



**Independent Examiner's Report of the Calstock
Neighbourhood Development Plan**



deborah mccann

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SECTION 2

Summary

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

1. *I find the Calstock Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
2. *I am satisfied that the Referendum Area should be the same as the Plan Area, should the Calstock Neighbourhood Development Plan go to Referendum.*
3. *I have read the Calstock Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
4. *I find that the Calstock Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
5. *At the time of my examination the adopted local plan was the Cornwall Local Plan Strategic Policies 2010-2030.*

SECTION 3

3.Introduction

3.1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Calstock Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Calstock Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Calstock Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Calstock Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did require clarification on a number of issues. These points were dealt with by written representations in a question and answer format. This additional information is publicly available on the Cornwall Council website and covered in my report within the relevant policy.

3.2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to*
 - i) specify the period to which it has effect;*
 - ii) not include provision about excluded development; and*
 - iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum
2. The Plan with recommended modifications can proceed to a Referendum

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

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

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

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Calstock Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development; and
- Is in general conformity with the strategic policies contained in the Development Plan for the area.

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Cornwall Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Unitary Authority must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

4.The Report

4.1. Appointment of the Independent examiner

Cornwall Council appointed me as the Independent Examiner for the Calstock Neighbourhood Development Plan with the agreement of Calstock Parish Council.

4.2. Qualifying body

I am satisfied that Calstock Council is the Qualifying Body.

4.3. Neighbourhood Plan Area

Calstock Parish Council applied for designation as a Neighbourhood Plan area 30th August 2013 under the Neighbourhood Planning Regulations 2012 (part 2 S6) and approved by Cornwall Council on 18th November 2013.

The designated Calstock Neighbourhood Area covers the whole of the Parish of Calstock.

The Basic Conditions Statement submitted with the Calstock Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Calstock Neighbourhood Development Plan.

4.4. Plan Period

It is intended that the Calstock Neighbourhood Development Plan will cover the period 2020-2030, chosen to align with the Cornwall Local Plan.

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

Calstock Council submitted the draft Calstock Neighbourhood Plan to Cornwall Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 on the 5th June 2020. Cornwall Council made an initial assessment of the Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

4.6 Site Visit

I carried out an unaccompanied site visit on the 20th of July 2020 to familiarise myself with the Neighbourhood Plan Area.

4.7. The Consultation Process

The Calstock Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

- (a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and
- (d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

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

Cornwall Council placed the Calstock Neighbourhood Development Plan out for consultation under Regulation 16 for the statutory six-week period from the 9th of July 2020. Due to the unprecedented situation caused by Covid-19, the closing date for the consultation was extended to the 1st of September 2020.

A number of representations were received during the consultation period and these were made available by Cornwall Council as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.

4.9. Compliance with the Basic Conditions

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

I have to determine whether the Calstock Neighbourhood Development Plan:

1. *Has regard to national policies and advice*
2. *Contributes to sustainable development*
3. *Is in general conformity with the strategic policies in the appropriate Development Plan*
4. *Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
5. There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

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

include:

(a) The Calstock Neighbourhood Development Plan:

This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement:

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Calstock Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

(c) Basic Conditions Statement.

This is a statement setting out how Calstock Neighbourhood Development Plan Working Group considers that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitats Regulations Assessment and addresses how the plan contributes to the achievement of sustainable development.

(d) Calstock NDP Evidence Base

Comment on Documents submitted

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

4.10 Planning Policy

4.10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) February 2019 (as updated).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

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

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

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

4.10.2. Local Planning Policy- The Development Plan

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

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

The NPPF 2019 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

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

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

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

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

4.10.4 Neighbourhood Plans should only contain non-strategic policies. The NPPF 2019(updated) states:

“Non-strategic policies

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

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

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

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

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

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

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

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

I have considered the Strategic policies of the Development Plan and the Policies of the Calstock Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Cornwall Local Plan 2016.

4.11. Other Relevant Policy Considerations

4.11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive

2001/42/EC Office.

In the case of Directive 2001/42/EC Calstock NDP Steering Group requested that Cornwall Council screen the Neighbourhood Plan for Strategic Environmental Assessment and Habitats Regulations Assessment. Natural England, the Environment Agency and Historic England were consulted as part of the screening process. The screening opinion, issued in November 2018, concluded that SEA was required for the Calstock NDP. It should be noted that at the time of the Screening Opinion the draft NDP included housing site allocations. These were later removed from the published pre-submission consultation draft NDP.

AECOM Ltd were commissioned to carry out a Strategic Environmental Assessment [SEA] on behalf of the Steering Committee. The SEA Environment Report concluded that the submission version of the Neighbourhood Plan is likely to lead to significant positive effects in relation to the 'Population and Community', 'Landscape' and 'Historic Environment' SEA themes; positive effects in relation to the 'Health and Wellbeing' and the 'Biodiversity' SEA themes. On the 'Climate Change' and 'Transportation' SEA themes, the Environment Report stated that the Neighbourhood Plan will potentially lead to positive effects and that the NDP includes 'beneficial approaches' for the 'Land, Soil and Water Resources' and 'Air Quality' SEA themes.

Directive 92/43/EEC and Directive 2009/147/EC seek to protect and improve Europe's most important habitats and species. As part of the screening request for the SEA a Habitats Regulations Assessment Screening request was also submitted to Cornwall Council. The screening assessment in section identified that there would be likely significant environmental effects on European Sites arising from the Calstock Parish NDP in combination with other development in the area.

An Appropriate Assessment was therefore undertaken which concluded that as there is a strategic mitigation solution in place, underlined by Policy 22 of the Cornwall Local Plan, no Likely Significant Effects from the Neighbourhood Plan on European sites will occur and therefore no further HRA was required.

Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

Prescribed conditions and prescribed matters.

Section 38A (12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act sets out the definition of "prescribed". It means conditions prescribed by regulations made by the Secretary of State. Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out one basic condition in addition to those set out in the primary legislation. This is: 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)

The Calstock NDP has within its area or with a pathway of impact from the NDP for two European designations:

- Tamar Estuary Complex SPA and
- Plymouth Sound and Estuaries SAC

The Calstock NDP Screening Opinion identified that there will be likely significant environmental effects on European Sites arising from the Calstock Parish NDP in combination with other development in the area. An Appropriate Assessment was therefore undertaken which concluded that as there is a strategic mitigation solution in place, underlined by Policy 22 of the Cornwall Local Plan, no Likely Significant Effects from the Neighbourhood Plan on European sites will occur and no further

HRA was required.

It should be noted that at the time of the Screening Opinion the draft NDP included housing site allocations. These were later removed from the published pre-submission consultation draft NDP.

I am satisfied that the relevant European Directives have been adequately addressed and that the Calstock Neighbourhood Development Plan meets the Basic Conditions in this respect.

4.11.2 Sustainable development

The Basic Conditions Statement sets out how the plan addresses achieving sustainable development:

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

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

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

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

I am satisfied with this conclusion.

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

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine

Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

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

4.11.3 Excluded development

I am satisfied that the Calstock Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

4.11.4 Development and use of land

I am satisfied that the Calstock Neighbourhood Development Plan covers development and land use matters.

4.12.1 Calstock Neighbourhood Development Plan Policies

General comments

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

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

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be

included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

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

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

The details of these modifications are set out within my comments on the related policies. My comments on policies are in **blue** with the modified policies in **red**.

12.The Neighbourhood Plan Vision, Strategic Aims and Policies

VISION

By 2030, Calstock Parish will be a community with an excellent quality of life:

- living in decent homes in settlements that retain their rural character
- supported by a thriving rural economy
- benefiting from adequate social, transport and physical infrastructure
- respecting and protecting the distinctive landscape, environment and heritage of the area; and
- instigating and implementing plans that respond to the challenges of the climate crisis.

THEME A) SETTLEMENT & DEVELOPMENT

Objective A1: Tailor housing growth to local needs

Objective A2: Conserve village character and prioritise local distinctiveness

B) LOCAL ECONOMY

Objective B1: Strengthen and support local businesses

Objective B2: Encourage business that makes the best use of the natural and heritage assets of the Parish

C) SOCIAL, TRANSPORT AND PHYSICAL INFRASTRUCTURE

Objective C1: Protect and enhance community and recreation facilities that support well-being

Objective C2: Increase sustainable and healthy forms of travel, reduce traffic conflict, improve road safety and improve air quality

Objective C3: Improve provision of alternatives for travel to services, information and work

Objective C4: Ensure that physical infrastructure is adequate to support necessary development

D) LANDSCAPE, ENVIRONMENT AND HERITAGE

Objective D1: Protect and conserve the valued landscape and heritage assets

Objective D2: Preserve and enhance the rich biodiversity and geodiversity

E) THE CLIMATE CRISIS

Objective E1: Reduce the causes of the climate crisis within our community

Objective E2: Reduce the impact of the climate crisis on our community

Objective E3 Encourage sustainable energy generation and use.

COMMENT

I am satisfied that the Calstock NDP vision, aims and objectives were developed from the consultation process and that the policies within the plan reflect the vision, aims and objectives.

