standards for new development in terms of sufficient internal space, open space, layout, parking and accessibility. Developments of more than 10 dwellings should provide 25% accessible homes.
14	Renewable and low carbon energy	Supports energy efficiency and renewable energy proposals (turbines require an allocation in Neighbourhood Plans), setting out the criteria to be applied in relation to impacts on people and the AONB.
15	Safeguarding renewable energy	Safeguards existing facilities and resources for renewable energy.
16	Health and well-being	Sets out the approach to avoiding pollution, managing Air Quality Management Areas, maximising opportunities for physical activity and encouraging open space provision.
17	Minerals – general principles	Sets out the principles applied to mineral development proposals.
18	Minerals safeguarding	Safeguards minerals resources, reserves and mineral related development from sterilisation and inappropriate development.
19	Strategic Waste management principles	Sets out the criteria applied to new waste facilities including extensions to existing sites and protection of existing facilities.
20	Managing the provision of waste management facilities	Sets out the approach to new or improved facilities for waste management, including energy recovery facilities.
21	Best use of land and existing buildings	Sets out support for reusing brownfield and poorer quality land, reusing buildings and increasing building densities.
22	European protected sites – mitigation of recreational impacts from development	A requirement for funding, mitigation or management applied to sites for development within defined distances (zones of influence) from European designated sites
23	Natural environment	Sets out the approach to be applied to local, national and internationally designated landscapes, biodiversity, geodiversity and habitats.
24	Historic environment	Sets out the criteria and principles to be applied to designated and non-designated heritage assets including Listed Buildings, Scheduled Ancient Monuments and Conservation Areas

25	Green Infrastructure	Sets out the objective to protect and improve green infrastructure, including buffering natural spaces, improving access and managing green spaces and assets
26	Flood risk management and coastal change	Sets the criteria to be applied to development to increase flood resilience, reduce flood risk and safeguarding land where it is functional flood storage.
27	Transport and accessibility	Sets the objectives to reduce the need to travel through location of development, improving public transport and encouraging active travel modes (walking and cycling).
28	Infrastructure	Seeks to ensure that contributions are taken from development to provide necessary social, economic and green infrastructure for Cornwall.



## **Appendix 4 - Cornwall Council Statement on the need for Strategic Environmental Assessment and Habitat Regulation Assessment of the Luxulyan Neighbourhood Development Plan**

This will be supplied by Cornwall Council