

THE ROSELAND PLAN

OUR ROSELAND - OUR FUTURE

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Roseland Neighbourhood Development Plan

Our Plan for the Period 2015 – 2030

Basic Conditions Statement

Produced by the
Roseland Neighbourhood Development Plan Steering Group

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1.0 Introduction

1.1 This report sets out the reasons for producing the Neighbourhood Development Plan for the community of the Roseland Peninsula, comprising the Parishes of Gerrans, Philleigh, Ruan Lanihorne, St Just in Roseland and Veryan. It explains how the Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (hereafter referred to as 'the Regulations'). The Basic Conditions Statement also addresses how the basic conditions of neighbourhood planning have been met as prescribed by the Town and Country Planning Act 1990 (as amended) Paragraph 8(2) of Schedule 4B.

1.2 The Roseland Neighbourhood Plan Area Steering Group is the body responsible for the preparation, consultation and submission of the Neighbourhood Development Plan (hereafter referred to as the NDP). As part of its process, assistance has been given by the Steering Group Members who are Parish Councillors and other representatives of local communities, Cornwall Council Planning Department, Planning Aid England, Cornwall AONB unit and Locality. The Roseland NDP area has been designated as the Parishes of Gerrans, Philleigh, Ruan Lanihorne, St Just in Roseland and Veryan (see Appendix I).

1.3 The Roseland Neighbourhood Area was formally designated following public consultation which took place between December 2012 and May 2013. It is a joint project involving a 'cluster' of five Parishes (Gerrans, Philleigh, Ruan Lanihorne, St Just in Roseland and Veryan). The formation of this cluster emphasised our joint determination to ensure that it is the community and not outside forces that will shape the Roseland's development.

2.0 The Concept of the Roseland NDP

2.1 The Roseland Neighbourhood Development Plan area covers a remote peninsula on the south coast of Cornwall. It is made up of a cluster of 5 parishes: Gerrans, Pilleigh, Ruan Lanihorne, St Just in Roseland and Veryan, St Just in Roseland being the largest with 1069 inhabitants and Pilleigh the smallest with just 159.

2.2 The Plan area has a population of approximately 3191 people. The largest settlements in the Plan area are St Mawes, Gerrans/Portscatho and Veryan. Elsewhere settlement is sparsely distributed across the area, which is dotted with small hamlets and farmsteads.

2.3 The Roseland Neighbourhood Development Plan flowed directly from the desire of the local community to take control of its future and the future of a truly special area - an Area of Outstanding Natural Beauty in name and in fact - a totally unique environment combining beauty, character, biodiversity and tranquillity appreciated by all who live, work or visit the area.

In recent years there has been a growing concern that the area is increasingly threatened by inappropriate development and that many planning decisions seem to give very little weight to the importance of the Roseland's AONB status. The Localism Act 2012 gave the community the opportunity to influence the future of our wonderful area

2.4 Early in the life of The Roseland Plan, the Steering Group made a public declaration of intent to the Roseland community, saying that it would:

- Inform you about your Plan and how it might affect or interest you
- Consult you so we can act on your feedback
- Involve you by giving you greater influence over the making of the Plan
- Collaborate with the community in each aspect of decision making
- Empower you by enabling you to make decisions about what is in the Plan.

The strategy aimed to get anyone who is interested in improving the Roseland's future involved in the Neighbourhood Plan process. This included private organisations, voluntary and community groups, residents, workers, students and any individual with an interest in how the environment and community could change over time.

3.0 Compliance Statement

3.1 How does the Roseland Neighbourhood Development Plan meet the Basic Conditions?

Sections 5, 6 and 7 set out how the draft Roseland Neighbourhood Development Plan meets the basic conditions (as required by 1(a) and sub-paragraph 2).

3.2 Does the draft NDP comply with the provisions made by or under Sections 61E(2), 61J and 61L?

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

38A

1) St Just in Roseland Parish is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP) for its own Parish (and that of the partner Parishes of Gerrans, Philleigh, Ruan Lanihorne and Veryan).

2) The Roseland NDP expresses policies relating to the development and use of land solely within the neighbourhood area.