Calstock Neighbourhood Development Plan Policies

TC 1 - TRANSPORT

1. Development will be supported where:

a. For new dwellings it:

i. Is within a fifteen-minute walk of public transport (bus stop or railway station), or maximises opportunities for safe walking and cycling to services and facilities, including the appropriate provision of new paths to link with the existing network and to local facilities, to a standard which allows for wheelchair access wherever practicable and appropriate;

ii. Incorporates, per dwelling, a garage and parking space or provides adequate off-road parking for family-sized private vehicles with the minimum provision for at least two vehicles; and

iii. Incorporates facilities to promote the use of low emission vehicles including an appropriate standard of passive electric vehicle charging points built into individual dwellings and charging points within on-street parking areas (as per NDP Policy REN4).

b. It supports a layout which provides and facilitates interconnected streets and avoids the use of cul-de-sacs

c. It ensures that existing Public Rights of Way and designated bridleways affected by developments are incorporated into the development in accordance with Policy TC4 below.

d. Demonstrates that singularly or cumulatively the development will not cause increased risk to human health from air pollution or exceed adopted national standards in the Gunnislake AQMA and includes appropriate mitigation under CLP policy 16

2. In addition, developments of more than 4 dwellings will be supported if proposals:

a. are designed with a speed-reducing layout with the following hierarchy of transport in mind: pedestrian, cyclist, public transport, service vehicles, other motor vehicles; and where the scale is appropriate, includes bus bays and shelters located where they will encourage public transport provision and use;

b. include turning areas, and visitor parking (at a ratio of 1 parking space per two dwellings); and

c. support appropriate traffic calming measures within, alongside, or off site on roads approaching the site*

3. Proposals to enhance the two rail stations within the Parish will be supported, subject to their scale and design being appropriate to the rural setting.

NOTE: there are further provisions relating to electric vehicle charging in Section 22, NDP Policy REN 4.

* Traffic in Villages Toolkit

COMMENT

Paragraph 1 a of this policy seeks to impose an absolute distance for access to public transport for proposals for new dwellings. Whilst I acknowledge the aim of the policy is to increase the sustainability of new development I have not been provided with adequate evidence to support the imposition of this requirement and Calstock Parish is a large rural parish where this requirement may not always be appropriate. For clarity and to meet the Basic Conditions paragraph 1a of the policy should be modified as follows:

TC 1 – TRANSPORT

1. Development will be supported where:

a. For new residential development it:

i. is within walking distance of public transport (bus stop or railway station), or maximises opportunities for safe walking and cycling to services and facilities, including the appropriate provision of new paths to link with the existing network and to local facilities, to a standard which allows for wheelchair access wherever practicable and appropriate;

TC 2 – CONVERSION OF RESIDENTIAL GARAGES

1. In areas where parking congestion and road obstruction is assessed to be an issue, the removal of permitted development rights to convert domestic garages to residential space will be supported.

2. Where planning permission is required for garage conversion to habitable rooms, proposals will only be supported where they include appropriate replacement on-site parking

COMMENT

The removal of Permitted Development Rights is not an issue that can be dealt with in a Neighbourhood Plan. Support for the removal could form part of the text within the plan or a community project/aspiration. For clarity and to meet the Basic Conditions the policy should be modified as follows:

TC 2 – CONVERSION OF RESIDENTIAL GARAGES

Where planning permission is required for garage conversion to habitable rooms, proposals will only be supported where they include appropriate replacement on-site parking

TC3 – BROADBAND AND MOBILE COMMUNICATIONS

1. Development will be supported where it:

a. Incorporates suitable ducting that can accept fibre linked to the property, or to the nearest access point of existing internet providers; or to a local access network, or to another location that can be demonstrated to be effective in a Design and Access Statement; and

b. Provides ducting, available for community owned local access network or fibre optic cable deployment, in its own supporting infrastructure

2. Proposals for mobile phone masts will be supported where:

a. The siting of the mobile phone masts seeks to minimise its visual impact, both within the Parish, and on views from outside the Parish; and

b. The design of the mobile phone mast and associated equipment seeks to minimise visual impact and blend in with the background in accordance with NDP Policy LA1; or

c. The new mast is to be grouped with existing masts; and

d. If it involves sharing of a mast the visual impact of the proposed changes does not result in unacceptable harm to the character of the area.

COMMENT

Requirements for Design and Access Statements and the information within them is not a matter for planning policy. Paragraphs 1a and 1b seek to introduce requirements which fall outside the remit of planning policy. For clarity and to meet the Basic Conditions the paragraphs should be modified as follows:

a. makes provision for the connection of highspeed broadband.

The provision of ducting, available for community owned local access network or fibre optic cable deployment, in its own supporting infrastructure will be

encouraged.

POLICY TC4 - FOOTPATHS, PEDESTRIAN LINKS, PUBLIC RIGHTS OF WAY BRIDLE-WAYS, AND CYCLE PATHS.

1. Development proposals which protect existing public footpaths, pedestrian links, Public Rights of Way, bridleways, and cycle paths, and their ambiance and safety, will be supported.

2. Where routes pass through or are realigned by new development, they should be incorporated into the development as a through route which is:

i. not diverted to an unreasonable degree;

ii. designed as part of a landscaped wildlife corridor rather than being routed along estate road pavements as part of the highway network, and is

iii. accessible to all including people with disabilities, applying the principle of 'Least Restrictive Access'.

3. Developments should, where practical and feasible, provide opportunities to improve public pedestrian access to the River Tamar bankside.

COMMENT

I have no comment on this policy.

LA 1 – LOCAL LANDSCAPE POLICY

1. Development proposals will be supported where it is shown by assessment that they do not have an unacceptable detrimental impact on the characteristic landscapes of Calstock Parish, the setting and significance of heritage assets, or on key viewpoints or vistas from, across, and within the Parish's settlements.

2. For major development* the form of assessment will be by an appropriate Landscape and Visual Impact Assessment, in line with the current Landscape Institute Guideline**, that clearly sets out and demonstrates how the proposal:

- a. Avoids the widening and/or straightening of characteristic narrow, winding lanes (or demonstrates how such modification is required for road safety purposes and can be accommodated with minimal damage to landscape character)
 - b. Retains the field pattern of Cornish hedges and minimises damage to trees, bushes, historic features and gateposts within them
 - c. Repairs/replaces any characteristic landscape features that are affected, taking into account the local character of bare stone faces and vegetation with shrubs and trees of proven Cornish provenance, having carried out a survey of all existing trees, hedgerows and existing biodiversity
 - d. Is in harmony with the undulating character of the landscape, working with existing topography whenever possible
 - e. Is appropriate to the small scale and intimacy of the landscape and preserves the sense of place
 - f. Effectively screens or blends new buildings into the shape and colour of the landscape, so as to reduce the visibility of houses from other areas of Calstock Parish, the AONB and neighbouring parishes and provides suitable strategies for avoiding or minimising their visual impact
 - g. Uses natural and locally distinctive materials to blend proposals for cabins and other non-permanent structures into the landscape
 - h. Outlines the use of existing and proposed landscaping and how the landscaping may look in 15 years' time
 - i. Details, where appropriate, how areas will be retained and managed for open space and/or woodland in the future
3. Proposals which would be visible above the ridgeline/skyline of valley slopes and hilltops or above the average roof height of surrounding development or are proposed on previously undeveloped areas on the settlement edges should take account of their potential impact on the landscape in general, and the views and

vistas crossing and into the site from surrounding areas. All such proposals should be accompanied by an appropriate Landscape and Visual Impact Assessment and/or agreed photomontages. These should set out a description of the views and vistas and describe the nature of the impact or harm to the view from the proposals, consider the cumulative impact on the view from any existing unimplemented development proposals and identify any mitigating measures to be incorporated into the development as necessary.

4. Proposals that would have an unacceptable detrimental impact on key viewpoints or vistas of the settlements or of the surrounding landscape will not be supported.

* For the purposes of this policy the definition of 'major' will be the same as that given in the NPPF 2019 Glossary

** 3rd edition of "Guidelines for Landscape and Visual Impact Assessment", Landscape Institute, 2011.

COMMENT

Elements of this policy are overly onerous and would not be appropriate or necessary for all forms of development. For clarity and to meet the Basic Conditions paragraph 1 of the policy should be modified as follows:

LA 1 – LOCAL LANDSCAPE POLICY

1. Where appropriate to the size, scale and type of development, proposals should demonstrate that they do not have an unacceptable detrimental impact on the characteristic landscapes of Calstock Parish, the setting and significance of heritage assets, or on key viewpoints or vistas (as identified in the LLCA) from, across, and within the Parish's settlements.

A LA 2 – DARK SKIES AND STREET LIGHTING

Proposals for development will be supported where it is demonstrated that if external lighting is required it protects the night sky as far as possible in terms of:

- a. Using low level lighting rather than street lamps;
- b. The use of full shielding of any fixture exceeding 500 initial lumens;
- c. Limiting the impact of unshielded lighting through use of adaptive controls in security, rural edge highway and public space lighting;
- d. Restricted number, and position of lamps and careful use of flood and security lighting including effective baffling and motion sensors;
- e. Low colour temperature lighting with a limit of 3000k (kelvins) or less;
- f. Landscaping to reduce glare and reduce unnecessary light throw to a minimum.

COMMENT

I have no comment on this policy

LA 3 - 'WINDOWS ON THE RIVER'

Where planning permission is required, the raising of boundary walls and fences, and/or the development of residential extensions or other development, will not be supported if it blocks the view of the River Tamar from a public viewpoint.

COMMENT

I have no comment on this policy.

