

Landulph Neighbourhood Development Plan 2018-2030

**A report to Cornwall Council on the Landulph
Neighbourhood Development Plan**

Fact check report 25 March 2019

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Executive Summary

- 1 I was appointed by Cornwall Council in January 2019 to carry out the independent examination of the Landulph Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 27 February 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new dwellings can be accommodated. The Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the adopted Local Plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Landulph Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
XX March 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Landulph Neighbourhood Development Plan 2018-2030 (the 'Plan').
- 1.2 The Plan has been submitted to Cornwall Council (CC) by Landulph Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses environmental issues relating to the location of the neighbourhood area on the western side of the Tamar Estuary.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both CC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.11 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to comply with this requirement CC undertook a screening exercise (April 2018) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process CC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 2.8 The screening report also included a parallel Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The report took appropriate account of the Tamar Estuaries Complex SPA and the Plymouth Sound and Estuaries SAC.
- 2.9 Since the HRA screening work was undertaken a European court case has had implications for how competent authorities undertake such assessments. CC helpfully reassessed the Plan in this context. This process concluded that the earlier assessment remains appropriate and that no changes are necessary in the light of the recent judgement.
- 2.10 Having reviewed the information provided to me as part of the examination, including the most recent HRA assessment, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.11 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.12 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and

- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.13 Having addressed the matters identified in paragraph 2.12 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan;
 - the Basic Conditions Statement;
 - the Consultation Statement;
 - the CC SEA and HRA report;
 - the updated CC SEA and HRA report (3 January 2019);
 - the Parish Council's responses to my Clarification Note;
 - the representations made to the Plan;
 - the adopted Cornwall Local Plan 2010-2030;
 - the saved policies of the Caradon Local Plan 2007;
 - the National Planning Policy Framework (March 2012);
 - Planning Practice Guidance (March 2014 and subsequent updates); and
 - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the Plan area on 27 February 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised CC of this decision early in the examination process.
- 3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is extensive in the way it sets out the mechanisms used to engage all concerned in the plan-making process. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (June to July 2018). Its key strength is the way in which it sets out the key issues in a proportionate way which is then underpinned by more detailed appendices. It is a first-class model for others to follow.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the initial publicity;
 - the initial public meeting;
 - the launch of a website and a Facebook account;
 - the organisation of five exhibition and consultation events;
 - the publication of an early draft of the Plan for consultation/engagement;
 - engagement with statutory organisations and local groups
- 4.4 The Statement also provides details of the Steering Group, its constitution and the responsibilities of its various members. It is clear that the process has been proportionate and robust.
- 4.5 Appendices 15 and 16 provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. CC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 22 February 2019. This exercise generated comments from a range of organisations as follows:

- Historic England
- Natural England
- Devon and Cornwall Police
- Saltash Town Council
- Cornwall Council
- South West Water
- Highways England

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Landulph. Its population in 2011 was 527 persons living in 226 houses. It was designated as a neighbourhood area on 15 May 2015. It is an irregular area with the River Tamar forming its eastern boundary. Its principal settlement is Cargreen which is located approximately 5 kilometres to the north of Saltash. Much of the neighbourhood area is in agricultural use.
- 5.2 Cargreen sits on the western side of the River Tamar estuary. It is based around Fore Street and the harbour. Fore Street includes a selection of brightly-painted vernacular cottages leading down to the harbour. The association of the village with the River Tamar is reinforced by the Cargreen Yacht Club to the north off Coombe Lane.
- 5.3 The hamlet of Landulph is located in the countryside approximately 1 kilometre to the south of Cargreen. It is dominated by the attractive St Leonard and St Dilpe parish church. It occupies an important point within the wider topography of the neighbourhood area.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Cornwall Local Plan Strategic Policies 2010 – 2030, the associated Community Network Areas Section, and the saved policies from the Caradon District Local Plan First Alteration 2007. The Local Plan 2030 sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period. Unless I indicate otherwise any references in this report to ‘the Local Plan’ are to the Local Plan 2010-2030.
- 5.5 The Local Plan sets out a comprehensive range of policies. Whilst they are all applicable to the neighbourhood area in their different ways the following policies have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy 2	Spatial Strategy
Policy 3	Role and Function of Places
Policy 5	Business and Tourism
Policy 9	Rural Exception schemes
Policy 24	Historic Environment
Policy 26	Flood risk management and coastal change

- 5.6 The Local Plan includes Community Network Area Sections. As its title suggests this part of the development plan identifies specific issues in different communities in Cornwall. Landulph falls within the Cornwall Gateway Community Network Area (Section PP17). The importance of the Tamar Estuary is highlighted in this Community Network section of the Plan.