3) to 12) are essentially post examination procedures.

38B

1) a) The Roseland NDP covers the period up to and including 2030, some 16 years. This period has been chosen to align with the emerging Cornwall Local Plan being prepared by Cornwall Council.

1) b) The Roseland NDP does not include any provision for excluded development such as national infrastructure.

1) c) The Roseland NDP does not relate to more than one Neighbourhood Area. It relates only to the Roseland Neighbourhood Area as designated by Cornwall Council on 2nd July 2013.

A copy of the letter confirming designation of the Roseland Neighbourhood Area is attached in Appendix I.

2) There are no other NDPs in place in the Roseland Neighbourhood Area.

3) Refers to conflicts within the NDP and clarifies that, in the event of conflict between a NDP Policy and any other statement or information in the Plan, the conflict must be resolved in favour of the Policy.

4) Refers to regulations made by the Secretary of State relating to NDPs in the Neighbourhood Planning (General) Regulations 2012 which have been used to inform the process of making the Roseland NDP. These regulations set out:

- the process by which Neighbourhood Plans are to be made and set out the consultation bodies for NDPs (referred to in the Consultation Statement accompanying this plan);
- that NDPs which are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment.

The Roseland NDP has been subject to Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment. The emerging Cornwall Local Plan has undertaken a Habitats Regulations Assessment (HRA). The screening exercise for the Roseland NDP concluded that there are European sites that would be potentially affected by the proposals within the Roseland NDP, but that there would not be significant effect and, therefore, it was agreed that an HRA was not necessary.

- that NDO (Neighbourhood Development Orders) may be subject to an Environmental Impact Assessment (not relevant for NDPs).

5) Refers to the publication of NDPs once made by a local planning authority in accordance with the regulations.

6) Clarifies what is excluded development

3.3 Should the area of any referendum extend beyond the Neighbourhood Area to which the Neighbourhood Development Plan relates?

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

3.4 Are there any other matters prescribed?

There are no other prescribed matters.

3.5 The draft Roseland NDP was made available for consultation in accordance with section 14 of the regulations, from the 3rd August 2014 until the 14th September 2014. Minor amendments were made to the plan considered necessary in light of the responses made. The St Just in Roseland Parish Council (as the qualifying body) agreed on the 5th December 2014 to submit the plan proposal to Cornwall Council as the local planning authority.

3.6 Section 15 of part 5 of the Regulations sets out the requirements for the qualifying body submitting a NDP to the local planning authority as follows:

Plan proposals

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

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

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

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

3.9 The requirements for part (d) in respect of Neighbourhood Development Plans are that the Roseland Neighbourhood Development Plan meets the following basic conditions:

- The plan has regard to national policies and advice contained in guidance issued by the Secretary of State.
- The plan contributes to the achievement of sustainable development.
- The plan is in general conformity with strategic policies contained in the development plan for the area of the authority.
- The plan does not breach, and is compatible with, the EU obligations.
- Prescribed conditions are met in relation to the Neighbourhood Development Plan and prescribed matters have been complied with in connection with the proposal for the plan.¹

3.10 The following sections will explain how the Roseland NDP has met these basic conditions.

¹ Paragraph 8 of Schedule 4B to the 1990 Act (excluding 2b, c, 3 to 5 as required by 38C (5))

4.0 Summary of Submission Documents and Supporting Evidence

4.1. In addition to the Basic Conditions Statement, the following documents have been prepared to support the preparation of the Plan and meet the Basic Conditions:

- **The Roseland Neighbourhood Development Plan** for the designated neighbourhood area of the Roseland Peninsula has been developed with the community and contains policies to guide future development in the area.
- **The Roseland Neighbourhood Development Plan Appendices** - these appendices are a compilation of relevant information used to inform the preparation of the NDP such as the Sustainability Assessment, Area Profile, Local Landscape Character Assessment and Design Guide. They are available on the Roseland Plan website (www.roselandplan.org).
- **The Roseland Neighbourhood Development Plan Consultation Statement** which sets out the consultation and community engagement processes from early engagement through to the formal pre-submission consultation.
- **The Roseland Neighbourhood Development Plan Strategic Environmental Assessment** – this was deemed unnecessary, following the receipt of the Screening Opinion from Cornwall Council in consultation with the Statutory Bodies (refer to Appendix 2). However, a light touch ‘Sustainability Checklist’ was undertaken to inform the development of the policies. This is included in the Plan Appendices.
- **The Roseland Neighbourhood Development Plan Habitat Regulations Assessment** – this was deemed unnecessary, following the receipt of the Screening Opinion from Cornwall Council in consultation with the Statutory Bodies (see Appendix 2).