LISF 1 – SUPPORTING COMMUNITY FACILITIES AND SOCIAL INFRASTRUCTURE

1. The following community facilities have been identified (see Maps 6, 10 to 17) as being especially important to the community and to which CLP Policy 4.4 is particularly relevant:

- a. Community centres and public halls at Calstock, Harrowbarrow, Gunnislake
- b. AONB Centre, Drakewalls

c. Recreation grounds, playing fields, sports pitches, village greens included also under policies LISF 5 and 6 as local green spaces or key recreational spaces.

d. Parish Quay

e. Harrowbarrow Post Office

f. Gunnislake Post Office

2. Development will be supported which includes provision to diversify and enhance the range of services and community facilities to meet current and future community needs.

COMMENT

Paragraph c. of this policy covers facilities that are dealt with in policies LISF 5 and 6. For clarity paragraph c should be deleted from this policy.

LISF 2 – COMMUNITY INFRASTRUCTURE LEVY – COMMUNITY PRIORITIES

Community Infrastructure Levy receipts by Calstock Parish Council (the ‘Neighbourhood Portion’) will be directed towards support for the community facilities and social infrastructure, local speed management and safety projects, and measures to tackle the causes and impacts of the climate crisis. The use of Community Infrastructure Levy receipts by Cornwall Council (the ‘Strategic Share’) that are directed to the Calstock Neighbourhood Development Plan area should be prioritised to support local aspects of strategic projects including the provision of community services and facilities.

COMMENT

This is not a land use policy. The text can be included in the plan either in the main body of the plan or in the community projects/aspirations section but should be deleted from the policy section.

LISF 3 - DEVELOPMENT INFRASTRUCTURE FOR GROWTH

Development proposals within the Calstock Parish NDP area will be supported where they:

1. are consistent with the requirements of Policy 28 of the Cornwall Local Plan, in that:

a. Developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development;

b. 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;

c. Development will be permitted where it would:

i. Be supported by appropriate infrastructure provided in a timely manner; and

ii. Provide on-site mitigation measures or make financial contributions for site specific infrastructure provision

iii. Where it can be demonstrated that it is not feasible to do this 'off setting' payments should be invested in projects within Calstock Parish with priority given to those which achieve multiple benefits; and

2. make appropriate provision to the enhancement or provision of recreational spaces taking into account the standard and distribution set out in Table 5 following on Page 45.

COMMENT

This policy refers to Cornwall Local Plan Policy 28. It is not necessary for neighbourhood plan policies to repeat existing strategic policy. In order to meet the Basic Conditions should be modified as follows:

LISF 3 - DEVELOPMENT INFRASTRUCTURE FOR GROWTH

Development proposals within the Calstock Parish NDP area will be supported

where the infrastructure provision is consistent with the requirements of Policy 28 of the Cornwall Local Plan. Any off-site contributions for recreational spaces should take into account the standard and distribution table set out in Table 5, page 45.

LISF 4 – GREEN INFRASTRUCTURE NETWORK

1. The Calstock NDP proposes that a Green Infrastructure Network is established within the Parish [See Map 5)

2. Development proposals on land that lies within or adjoining the Network will be supported where it:

a. Does not compromise the integrity of the GI Network and its assets and enhances the visual characteristics, biodiversity and geodiversity of the Network and

b. Ensures that through landscaping schemes, layouts, access and public open space provision, it contributes to the connectivity, maintenance and improvement of the Network and

c. Incorporates provision to improve the health and well-being of the local community, based on an up to date understanding of the needs of all ages and

d. There would be no adverse impact on the amenity of nearby residential areas.

COMMENT

I have no comment on this policy.

LISF 5 – LOCAL GREEN SPACES

1. The neighbourhood plan designates the following locations as local green spaces (as shown on Map 6).

a. Calstock Riverside

b. Calstock land south of Station Lane

c. West of Rosemary Cottage, Gunnislake (Newbridge Hill)

d. Gunnislake Riverside

e. Edgecombe Way

f. Drakewalls Mine (East)

g. Kingswood House, Gunnislake

h. Drakewalls Mine (West)

i. St Dominic Park Riverside

j. Okeltor Woods and Wildlife Reserve

2. Development that would harm the openness or special character of a Local Green Space or its significance and value to the local community will not be permitted unless there are very special circumstances which outweigh the harm to the Local Green Space.

COMMENT

During the course of my examination, I requested clarification on the proposed Local Green Space designations in terms of why and how the proposed sites had been selected and boundaries drawn. The response to my questions can be read in full on the Cornwall Council website. Following my request for clarification I received a revised list of proposed designations and further clarification on the sites remaining. I also requested information on the consultation of the owners of the proposed designations.

The following sites have been deleted at the request of the neighbourhood plan group:

c. West of Rosemary Cottage, Gunnislake (Newbridge Hill)

e. Edgecombe Way

g. Kingswood House, Gunnislake

j. Okeltor Woods and Wildlife Reserve

Of the remaining proposed designations, the boundaries of the following proposed designations have been revised as a response to the questions I raised:

a. Calstock Riverside

Neighbourhood Plan Group response:

“RETAIN LGS, SUBJECT TO AMENDMENTS TO MAKE BOUNDARY MORE ACCURATELY FOLLOW THE BOUNDARIES OF THE WOODLAND.”

d. Gunnislake Riverside

Neighbourhood Plan Group response:

“RETAIN LGS, SUBJECT TO AMENDMENTS TO IMPROVE ACCURACY OF BOUNDARY.”

f. Drakewalls Mine (East)

Neighbourhood Plan Group response:

“LGS HERE BE AMENDED TO EXCLUDE OPEN GARDEN OF SUNSET, AND FOLLOW BOUNDARIES MORE ACCURATELY.”

The remaining proposed LGS were not modified following my request for clarification:

b. Calstock land south of Station Lane

h. Drakewalls Mine (West)

i. St Dominic Park Riverside

Following the review of the Local Green Spaces by the neighbourhood plan group it was considered appropriate to undertake a further period of public consultation. This ran for a three-week period from the 18th March to 8th April 2021. As a result of this further consultation a number of representations were

received, and I have taken them into consideration in arriving at my conclusions.

The NPPF states:

“99. The designation of land as Local Green Space through local and Neighbourhood Development 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.

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

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.”

The policy implication of Local Green Space designation is significant and therefore the NPPF sets a high standard of criteria to be met for designation.

Paragraph 101 of the NPPF states:

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

Having carefully considered each of the proposed Local Green Spaces, the comments of the neighbourhood plan group and the representations received I

find that the following proposed Local Green Spaces do not meet the NPPF tests:

f. Drakewalls Mine (East)

I have carefully considered the evidence put before me for the designation of this area as a Local Green Space and note the revision to the boundary. I have concluded that the boundaries chosen for the proposed designation are not consistent with an area that has its own specific identity that meets the NPPF tests as having a “particular local significance” as against the areas immediately adjacent. The proposed Drakewalls Mine (East) Local Green Space should, therefore, be deleted from the plan.

h. Drakewalls Mine (West)

I have carefully considered the evidence put before me for the designation of this area as a Local Green Space and note the revision to the boundary. I have concluded that the boundaries chosen for the proposed designation are not consistent with an area that has its own specific identity that meets the NPPF tests as having a “particular local significance” as against the areas immediately adjacent. The proposed Drakewalls Mine (West) Local Green Space should, therefore, be deleted from the plan.

I have carefully considered the evidence before me including representations from the community and find that the following proposed Local Green Spaces do meet the NPPF tests for the following reasons:

a. Calstock Riverside.

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

b) is demonstrably special to a local community and holds a particular local significance because of its beauty and importance to the setting of Calstock

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

b. Calstock land south of Station Lane

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

b) is demonstrably special to a local community and holds a particular local significance because of its importance to the landscape setting of Calstock

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

c. Gunnislake Riverside

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

b) is demonstrably special to a local community and holds a particular local significance because of its importance to the landscape setting of Gunnislake.

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

d. St Dominic Park Riverside

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

b) is demonstrably special to a local community and holds a particular local significance because of its recreational value.

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

Each area should be accompanied in the plan with its own map which clearly identifies the boundaries of each Local Green Space.

In order to meet the Basic Conditions, the final paragraph of the policy should be modified as follows:

LISF 5 – LOCAL GREEN SPACES

The neighbourhood plan designates the following locations as Local Green Spaces (as shown on Map 6).

a. Calstock Riverside.

b. Calstock land south of Station Lane

c. Gunnislake Riverside

d. St Dominic Park Riverside

Inappropriate development on these areas will not be approved except in very special circumstances.

LISF 6 – KEY RECREATIONAL SPACES

In accordance with NPPF Para 97, the following key strategic open spaces are protected from loss, except where it is demonstrated that the site is surplus to requirements; or equivalent or better facilities will be provided; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss:

- a. Recreation ground - St Anns Chapel
- b. Millennium Green, Albaston
- c. Drakewalls Mine, Matthews Shaft, Drakewalls
- d. Allotments, St Anns Chapel
- e. Hingston Down Common, St Anns Chapel
- f. Pleasure Piece, St Anns Chapel
- g. Recreation Ground and Play Area, Calstock
- h. Cotehele Wood, Calstock
- i. Allotment Gardens, Calstock
- j. Foster's Field, Gunnislake

k. King Georges Field, Gunnislake

l. Play Areas at Gunnislake, Harrowbarrow, St Ann's Chapel. m. Hawksmoor Cricket Ground

n. Butts Park Cricket/Football Ground, Albaston

These sites are shown on Map 6.

COMMENT

Paragraph 97 of the NPPF 2019 states:

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

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

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

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

POLICY LISF7 – PROVISION AND PROTECTION OF ALLOTMENTS

1. New proposals for allotments will be supported subject to an appropriate condition/legal agreement incorporating an agreed management and maintenance plan.