- 5.7 Cornwall Council has embarked on the preparation of a Site Allocations Development Plan Document. It was submitted for examination in October 2017. Consultation on proposed modifications to that document concluded in October 2018. Its focus is on the delivery of strategic growth in the larger settlements. As such it has no significant impact on the neighbourhood area.
- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 27 February 2019. The weather was unseasonably warm and bright.
- 5.10 I drove into the area from the A388 to the west. This gave me an initial impression of the setting and the character of the neighbourhood area. It also highlighted the nature of its local road system.
- 5.11 I looked initially at Cargreen. I saw the importance of the village hall and the school to the wider community life and its social well-being.
- 5.12 Thereafter I looked at the area around the harbour. I saw the collection of distinctive cottages on Fore Street. At the harbour I saw the very impressive views to the east across the Tamar Estuary. I was struck by the overwhelming sense of quietness.
- 5.13 Given the pleasantness of the weather I walked to Landulph Church via Church Lane. I was able to see the views back over Cargreen and the wider landscape setting of the neighbourhood area.
- 5.14 I spent some time in the Church grounds at Landulph. I had seen earlier in Cargreen a notice advertising a church and churchyard Spring clean up day on 9 March. Whilst the churchyard was generally in good order it offered opportunities for meaningful work for those who volunteered. I saw the interesting selection of granite crosses, the yew tree planted in 2000 and the column of stone dated 1696.
- 5.15 I retraced my steps back to Cargreen. I looked at the area around Cargreen Park. I saw that the park and the play equipment was beautifully-maintained.
- 5.16 I finished my visit by driving around some of the outlying parts of the neighbourhood area. I drove up to the Cargreen Yacht Club and thereafter further along Coombe Lane to the A388.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Landulph Neighbourhood Plan:
- a plan led system - in this case the relationship between the neighbourhood plan, the adopted Cornwall Local Plan 2010-2030 and the saved elements of the Caradon Local Plan 2007;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the

neighbourhood area within the context of its position in the settlement hierarchy. It includes a series of policies that seek to safeguard the quality and nature of its natural environment. It provides a local dimension to the delivery of new housing in general terms, and where it might impact on the Tamar Estuary in particular. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and to ensure the protection of waterfronts and quays (Policies 1 and 4 respectively). In the social role, it includes a policy on roads and parking (Policy 2). In the environmental dimension the Plan has a specific policy on street lighting (Policy 3). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in Cornwall in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan. Indeed, it positively seeks to deliver the ambitions of the Local Plan in the neighbourhood area.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-7)

- 7.8 These introductory parts of the Plan set the scene for the range of policies. They do so in a comprehensive yet proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected photographs, tables and maps. A very clear distinction is made between its policies and the supporting text. It also draws a very clear connection between the Plan's objectives and its resultant policies.
- 7.9 Section 1 introduces the Plan. Section 2 identifies how the Plan has been prepared and its key priorities. Section 3 provides signposting to the evidence that has supported the Plan.
- 7.10 Section 4 provides useful background information on the neighbourhood area. In particular it identifies how its focus has shifted over time from Landulph to Cargreen. It also provides information on its agricultural context.
- 7.11 Sections 5 and 6 respectively set out the Vision and the Objectives for the Plan. Figure 2 very helpfully summarises the way in which they have generated the policies included in the Plan.

- 7.12 Section 7 provides specific details on the housing requirements of the neighbourhood area. It provides a context for Policy 1.
- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1 New Housing Development

- 7.14 The policy sets a positive context for the development of additional dwellings in the neighbourhood area. Whilst it has chosen not identify specific sites it nevertheless provides a positive policy basis against which development proposals can be assessed. The work on the housing requirements in the neighbourhood area identifies a need for around 20 dwellings in the Plan period.
- 7.15 The policy has three separate parts. The first addresses the general approach to new housing development. The second offers support to affordable housing proposals. The third requires that fire sprinklers should be inserted in new dwellings. I address these three matters in turn below.
- 7.16 The first part of the policy offers support for minor development and redevelopment which would bring forward new housing proposals to meet the identified need for new residential accommodation. The policy defines minor development as five or less dwellings. Whilst I am satisfied that this number takes account of the scale and nature of the neighbourhood area and policies in the adopted Local Plan, the definition of minor development has the potential to be confused with the definitions of major and minor development which operate at a national level. I recommend accordingly.
- 7.17 The first part of the policy has four related criteria. The first refers to the 20 new dwellings target. The second requires that new development is standalone in relation to its association with other new development. The third and fourth criteria relate to a series of design and amenity matters.
- 7.18 I recommend that the second criterion is replaced by an approach that offers support to standalone sites which respect the character of the neighbourhood area and where the number of houses is appropriate to each site. As submitted this part of the Plan is unreasonable in terms of how decisions on one site would have direct implications on others. I also recommend associated modifications to the supporting text on this matter.
- 7.19 The third and fourth criteria provide appropriate and distinctive guidance on important matters of design and amenity. In the third criterion I recommend the deletion of 'seeks to'. It introduces a degree of uncertainty to this aspect of the policy.
- 7.20 The second part of the policy offers support for the delivery of affordable or low-cost housing. However, it does so in a non-specific policy fashion which indicates that such development 'may be delivered'. I recommend a modification so that the policy has the clarity required by the NPPF.

- 7.21 The third part of the policy identifies a requirement for fire sprinklers to be provided in housing specifically for the elderly and disabled persons. Plainly this is an important safety matter. However, it is regulated through the Building Regulations rather than through the Planning Acts. As such I recommend that the matter is addressed in the supporting text.