5.0 The Basic Conditions

5.1 *Regard to National Policy and Guidance:* The National Planning Policy Framework (NPPF) was published in March 2012. The NPPF provides a framework within which local communities can produce neighbourhood development plans for their area and sets out how planning should help achieve sustainable development (see paragraphs below relating to achieving sustainable development).

5.2 Paragraphs 18 to 219 of the NPPF express the Government's view on what sustainable development means in practice for the planning system. The appraisal of the draft policies contained within the NDP against the NPPF (Table in Section 6.0 - see page 20) demonstrates how policies are in conformity with delivering sustainable development.

5.3 The NPPF states that there are three key principles to sustainable development; economic, social and environmental. This prompts the need for the planning system to perform a number of roles which are defined below.

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies contained in the NPPF constitute the Government's view of what sustainable development means in practice for the planning system.

The NPPF sets out 12 core land-use planning principles that should underpin plan-making and decision-taking. These are that planning should:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area....
- be a creative exercise in finding ways to enhance and improve the places in which people live their lives; proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources.....
- contribute to conserving and enhancing the natural environment and reducing pollution....
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance...
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all.....

5.4 These principles have been embodied throughout the production of the Roseland NDP which has also had regard to the following key policy areas as evidenced below and summarised in Table E10.1 on Page 22 of **The Roseland Neighbourhood Development Plan**.

An Economic Role

5.5 The Overall Strategy

The overall strategy for the **Roseland Neighbourhood Development Plan** is to underpin the local economy and its key sectors of tourism, agriculture and services through the positive management of economic development, including the reuse of brownfield sites and redundant buildings, the building of new housing and support for the development of energy producing and carbon reducing technologies.

Key Point A recognises that the quality and sustainable management of the landscape is a key factor in the location and viability of industries that form the backbone of the local economy e.g. tourism, agriculture and their supporting services.

Key Point B seeks to find suitable locations for the establishment of new, and the expansions and relocation of existing, businesses.

Key Point D offers support for the development of existing, emerging and innovative carbon reduction technologies at an appropriate scale.

5.6 Draft Policies

Policy LA4 recognises the need to construct and maintain flood defence, harbours and slipways and CV5 protects the historic infrastructure that supports marine based industry.

GPI provides the framework to deliver sustainable development through applying criteria against which all proposed development will be judged, allowing a balance of economic and social benefits to flow whilst safeguarding environmental values.

GP3 encourages economic development to focus in those settlements where it will best support and be supported by a local community and local services and facilities.

CD1 supports commercial development and provides criteria to guide how and where commercial development can occur.

CD2 encourages new and expanding businesses to re-use farm buildings.

CR1 seeks to encourage modern and emerging energy production technologies and policy CR5 encourages the development of carbon reduction technologies.

CR2, whilst limiting the scale and location of wind turbines, is supportive of more sensitive schemes.

CR3 supports the sensitive installation of solar panels and solar tiles on roofs in conservation areas and on listed buildings and policy CR4 supports the ground installation of solar panels.

A Social Role

5.7 The role of existing communities in the well being of the Plan area is a value recognised through the community consultation and reveals itself in the Plan both in the overall strategy, the housing strategy and policies for the support, growth and protection of services and facilities.

5.8 The Overall Strategy

The overall strategy for the **Roseland Neighbourhood Development Plan** prioritises new housing to meet social need whilst restricting open market housing to permanent occupation, thereby supporting service centres in villages and limiting any further spread of second homes and holiday lets. It supports the retention of existing services for local communities as a priority for the local community.