2. Proposals that result in harm to or loss of existing allotments will only be supported if:

i. There are vacant plots and evidence of long-term insufficient demand for continued use of land as allotments; or

- ii. Where clear and significant social, economic and environmental community benefits could be derived from the proposal; and
- iii. Replacement provision is to be made, of at least equivalent quality, located at reasonable convenience for the existing plot holders;
- iv. The proceeds from the sale of the site is reinvested in developing the allotment provision.

COMMENT

Planning policy cannot include requirements on how the proceeds of land sale should be invested. In order to meet the Basic Conditions paragraph iv. Should be deleted from the policy.

LET1 – SMALL BUSINESS UNIT DEVELOPMENT

- 1. Where planning permission is required, the conversion of an existing building to small workshop use will be supported if:
 - a. It will not add to difficulties with water supply, sewerage and sewage treatment and waste disposal;
 - b. It will not have a materially adverse impact on the rural environment in terms of, noise, effluent or fumes it would emit, and the traffic it would generate;
 - c. It will not conflict with the need to conserve the best and most versatile agricultural land and minimise interference with farming;
 - d. It will not have a materially adverse impact on nature conservation or landscape interests;
 - e. It includes measures to improve access on foot, cycling or public transport;
 - f. Reasonable measures have been taken to provide for any nature conservation interest.

g. If extension is required the scale, design and use of materials match or enhance the existing character of the building and relate to its surroundings;

2. Where development involves conversion or change of use of a listed building, CLP strategic policy 24 will apply.

3. Where the need cannot be met by the conversion of an existing building, proposals will be supported for new build development if in addition to 1.a to 1.f above:

a. They are located within or adjacent to existing groups of buildings or use previously developed land.

b. The scale, form, bulk and general design is appropriate to its location.

c. They do not create road hazards that are considered unacceptable by the Highway Authority; and

d. Where appropriate and feasible, supports opportunities to make the location more sustainable by improving the scope for access on foot, by cycling or by public transport.

e. Demonstrable measures have been taken to provide for any biodiversity interest.

4. 4. Wherever possible, efforts should be made to retain and enhance existing hedgerows and trees: outside storage areas should be screened from public view by natural landscaping.

COMMENT

I have no comment on this policy.

LET2 - GREEN TOURISM DEVELOPMENT

1. New and extended high-quality tourism facilities, attractions and accommodation will be supported where they are for tourism that capitalises on local assets, (i.e. the parish's landscape, river and heritage features, it's geodiversity and biodiversity,

attractive rural settlements, and local food production), and encourages cycling, walking and public (rail & river) transport, and:

- a. Are within or adjoining existing settlements, on a scale appropriate to the settlement; or
 - b. If in the open countryside and associated with a farm diversification scheme or an existing employment site of a scale proportionate to its surroundings;
 - c. Is physically accessible to people with impaired mobility and other disabilities such as impaired sight or hearing;
 - d. Are socially inclusive, facilitating use by all sectors of the tourist and local community as well as tourists;
 - e. Respect the historic interest of the surrounding buildings and areas and ensure that proposals protect or enhance the historic environment that people value;
 - f. Improve local biodiversity through the creation of new habitat;
 - g. Achieve small-scale improvements to sustainability, for example by recycling waste, using renewable energy and sourcing produce and materials locally;
 - h. Protect and enhance the visual quality of the site and its surroundings
2. New non-permanent camping, chalet and caravan sites facilities will be considered on their merit having regard to the impact a development may have on the character of the area.
3. Proposals within the AONB must also conserve and enhance the landscape character and natural beauty of the AONB and be appropriately located to address the AONB's sensitivity and capacity (and be compliant with the most recent AONB Management Plan).
4. Developments of chalets and park homes built on visually sensitive sites will not be supported.

COMMENT

I have no comment on this policy.

LET 3 – EMPLOYMENT OPPORTUNITIES IN RESIDENTIAL AREAS

Proposals for development to provide small-scale employment opportunities in residential areas, including the creation of live-work units, will be supported provided that the proposals do not involve the loss of a dwelling and do not unacceptably detract from the residential amenity of nearby residential **property**.

COMMENT

I have no comment on this policy

HP 1 – SETTLEMENT DEVELOPMENT BOUNDARIES

1. Settlement development boundaries are set for the following villages:

- a. Calstock [Map 10]
- b. Chilsworthy [Map 11]
- c. Drakewalls & Albaston [See Map 12]
- d. St Ann's Chapel [Map 13]
- e. Harrowbarrow and Rising Sun [Map 14]
- f. Metherell and Norris Green [Map 15]
- g. Latchley [Map 16]
- h. Gunnislake [Map 17]

2. Within each Settlement Development Boundary, there is a presumption in favour of sustainable development that will apply to proposals for small scale infill and the development of previously developed land that respect the setting, scale, form and

character of the settlement and the criteria set out in HP 3.

3. Outside of the Settlement Boundary development will not be supported unless it is in accordance with:

a. CLP Policy 7, i.e. replacement dwellings, sub-division of existing dwellings, re-use of redundant, disused or historic buildings, temporary accommodation for agricultural workers, dwellings for full time agriculture or forestry workers.; or

b. CLP Policy 9, i.e. rural exception sites for affordable housing: or

c. Renewable energy projects under NDP Policies REN 1 and REN 2: or

d. Rural workshop and Green Tourism projects under Policies LET 1 and LET 2; and

e. NDP Policy HP 2 on Rural Gaps.

COMMENT

This policy establishes development boundaries for a number of the settlements within the Parish of Calstock. Due to the number of settlements this has required a considerable amount of work to be undertaken by the neighbourhood plan group. Cornwall Council do not include development boundaries within the Cornwall Local Plan, but they can be established through the neighbourhood planning process. In establishing such boundaries, it is essential that there is a consistency of methodology in drawing the boundaries to ensure that the application of the policy with its significant implications will result in a clear and understandable planning decisions. A representation received at Regulation 16 from Cornwall Council made it clear that there were concerns regarding the consistency of application of the methodology for determining where the boundaries should be drawn. I also received representations from the community raising similar concerns. I sought clarification from the neighbourhood plan group. As a result, the neighbourhood plan group carried out a review of the boundaries, checking the application of their methodology and submitted revised proposals. Due to these changes, it was considered appropriate to undergo a

further period of public consultation which ran for three weeks from 18th of March. A number of representations were received, and I have taken them into consideration in reaching my conclusions.

Concerns have been raised that the proposed development boundaries increase the opportunity for inappropriate development within the new development boundaries. Whilst the creation of a development boundary does create in principal support for development within that boundary, any development proposals will still be tested against all the relevant policies within the Development Plan to enable a balanced planning decision to be taken.

I am satisfied that the modifications made to the development boundaries have ensured a consistency of approach in determining the boundaries across all the relevant settlements in the Parish. The maps referred to in this policy should be replaced with the revised versions dated 1st March 2021 forming part of the public consultation from 18th March 2021. In addition, the term “settlement development boundaries” is confusing, as the proposed boundaries are establishing a limit to development (other than for relevant policy exceptions) the most appropriate term for the boundaries is as development boundaries. **This policy should be modified to refer to development boundaries and other references in the plan should be to development boundaries.**

HP 2 - RURAL GAPS

1. Rural Gaps are defined between the settlement development boundaries of:

Harrowbarrow and Rising Sun, Higher Metherell, Lower Metherell, Norris Green, Middle Dimson and Higher Dimson, St Ann’s Chapel, Drakewalls and Albaston, and Drakewalls and Gunnislake, as shown on Map7 and Village Inset Maps 10 to 17.

2. Development proposals in the Rural Gaps, will be only supported where they are located and designed to maintain the separation of the villages and the visual openness and landscape character of the gaps, through

- a. Locating structures where they will be viewed against existing built form
- b. Retaining the proportion and scale of built structures and the space between them
- c. Reference to the built vernacular of the neighbourhood area
- d. Conservation and restoration of traditional Cornish Hedge and hedgerow boundary treatments
- e. Use of appropriate plant species in a comprehensive landscape scheme with appropriate boundary treatments to integrate with the rural character. Wherever appropriate, development should deliver enhancements to the landscape character, and
- f. Avoiding interference with obvious wildlife corridors and incorporating additional links;
- g. Respecting for the character or setting of heritage assets and historic routes located between settlements.

COMMENT

I have no comment on this policy.

HP 3 – INFILL HOUSING DEVELOPMENT

- 1. New residential infill development will be supported within the settlement development boundaries, subject to:
 - a. Design being consistent, in terms of net density, layout, scale (height), orientation, bulk, form and landscaping being consistent with that existing in the settlement
 - b. Being of a similar plot-size to and integrating with adjacent existing properties in proximity to the proposal site
 - c. Inclusion of a garage or adequate off-road parking for private vehicles, with the minimum provision being for two vehicles

d. Adequate road width to the frontage of the development to ensure that pavements, entrances and driveways do not get blocked or obstructed by parked vehicles and that delivery and emergency vehicles may pass

e. Demonstration that singularly or cumulatively the development will not cause increased risk to human health from air pollution or exceed adopted national standards and include appropriate mitigation under the AQMA policy of Cornwall Council (CLP, policy 16, para 2.101).