In the first part of the policy replace ‘Proposals for..... fewer dwellings)’ with ‘Proposals for new housing development of five dwellings or less’

**Replace the second criteria of the first part of the policy with:
‘Proposals for all new housing development are on standalone sites which respect the scale and location of the sites concerned’.**

In the third criterion of the first part of the policy replace ‘seeks to preserve’ with ‘preserves’.

**Replace the second part of the policy with:
‘Proposals for affordable and low-cost housing will be supported’.**

Delete the third part of the policy.

At the end of paragraph 9.1.4 add: ‘Policy 1 sets out a locally-distinctive policy context within which new development can come forward. At its heart is an approach to ensure that the strategic housing requirement is met by a series of standalone smaller sites which respect the rural character of the neighbourhood area. Whilst all planning applications would need to be assessed on their merits against the policies in the development plan, potential larger developments which would be developed in a series of smaller phases are not supported in this Plan. This reflects both the character of the neighbourhood area and community feedback as the Plan has been prepared.’

Replace paragraph 9.2.1 with: ‘The intention of Policy 1 is to provide a context within which new housing can come forward which respects the character of the Parish. It reinforces and strengthens the provisions of the Cornwall Local Plan regarding design and character of the local landscape and built environment. It has been designed to make it easier to decide whether planning applications comply with local priorities.’

*At the end of paragraph 9.1.8 add:
‘The inclusion of fire sprinklers in housing for the elderly and people with disabilities is strongly recommended. In any event the safety of all dwellings and means of escape are addressed separately in the Building Regulations.’*

*At the end of paragraph 9.1.9 add:
‘Policy 1 provides a positive context for the development of additional dwellings in the neighbourhood area. Whilst it does not identify specific sites it provides a positive policy basis against which development proposals can be assessed. The work on the housing requirements in the neighbourhood area identifies a need for around 20 dwellings in the Plan period. A variety of proposals may come forward within the Plan period including those for the redevelopment of existing brownfield sites.’*

Policy 2: Roads and parking

- 7.22 The policy addresses roads and car parking. It has two parts. The first requires that appropriate levels of off-street car parking are provided with new development. The second part of the policy offers support for proposals which would enable sustainable modes of transport.
- 7.23 I recommend that the second part of the policy supports development of the type which would enable opportunities for sustainable travel rather than to encourage development as included in the submitted plan. The latter has limited application in policy terms. Otherwise the policy meets the basic conditions.

In the second part of the policy replace ‘encouraged’ with ‘supported’

Policy 3: Street Lighting

- 7.24 The policy offers support to street lighting associated with new development where it complies with these criteria. The policy is distinctive to the neighbourhood area. It reflects its existing dark sky profile.
- 7.25 The policy meets the basic conditions.

Policy 4: Landulph and Cargreen Waterfronts, Quays and Public Spaces

- 7.26 The policy addresses the impact of development for waterfronts, quays, slipways and paths. The Parish Council confirmed the scope of the policy in its response to the clarification note. I recommend that the principal wording of the policy is modified to reflect its intended purpose. I also recommend the inclusion of an addition to the supporting text so that the interrelationships between this policy and Policy 1 are clear. The recommended modification acknowledges that Policy 4 will not necessarily apply to all development proposals in the neighbourhood area.
- 7.27 The policy takes account of the importance of the Tamar Estuary to the character and appearance of the neighbourhood area. The supporting text helpfully identifies the sensitivity of new waterside development to its identity and its longer-term attractiveness. The policy reflects earlier comments from Natural England as part of the Plan-making process.
- 7.28 The general approach taken in the policy is both distinctive and appropriate to the neighbourhood area. I recommend a series of modifications to ensure that it has the clarity required by the NPPF. I also recommend that the map referred to in the fourth criterion of the Plan is made available in the Plan itself.

Replace the opening part of the policy with:

‘Where appropriate the location and the design of development proposals should respect the waterfronts, quays, beaches, slipways and pathways in the neighbourhood area.

Development proposals will be supported subject to the following criteria:’

In criterion 1 replace ‘it does not’ with ‘they would not’.

In criterion 2 replace ‘it is’ with ‘they are’

In criterion 3 replace ‘it acknowledges’ with ‘they acknowledge’ and delete ‘see Appendix A’

In criterion 4 replace ‘it has’ with ‘they have’ and insert ‘integrity of’ between ‘the’ and ‘Plymouth’.

In criterion 4 delete ‘See Appendix A5 for Map’.

At the end of paragraph 12.1.4 add:

‘Policy 4 addresses these particular matters. It has been designed to operate in combination with Policy 1 which sets the wider scene for new residential development in the neighbourhood area.’

At the end of paragraph 12.2.2 add:

‘Map [insert number] shows the extent of the Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA.’

Other matters

- 7.29 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for CC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2030. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community. The quality of the submitted Plan is reflected in the limited range of recommended modifications included in this report.
- 8.2 Following my independent examination of the Plan I have concluded that the Landulph Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Cornwall Council that subject to the incorporation of the modifications set out in this report that the Landulph Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Cornwall Council on 1 April 2015.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
XX March 2019