COMMENT

Due to the use of most garages for storage rather than the parking of cars Highway Authorities do not generally consider that the provision of garages is satisfactory for meeting an on-site parking requirement. In addition, the level of parking required for each new development will depend upon a number of factors including the size of the dwelling. For clarity and to meet the Basic Conditions Paragraph c of the policy should be modified as follows:

c. Inclusion of adequate off-road parking for private vehicles, to meet adopted standards.

HP 4 – EXCEPTIONAL AFFORDABLE HOUSING SITES

1. Affordable housing-led residential developments under CLP Policy 9 will be supported subject to

a. The site immediately adjoins a settlement development boundary as defined in policy HP1 b. There is evidence of a local affordable housing need within the Parish of Calstock at the time of consideration (as identified on the HomeChoice Register and agreed with Cornwall Council) which is sufficient to justify the proposed number of dwellings, and the number of dwellings proposed does not exceed the requirement

c. The proposed number of dwellings being appropriate to the size, character and role of the settlement

d. The mix being one that reflects the nature of the identified local housing need with a presumption in favour of social rented tenure (see para 18.12)

e. An initial presumption of 100% affordable housing, and no less than 50% if cross-subsidy is required to ensure viability

f. If in the AONB, the development conserves and enhances its landscape character and natural beauty, addresses the AONB's sensitivity and capacity, and if major development the tests of exceptional circumstances set out in NPPF.

2. Affordable housing-led residential developments under CLP Policy 9 will not be supported at the following locations

a. Immediately adjacent to the frontage of the Tamar Riverbank

b. Within the Calstock Conservation area

c. On Pleasure Piece or Sylvia's Meadow;

d. On key recreational sites subject to Policy LISF 6, as shown on the Proposal Maps e. On flood plains/areas susceptible to flooding

f. Within green spaces/rural gaps between settlement boundaries and adjacent villages as identified on the Proposal Maps.

COMMENT

The NPPF 2019 defines Rural Exception Sites as follows:

“Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.”

Policy 9 of the Cornwall Local Plan is as follows:

“Policy 9: Rural Exceptions Sites

Development proposals on sites outside of but adjacent to the existing built-up area of smaller towns, villages and hamlets, whose primary purpose is to provide affordable housing to meet local needs will be supported where they are clearly affordable housing led and would be well related to the physical form of the settlement and appropriate in scale, character and appearance.

The number, type, size and tenure of the affordable dwellings should reflect identified local needs as evidenced through the Cornwall Housing Register or any specific local surveys completed using an approved methodology.

The purpose of such developments must be primarily to provide affordable housing. The inclusion of market housing will only be supported where the Council is satisfied it is essential for the successful delivery of the development based on detailed financial appraisal (For example to fund abnormal development costs or to deliver a balanced, sustainable community).

Market housing must not represent more than 50% of the homes or 50% of the land take, excluding infrastructure and services.

The Council will secure the first and future occupation of the affordable homes to those with a housing need and local connection to the settlement or parish in line with the Council’s adopted local connection policies.”

Although Policy 9 of the Cornwall Local Plan does not refer directly to Rural Exception Sites being outside development boundaries the wording of the policy taken together with the NPPF definition of Rural Exception Sites makes it clear that a site would not qualify as a such if it was within a settlement boundary where there is in principal support for development. A number of the sites identified in paragraph 2 of the policy are within the proposed settlement boundary and policy HP1 Rural Gaps does not preclude development. I consider elements of the policy overly onerous and am satisfied that together

with CLP policies and other policies within the Calstock NDP there is adequate protection to prevent a Rural Exception Site scheme coming forward in an unsuitable location. For clarity and to meet the Basic Conditions the policy should be modified as follows:

HP 4 – Rural Exception Sites

Proposals for Rural Exception Sites in accordance with Policy C9 of the Cornwall Local Plan and subject to other policies in the Development Plan will be supported where:

- a. If in the AONB, the development conserves and enhances its landscape character and natural beauty, addresses the AONB's sensitivity and capacity, and if major development meets the tests of exceptional circumstances set out in NPPF.**
- b. The proposed number of dwellings being appropriate to the size, character and role of the settlement**
- c. The housing mix reflects the nature of the identified local housing need.**

POLICY HP 5 – ENSURING A CHOICE OF HOUSING

1. On sites over 0.25 hectares, proposals will be supported which provide a housing mix that:

- a. Emphasises the provision of small dwellings suitable for 1 and 2 persons young or elderly households
- b. Provides for family homes, bungalows, and aspirational⁴ homes to meet market demand
- c. Addresses the need for dwellings designed to meet special needs such as 'lifetime homes' suitable or readily adaptable for disabled or elderly people, on parts of the site with generally level access

2. The Design and Access statement accompanying residential development applications should include an assessment of current demographic and market information and demonstrate how the proposal meets the range of housing choices required to meet the identified local housing need.

3. An exception to these requirements will only be supported where the intention is to meet a specific housing need which requires a particular type or tenure of housing and which is supported by clear and recent evidence.

COMMENT

Policy 6 of the Cornwall Local Plan covers housing mix as follows:

Policy 6: Housing mix

New housing developments of 10 dwellings or more should include an appropriate mix of house size, type, price and tenure to address identified needs and market demand and to support mixed communities. Proposals should seek to:

- Address need and demand for affordable, market housing and starter homes including self-build and custom-build housing; and**
- Use local evidence of the need and demand for specific types, tenures and sizes of housing to contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists; and**
- Respond to the requirements of a changing population and of particular groups in the community, by increasing the supply of accessible and specialist housing (including ground floor flats, flats with lifts and bungalow accommodation) which is able to meet people's needs throughout their lifetimes based on locally derived evidence of need and demand.**

2. On sites of 200 dwellings or more, additional specialised housing (including extra care housing) should be considered where demand exists, to meet defined specialist needs.

Requirements for information to be included in a Design and Access Statement fall outside planning policy but are in this instance covered by Cornwall Local Plan Policy 6.

Policy HP6 would be more appropriately combined with policy HP5.

For clarity and to meet the Basic conditions policies HP5 and Hp6 should be combined and modified as follows:

POLICY HP 5 – ENSURING A CHOICE OF HOUSING

On new housing developments of over units 10, proposals will be supported in accordance with Policy 6 of the Cornwall Local Plan and which provide a housing mix that:

- a. Emphasises the provision of small dwellings suitable for 1 and 2 persons young or elderly households
- b. Provides for family homes, bungalows, and aspirational homes to meet market demand
- c. Addresses the need for dwellings designed to meet special needs such as ‘lifetime homes’, fully accessible or extra care units suitable or readily adaptable for disabled or elderly people, on parts of the site with generally level access (Further information as to standards required may be found in the Cornwall Council Housing Supplementary Planning Document October 2019.)

An exception to these requirements will only be supported where the intention is to meet a specific housing need which requires a particular type or tenure of housing and which is supported by clear and recent evidence.

POLICY HP 6 EXTRA-CARE HOUSING

1. A development proposal on a site within or immediately adjacent to the settlement development boundary of one of the Calstock Parish villages, whose primary purpose is to provide affordable housing and care to meet the needs of local elderly

local elderly and/or disabled people, will be supported where it is clearly affordable housing led and would be:

- a. well related to the physical form of the settlement;
- b. appropriate in scale, format, character and appearance;
- c. on a site within reasonable proximity to public transport, village amenities and facilities with a level and safe route of access

2. The development should comprise:

- a. Affordable mixed tenure self-contained housing incorporating individual front doors, separate kitchens, living area, bedroom(s) and 'wetroom' bath/shower facilities; all designed to support independence and safety, are fully bariatric wheelchair accessible and compliant with the Stirling standards for dementia-friendly design
- b. 1 and 2 bedroom single and double occupancy to accommodate couples and where necessary overnight carers;
- c. Designs which are flexible and able to be easily adapted to changing circumstances;
- d. Pick up and drop off facilities close to the principal entrance suitable for taxis (with appropriate kerbs), minibuses and ambulances;
- e. 'Pathway flats' to facilitate discharge from hospital;
- f. Additional communal facilities, appropriate to the scale of the development, such as a residents' lounge, hobby rooms, scheme manager/warden flat, space for mobile visiting (e.g. GP/Nurse) and services such as hairdressers and/or personal alarm/telecare system;

3. Market housing must not represent more than 20% of the homes provided, unless there is a demonstrable need to exceed this proportion to address an abnormal

development cost.

4. The first and future occupation of 80% of the homes will be subject to nomination by Cornwall Council.

Further information as to standards required may be found in the Cornwall Council Housing Supplementary Planning Document October 2019.

COMMENT

The provision of affordable housing on Rural Exception Sites is dealt with in policy HP4 and Policy HP5 deals with housing choice. The development of Extra Care housing does not meet the definition of affordable housing set out in the NPPF 2019 as it falls within Class C2 whilst affordable housing falls within class C3. Therefore, it doesn't meet the requirements to form any affordable provision on a Rural Exception Site although fully accessible dwellings can. The design details included within the policy are overly restrictive. For clarity and to meet the Basic Conditions the policy should be modified and combined with policy HP5.

HP 7. DESIGN OF NEW HOUSING

All development proposals outside the historic village cores (Policy HE3) and Calstock Conservation Area (Policy HE2) should contribute to the characteristic local 'sense of place' by using design cues drawn from the distinctive and historic architectural and design traditions established in Calstock Parish as appropriate to their nature and location.

This should be expressed in terms of its format, scale, massing, density, articulation and use of materials and other external finishes. Where appropriate and feasible in these terms, the design should respond to and provide remediation of existing design issues that are detrimental

All developments should feature elements that enhance prevention of crime, anti-social behaviour and disorder and provide a secure environment by application of 'Secure by Design' standards to ensure ongoing community safety and cohesion.

Development proposals should demonstrate the application of the following specific guidance in their design:

1. The National Design Guide
2. The Cornwall Design Guide and Chief Planning Officer's Advice Note on Good Design in Cornwall
3. The Building for Life 12 standard (or any successor schemes).

Larger scale developments will be supported which incorporate the use a 'pattern book' approach to identify and use the design cues that influence the proposed development.

COMMENT

There are two elements of policy HP6 which did not sit appropriately with Policy HP5 following my combining policy HP5 and HP6. These elements relate to the design of Extra Care Units. Policy HP7 should be modified as follows to include these elements in a new paragraph:

4. Extra Care Units whose primary purpose is to provide housing and care to meet the needs of local elderly local elderly and/or disabled people, will be supported where it would:

a. meet current design standards including dementia friendly design

b. appropriate in scale, format, character and appearance;

c. be well related to the physical form of the settlement on a site within reasonable proximity to public transport, village amenities and facilities with a level and safe route of access.

HP 8 – ESSENTIAL RURAL HOUSING NEEDS

New dwellings outside the settlement development boundaries which are required to serve the needs of agriculture, forestry or some other rural enterprise which has a

special need to be located on-site will be supported if they are sited within or immediately adjacent to an existing group of dwellings suitably located to serve the purpose, unless it can be shown that there are overriding reasons why it must be built elsewhere.

COMMENT

I have no comment on this policy.

HE 1 – WORLD HERITAGE SITE

1. Development proposals within the World Heritage Site will be supported where they appropriately demonstrate by reference to the appropriate current guidance and policy documents including the adopted WHS Management Plan that:

a. they reflect the significance of the affected heritage assets and their settings;

b. the proposal is appropriate in terms of size, height, density, design, layout, landscaping and scale;

and

c. the proposal adequately protects, conserves and enhances the inscribed Outstanding Universal Value through the appropriate assessment of impacts via a suitably detailed heritage assessment carried out in accordance with a recognised methodology such as those set out within both the adopted WHS Supplementary Planning Document (2017) and the ICOMOS (International Council on Monuments and Sites) Guidance on Heritage Impact Assessments for Cultural World Heritage Properties (2011).

2. New development or redevelopment that is likely to lead to substantial harm to or total loss of significance of an undesignated heritage asset will only be supported if it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and
 - b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - d. the harm or loss is outweighed by the benefit of bringing the site back into use.
3. Proposals for development or redevelopment that are within the setting of World Heritage assets which enhance or highlight the significance of the asset will be supported in principle.
4. Where there is existing public access/views of WHS assets this should be preserved and where appropriate enhanced.

COMMENT

I have no comment on this policy.

HE 2 - DEVELOPMENT IN AND NEAR TO CALSTOCK CONSERVATION AREA.

1. The design of new development proposals within the Calstock Conservation Area will be supported where it:
- a. Is demonstrably informed by and consistent with the scale, design and character of the surroundings
 - b. Is demonstrably integrated into the historic topography and settlement form
 - c. Reinforces the existing 'sense of place' and local distinctiveness, reflecting existing historic street patterns and the historic street line
 - d. Avoids pastiche and 'token' local distinctiveness, making use of appropriate materials and detailing to reflect local building traditions

2. Development proposals visually close to the Conservation Area should be sensitive to their potential impact upon the setting of the Conservation Area and inward or outward public views of the Conservation Area. In appropriate cases, where the impact is judged to have a potentially significant effect, the Design and Access Statement accompanying the application should include an assessment of the impact upon the character of the Conservation Area, describing how the proposal has been informed by this assessment, and demonstrating how any mitigation will be effectively incorporated into the development.

All development within the Conservation Area or nearby should be informed by a suitably detailed heritage assessment.

COMMENT

I have no comment on this policy.

POLICY HE 3 – DESIGN IN THE HISTORIC CORE OF SETTLEMENTS

1. New development proposals within the historic core areas of Drakewalls, Albaston and Gunnislake as defined on Maps 12 and 17 will be supported where it is appropriately demonstrated that the design:

a. Is informed by and consistent with context of the site and its surroundings in terms of the historic topography, height, scale, massing, orientation and location within the site, avoiding any overwhelming impact on buildings nearby, nor impinge unacceptably onto the streetscape, whilst maintaining a human scale and following historic street lines and established/traditional building line practice;

b. Demonstrates a positive relationship with the public realm, maintaining and improving the permeability of pedestrian routes;

c. Uses materials (where practical) which are sourced locally;

d. Incorporates design cues taken from local listed buildings and landmarks in the built environment

- e. Avoids pastiche and 'token' local distinctiveness, making use of appropriate materials and detailing to reflect local building traditions
2. Development proposals should be sensitive to their potential impact upon the setting of the village concerned and inward or outward public views of the settlement.
3. Where appropriate and feasible, proposals should help to address any negative features and take up enhancement opportunities.

COMMENT

I have no comment on this policy

POLICY FLD 1 – FLOODING PREVENTION

1. Development will be supported where it includes measures to ensure that it does not increase flood risk from fluvial, surface water, or any other source of flooding.
2. Planning applications must be accompanied by a site-specific flood risk assessment in line with the requirements of national policy and advice but may also be required on a site by site basis based on locally available evidence*. All proposals must demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant.
3. Development that needs to be located within the flood risk zones 2 and 3 for operational or other reasons will be supported where it can be demonstrated that measures will be put in place to ensure that the development proposed will not have a detrimental impact on surface water run-off and sewage discharge networks.
4. Residential developments will not be supported in Flood Zones 2 and 3.
5. For minor developments (e.g. extensions with footprints less than 25 square metres; alterations that do not increase the size of a building; developments within existing curtilages such as sheds, garages, games rooms etc.) applications should demonstrate that:

- a. No adverse effect will be evident on a watercourse, floodplain or flood defence
- b. The development will not impede access to flood defence and management facilities
- c. There is no cumulative impact of such developments having a significant effect on local flood storage capacity or flood flows

*Locally available evidence may include photographs, witness statements, existing FRAs undertaken for developments in the area, a diary of flood events/drainage issues (which should include date, time, and location of the event, comments, details of the eyewitnesses and landowners if known), video footage and sketches.

COMMENT

The policy requirements related to flood risk already exist at a national level. Parts of POLICY FLD 1 – FLOODING PREVENTION seek to introduce requirements in excess of existing policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:

- 1. Development will be supported where it includes measures to ensure that it does not increase flood risk from fluvial, surface water, or any other source of flooding.**
- 2. Planning applications must be accompanied by a site-specific flood risk assessment in line with the requirements of national policy and advice.**
- 3. Development that needs to be located within the flood risk zones 2 and 3 for operational or other reasons will be supported where it can be demonstrated that measures will be put in place to ensure that the development proposed will not have a detrimental impact on surface water run-off and sewage discharge networks.**

FLD 2 – SUSTAINABLE DRAINAGE

Development proposals will be supported provided they are able to demonstrate that

they include one or more of the following sustainable drainage design features to manage the risk of surface water flooding within their boundary and elsewhere in the Parish., as appropriate

- a. Permeable driveways and parking areas
- b. Water harvesting and storage features
- c. Green roofs and/or
- d. Soakaways.
- e. The use of swales, naturally managed retention ponds and ditches.

COMMENT

I have no comment on this policy.

FLD 3 – POLLUTION CONTROL

Planning applications will be expected to demonstrate pollution control measures will be in place to ensure vehicular emissions from parked vehicles and other pollutants, e.g. household heating tanks, do not find their way into the River Tamar or its feeding tributaries.

COMMENT

I have no comment on this policy.

POLICY FLD4 - DRAINAGE MANAGEMENT

Development will be supported where it includes additional drainage measures which will ensure that the water environment of the River Tamar is enhanced to and maintained at the highest quality.

These measures will include

1. Robust wastewater drainage arrangements, including the use of grease

traps*, separate storm water drainage, and avoiding and correcting misconnections;

2. Robust wastewater treatment arrangements, excluding the use of septic tanks and cess-pits
3. Use of rainwater harvesting ('Grey Water') recycling for flushing toilets and garden irrigation;
4. Conversion of single pipe to two pipe drainage systems in conversions & extensions;
5. Use of Sustainable Urban Drainage methods (e.g. permeable paving, use of Green Roofing, Living walls and Rain Gardens etc.)

Where SUDs or suitable surface water sewers or watercourses are not available to cater for new development, connection of surface water runoff discharging to the foul/combined sewer will only be supported as a last resort.

*Commercial kitchen premises are required by Building Regulations to incorporate grease traps and interceptors.

COMMENT

Policy FLD4 covers a number of issues that are dealt with by existing policy and guidance including areas controlled by the Highway Authority, Environment Agency and Building Regulations. For clarity and to meet the Basic conditions the policy should be modified as follows:

POLICY FLD4 - DRAINAGE MANAGEMENT

Development proposals should include details, where appropriate of drainage measures which will ensure that the water environment of the River Tamar is enhanced to and maintained at the highest quality in accordance with national and local policy. Applicants are also encouraged to include

- 1. The use of rainwater harvesting ('Grey Water') recycling for flushing toilets and garden irrigation;**
- 2. The principles of sustainable drainage methods (e.g. permeable paving,**

use of Green Roofing, Living walls and Rain Gardens etc.)

EBD 1 - HABITAT AND DIVERSITY

1. New development proposals will be supported where they demonstrate through a Biodiversity Metric Gain Plan, based on an assessment of the site before and after development, that they minimise impacts on and achieve at least a 10% net gain in biodiversity.

2. Each Biodiversity Metric Gain Plan should use appropriate methods drawn from the guidance in the Cornwall Biodiversity SPD, that are consistent with the British Standard for Biodiversity [BS42020] and supports Cornwall's Environmental Growth Strategy. Each plan should explain how Mitigation Hierarchy has been followed (including proposals for any necessary compensation) and how the proposal will integrate into any wider green infrastructure network

3. Development which results in the loss of, or significant harm to, the ecological or landscape value of existing private residential gardens will not normally be supported.

4. Developments must ensure that adverse impacts on County Wildlife Sites, Local Geological Sites and sites supporting Biodiversity Action Plan habitats and species, as recorded on the Proposals Map, are avoided, or effectively mitigated where impacts are unavoidable or, as a last resort impacts are compensated for through the creation of habitats elsewhere.

Guidance on the Cornwall Council approach to Net Biodiversity Gain is given in a Chief Planning Officers Advice Note.

COMMENT

The requirements of policy EBD 1 - HABITAT AND DIVERSITY will not be appropriate for all development proposals and in addition residential property benefits from Permitted Development. For clarity and to meet the Basic Conditions

EBD 1 - HABITAT AND DIVERSITY

1. All development proposals should include measures for increasing biodiversity. Where appropriate due to the size and scale of the development this should be demonstrated through the use of a Biodiversity Metric Gain Plan, based on an assessment of the site before and after development, that minimises impacts and achieves at least a 10% net gain in biodiversity.

2. Each Biodiversity Metric Gain Plan should use appropriate methods drawn from the guidance in the Cornwall Biodiversity SPD, that are consistent with the British Standard for Biodiversity [BS42020] and supports Cornwall's Environmental Growth Strategy. Each plan should explain how Mitigation Hierarchy has been followed (including proposals for any necessary compensation) and how the proposal will integrate into any wider green infrastructure network

3. Developments must ensure that adverse impacts on County Wildlife Sites, Local Geological Sites and sites supporting Biodiversity Action Plan habitats and species, as recorded on the Proposals Map, are avoided, or effectively mitigated where impacts are unavoidable or, as a last resort impacts are compensated for through the creation of habitats elsewhere.

Guidance on the Cornwall Council approach to Net Biodiversity Gain is given in a Chief Planning Officers Advice Note.

EBD 2 – TREES, CORNISH HEDGES AND HEDGEROWS

1. Development proposals that impact on trees, Cornish Hedges or hedgerows will be supported providing they:

a. Sympathetically incorporate and retain trees and Cornish Hedges or hedgerows of good arboricultural and amenity value into the overall design of the scheme

b. Include measures to ensure their protection during the course of development and their continued survival in the long term

- c. Maintain a minimum buffer of at least 15 metres in width between ancient woodland and any development boundary
 - d. Incorporate the planting of additional trees at a minimum of 3 trees for each dwelling or 1 tree for each 50sqm of gross business floorspace
2. Where development proposals result in the loss of trees, replacement should aim to be at a ratio of 3:1 to ensure rapid canopy replacement. Any replacement planting should be of a proven Cornish provenance or other provenance which is appropriate to the site, its character and surrounding habitat [See Cornwall Council Guidance
 3. Whenever a Cornish hedge is lost, and replacement is considered the necessary mitigation, this should aim to be approximately double the length of hedge that is lost to ensure an appropriate net gain the biodiversity or wildlife habitats that it contains.
 4. Proposals should be accompanied by an appropriate assessment that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained. No loss of deciduous woodland identified in the National Habitat Action Plan will be accepted.

COMMENT

I have no comment on this policy.

POLICY REN 1 – RENEWABLE ENERGY PRODUCTION

1. Wind Turbines
 - a. Within the AONB wind turbines will not be supported unless very exceptional circumstances apply;
 - b. Elsewhere within the Parish wind farms will not be supported unless they are individual wind turbines or small clusters of up to 5 turbines of small size (Band A as defined in the Cornwall Renewable Energy SPD) located within the Wind Turbine Opportunity Area (See Map 4 below) and the potential harmful impacts on the following are appropriately avoided or mitigated:

- i. Landscape and visual impact, having particular regard for the sensitivity of landscape to wind turbines within the setting of the AONB and WHS
 - ii. Residential amenity through noise generation, shadow flicker or overbearing visual impact.
 - iii. Safety of highways and public rights of way.
- c. Proposals for individual wind turbines will not be supported where they, together with existing and approved turbines, would lead to a concentration of wind turbines on a scale which would significantly change the character of the wider landscape.
- d. Proposals will be expected to include provisions under S106 or similarly binding arrangements to ensure that at the end of its operational life turbines will be removed and the site remediated to its previous quality for agricultural use.
- e. Applicants should use Cornwall Council's SPD on Renewable Energy Annexes 1 & 2 to inform their impact assessments.

2. Solar Photo Voltaic (PV)

- f. Within the AONB solar PV arrays will not be supported unless very exceptional circumstances apply;
- g. Elsewhere within the Parish Proposals for small solar PV arrays will be supported on lower slopes, providing
 - i. their size complies with the Band A (<1 ha) defined in Annex 1 of Cornwall Council's Renewable Energy Supplementary Planning Document; and are demonstrated not affect the AONB and WHS or their setting;
 - ii. the potential harmful impacts on the following are appropriately avoided or mitigated:
 - 1. residential amenity through noise generation, or overbearing visual impact;
 - 2. safety of highways and public rights of way

3. Landscape and visual impact, having particular regard for the sensitivity

of landscape to solar arrays within the setting of the AONB and WHS; and

iii. there is adequate demonstration of how land beneath/surrounding the panels will be managed for agricultural purposes or to enhance biodiversity; and

h. Proposals for solar PV development will not be supported where they, together with existing and approved solar PV, would lead to a concentration of solar PV on a scale which would significantly change the character of the wider landscape

i. Proposals will be expected to include provisions under S106 or similarly binding arrangements to ensure that at the end of its operational life turbines will be removed and the site remediated to its previous quality for agricultural use.

3. Hydro Power

a. Proposals to harness the power of rivers for the purpose of generating electricity will be supported, provided that:

i. Any associated buildings are small scale and designed to hide within the landscape (through bunding and design that reflects local built vernacular)

ii. Adequate provision is incorporated to ensure unobstructed passage for fish and other riverine wildlife

iii. Any impoundments (weirs or dams) do not aggravate flooding issues and are designed to maximise biodiversity benefit.

4. Deep Geothermal

a. Proposals to harness deep geothermal energy for heating or for electricity generation will be supported, provided that:

b. i. Drilling rigs, plant and machinery would not dominate, or prevent the understanding and appreciation of historic landmarks, heritage assets, views along the along the Tamar valley or its tributaries, or rising ground above the settlements;

and

II. Would not adversely affect the amenities of local residents or other users of the countryside in terms of noise, vibration, traffic generation or overbearing visual impact;

c. In the case of historic mining sites, the layout and use of buildings is informed by a detailed Heritage Impact Assessment; and

d. Wherever possible, the opportunity is taken to re-use existing mine buildings and remedialise despoiled ground;

e. Appropriate ecological surveys are undertaken, and adequate mitigation of any effects is proposed;

f. procedure for monitoring during the life of the plant is agreed with the local planning authority Co-location of commercial energy/heat users with the geothermal plant will be supported subject to the criteria set out in Environment and Biodiversity Policy EBD1 above.

g. The risks of induced seismicity are assessed as being acceptable, and a

5. Microgeneration

a. Proposals for micro-generation associated with individual or groups of dwellings and businesses that require planning permission will be supported where:

i. any negative impacts on the built, natural or historical environments can be acceptably mitigated and

ii. there are no unacceptable impacts on neighbouring properties.

Reference should be made to the 'Landscape strategy and siting guidance' given in Cornwall Council's Landscape Sensitivity and Strategy Matrices for each Landscape Character Area. March 2016

COMMENT

With regard to the references in the policy to wind turbines, the written Ministerial Statement of the 18th June 2015 set out that that when considering a planning application for wind turbines in their area, councils should only grant permission if:

“the site is in an area identified as suitable for wind energy as part of a Local or Neighbourhood Plan”. In addition, foot note 49 of the NPPF 2019 states:

“Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.”

Although a wind turbine opportunity area has been identified in Map 4 the wording of the policy is confusing regarding wind turbine proposals.

The section on solar panels is also confusing. For clarity and to meet the Basic Conditions sections 1 and 2 of the policy should be modified as follows:

POLICY REN 1 – RENEWABLE ENERGY PRODUCTION

Proposals for renewable and low carbon energy should be in accordance with Cornwall Local Plan Policy 14.

1. Wind Turbines

Development proposals involving one or more turbines will not be supported unless they are located within the Wind Turbine Opportunity Area (See Map 4 below). Within the Wind Turbine Opportunity Area proposals will be supported where potential harmful impacts on the following are appropriately avoided or mitigated:

- i. Landscape and visual impact, having particular regard for the need to conserve and enhance the AONB and its setting and protect the authenticity and integrity of the Outstanding Universal Value of the WHS.**
- ii. Residential amenity through noise generation, shadow flicker or overbearing visual impact.**
- iii. Safety of highways and public rights of way.**

Applicants should use Cornwall Council's SPD on Renewable Energy Annexes 1 & 2 to inform their impact assessments.

Proposals will be expected to include provisions under S106 or similarly binding arrangements to ensure that at the end of its operational life turbines will be removed and the site remediated to its previous quality for agricultural use.

2. Solar Photo Voltaic (PV)

Within the AONB and its setting solar PV arrays will only be supported in very exceptional circumstances and should be of very small scale;

Elsewhere within the Parish Proposals for small solar PV arrays will be supported on lower slopes, where:

- i. their size complies with the Band A (<1 ha) as defined in Annex 1 of Cornwall Council's Renewable Energy Supplementary Planning Document;**
- ii. the proposals demonstrate how they conserve and enhance the AONB and its setting;**
- iii. there is no resultant harm to the authenticity and integrity of the Outstanding Universal Value of the WHS;**
- iv. any potential harmful impacts on the following are appropriately avoided or mitigated:**

1. residential amenity through noise generation, or overbearing visual impact;

2. safety of highways and public rights of way

3. Landscape and visual impact, having particular regard for the sensitivity of landscape to solar arrays; and

iii. there is adequate demonstration of how land beneath/surrounding the panels will be managed for agricultural purposes or to enhance biodiversity ; and

h. Proposals for solar PV development will not be supported where they, together with existing and approved solar PV, would lead to a concentration of solar PV on a scale which would significantly change the character of the wider landscape

i. Proposals will be expected to include provisions under S106 or similarly binding arrangements to ensure that at the end of its operational life turbines will be removed and the site remediated to its previous quality for agricultural use.

Policy REN 2 – LOCAL ENERGY STORAGE

Proposals for renewable and low carbon energy storage developments will be supported and encouraged providing that:

a. They would not dominate, or prevent the understanding and appreciation of historic landmarks, heritage assets, views along the Tamar valley, or rising ground above the settlements; or have an overbearing visual impact;

b. They would not adversely affect the amenities of local residents or other users of the countryside in terms of noise, vibration, traffic generation, security lighting, fencing, and construction impacts – e.g. noise, vehicle movements, tree removal.

c. If in the AONB, the development conserves and enhances its landscape character

and natural beauty, addresses the AONB's sensitivity and capacity, and if major development the tests of exceptional circumstances

d. Wherever possible, the opportunity is taken to re-use existing agricultural or mine buildings and remedialise despoiled ground;

e. Any new buildings are designed to reflect local vernacular and minimise visual impact on the landscape.

f. In the case of historic mining sites, the layout and use of buildings is informed by a detailed Heritage Impact Assessment;

Appropriate ecological surveys will need to be undertaken and adequate mitigation of any effects proposed.

COMMENT

For clarity paragraph c should be modified as follows:

c. If in the AONB, the development conserves and enhances its landscape character and natural beauty, addresses the AONB's sensitivity and capacity, and if major development meets the tests of exceptional circumstances

For clarity paragraph d should be modified as follows:

d. Wherever possible, the opportunity is taken to re-use existing agricultural or mine buildings and remediate despoiled ground;

POLICY REN 3 - COMMUNITY SUSTAINABLE ENERGY

Proposals for community owned renewable energy schemes will be supported where they:

a. Conform with Renewable Energy Production Policy REN1 of the NDP

b. Are integrated into the local grid or by other means so that the energy generated can be supplied directly to domestic, business and other buildings in the parish,

demonstrated by direct reduction to buildings' energy consumption.

c. Are fully or partly owned by local residents and businesses in a profit sharing cooperative. This can be demonstrated by evidence of the development being fully or partly owned through an appropriately constituted community energy enterprise (CEE, whose members include local residents and/or businesses). or

d. If the applicant has sought to deliver via this model but this has not been possible, a local share offer would be, providing there is evidence CEE delivery was not possible; and that residents and business in the Parish are given priority.

COMMENT

The NPPF supports “community-led initiatives for renewable and low carbon energy”, paragraph 152. Policy REN4 refers, in paragraph 1 to “community owned renewable energy”. In addition, paragraphs c and d are overly prescriptive in terms of how any community company should be constituted and this falls outside the remit of a planning policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY REN 3 - COMMUNITY SUSTAINABLE ENERGY

Proposals for community-led renewable energy schemes will be supported where they:

a. Conform with Renewable Energy Production Policy REN1 of the NDP

b. Are integrated into the local grid or by other means so that the energy generated can be supplied directly to domestic, business and other buildings in the parish, demonstrated by direct reduction to buildings' energy consumption.

c. Are fully or partly owned by local residents and businesses.

POLICY REN 4 – ENERGY EFFICIENT & SMALL CARBON FOOTPRINT DEVELOPMENT

1. New development which aims to meet a high level of sustainable design and construction and be optimized for energy efficiency so that it has a small 'carbon footprint' will be supported. This includes:

1. Siting and orientation to optimize passive solar gain;
2. Provision of shelter belt planting in areas exposed to wind;
3. Use of sustainable water sources (rainwater harvesting, greywater recycling and other measures of water demand management) and efficient use of all water for both internal and external water consumption;
4. Layouts that encourage natural cooling to avoid heat stress and avoid the need for air-conditioning;
5. The use of high quality, thermally efficient building materials, locally sourced wherever practicable, and of low embodied energy use;
6. Installation of energy efficiency measures such as loft and wall insulation and double glazing;
7. Modular or flexible designs which are adaptable to meet changing needs;
8. incorporation of a passive electric vehicle charging point* built into individual dwellings and additional charging points within on-street parking areas;
9. The sensitive retrofitting of energy efficiency measures in heritage properties/assets and buildings to reduce energy demand, providing that it safeguards the historic characteristics of these heritage assets and development is done with the engagement and permissions of relevant organizations. Such measures could include:
 - a. measures to reduce heat loss, such as double or secondary glazing with wooden windows that meet the latest relevant British standard; and/or
 - b. the replacement of fossil fuel burning energy sources with electric power from

renewable sources with zero air emissions locally.

2. All new residential buildings should achieve:

i. at least a 19% reduction in Dwelling Emission Rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations 2013) ** or achieve any higher standard than this that is required under new national planning policy or Building Regulations; and

ii. a water consumption rate of 110 litres per person per day or less (calculated as per Part G of the Building Regulations).

iii. at least 50% of total regulated energy requirement from on-site renewable sources.

3. All new non-residential buildings with a total internal floor area of 100m² or greater should achieve BREEAM 'Excellent' (or equivalent)

4. New housing development which achieves at least 4 stars in the overall Building Research Establishment Home Quality Mark (HQM)***and 5 stars in the HQM 'My Footprint' assessment is encouraged.

* Passive provision means either cabling in place to enable straightforward connection of a charge point at a later date, or sufficiently wide ducting provided to enable cables to be inserted at a later date without the need for excavation.

** Code Level 4 is approximately 19% above current (2013) Part L.

***See <https://www.homequalitymark.com/ratings-and-stars>

COMMENT

Building Regulations are a different statutory framework separate from planning policy and guidance and deal with energy efficiency in buildings including construction. Policies in Neighbourhood Plans cannot include

references to Building Regulation requirements. In order to meet the Basic Conditions, the policy should be modified as follows:

POLICY REN 4 – ENERGY EFFICIENT & SMALL CARBON FOOTPRINT DEVELOPMENT

Development proposals which optimise energy efficiency and generate a small ‘carbon footprint’ through a high level of sustainable design and construction‘ carbon will be supported. This includes:

1. Siting and orientation to optimise passive solar gain;
2. Provision of shelter belt planting in areas exposed to wind;
3. Use of sustainable water sources (rainwater harvesting, greywater recycling and other measures of water demand management) and efficient use of all water for both internal and external water consumption;
4. Layouts that encourage natural cooling to avoid heat stress and avoid the need for air- conditioning;
5. The use of high quality, thermally efficient building materials, locally sourced wherever practicable, and of low embodied energy;
6. Installation of energy efficiency measures such as loft and wall insulation and double glazing;
7. Modular or flexible designs which are adaptable to meet changing needs;
8. incorporation of a passive electric vehicle charging point* built into individual dwellings and additional charging points within on-street parking areas;
9. The sensitive retrofitting of energy efficiency measures in heritage properties/assets and buildings to reduce energy demand, providing that it safeguards the historic characteristics of these heritage assets and

development is done with the engagement and permissions of relevant organizations. Such measures could include:

a. measures to reduce heat loss, such as double or secondary glazing with wooden windows that meet the latest relevant British standard; and/or

b. the replacement of fossil fuel burning energy sources with electric power from renewable sources with zero air emissions locally.

10. All new non-residential buildings with a total internal floor area of 100m² or greater should aim to achieve BREEAM 'Excellent' (or equivalent)

11. New housing development which achieves at least 4 stars in the overall Building Research Establishment Home Quality Mark (HQM)^{*} and 5 stars in the HQM 'My Footprint' assessment is encouraged.**

*****See <https://www.homequalitymark.com/ratings-and-stars>**

SECTION 5

Conclusion and Recommendations

1. I find that the Calstock Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012. (as amended)
2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.
3. The Calstock Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.
4. The Strategic Environmental and Habitats Regulations Assessment screening meet the EU Obligation.
5. The policies and plans in the Calstock Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Cornwall Local Plan 2016.
6. I therefore consider that the Calstock Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator

1st June 2021