5.9 Draft Policies

SF1 looks to support the core non residential activity within villages.

SF2 encourages support for public transport and alternatives.

SF3 seeks to prevent the loss of public car parking to ensure that villages with their services and facilities are accessible.

SF4 recognises the need to protect open spaces for sporting, recreational or landscape purposes.

GPI provides the framework to deliver sustainable development through applying criteria against which all proposed development will be judged, allowing a balance of economic and social benefits to flow whilst safeguarding environmental values.

GP3 reflects the recognition of the villages where people live and the extent of the communities' physical presence in the landscape.

HO1 and HO2 recognise that certain categories of residential development have been permitted to support the local economy rather than provide permanent housing. HO3 looks to find opportunities for the development of affordable housing where existing non residential buildings become available.

HO4 supports housing development within larger villages that make a significant contribution to affordable housing.

HO5 defines the status of people eligible for affordable housing.

HO6 identifies management schemes for affordable housing.

HO7 controls the use of housing for non permanent residential purposes.

HO8 allows for the replacement and/or redevelopment of unsuitable or derelict residential buildings.

HO9 allows for changes to housing need through extension of existing properties both physically and through use.

An Environmental Role

5.10 Throughout the community consultation the conservation of the environment is balanced with the encouragement and support for the economic and social development of the Plan area. Support for future development has always been qualified by the need to protect the environment from inappropriate and poorly located development.

5.11 *The Overall Strategy (See Table 10.1 (page 22) of the Roseland NDP)*

The overall strategy for the Plan and its policies reflect this qualification.

Key Point A addresses the key community concerns for protecting the AONB and maintaining and enhancing the distinctive character of the Roseland, its landscape and wildlife.

Key Point B minimises impacts upon the landscape, built and natural environments of villages and hamlets.

Key Point D concerns the more strategic environmental issues, addressing climate change and movement towards a low carbon economy.

5.12 Draft Policies

All the **LA** Policies in the Plan address conservation and enhancement of the natural assets and character of the landscape with its communities and its wildlife

Policy LA1 recognises the outstanding natural beauty of the area.

Policies LA2 and LA3 protect the local character and natural resources of the area recognising the value that they provide in an economic context.

Policy LA4 recognises the need to retain those cultural and environmental features that create that special relationship to the sea and rivers which is a dominant characteristic of the area.

The **CV** policies specifically aim to conserve, protect and enhance historical assets such as archaeological features, listed buildings and conservation areas, as well as the character of villages and hamlets.

Policy CV1 recognises the need to respect local character and the social and cultural aspects of settlements.

Policies CV2, CV3 and CV4 consider the safeguarding of those structures and areas that have been recognised as being of particular importance through their respective designations.

The overarching principles of sustainable development and the setting of guidance and direction to achieve high quality development is set out in the **GP** policies.

Policy GP1 restates the principles of sustainable development and how they will be applied through the implementation of the Plan.

Policy GP2 recognises the need for high quality development .

Policy GP3 protects the wider environment of the Plan area through the identification of these key areas where development has been assessed to be best located to protect the economic and social values of larger settlements.

The need to balance renewable energy and low carbon technological development is addressed in the **CR** policies.

Policies CR2, CR3 and CR4 safeguard the environmental values of the Plan area whilst allowing for sensitively located renewable energy projects to be developed.

Achieving Sustainable Development:

5.13 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF, therefore, is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

5.14 There are three elements to sustainable development: economic, social and environmental. These require the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

5.15 The **Roseland Neighbourhood Development Plan** has been prepared with a central understanding that the three key areas are addressed: economic, social and environmental and that they are all closely linked together.

5.16 The Terms of Reference agreed for the Roseland NDP Steering Group stated that its mission was: 'Shaping future development in the Roseland whilst safeguarding and enhancing what is valued by its local communities.'

5.17 The Plan through draft Policy GPI provides the framework to deliver sustainable development through applying criteria against which all proposed development will be judged, allowing a balance of economic and social benefits to flow, whilst safeguarding environmental values. The policies of the Plan, therefore, enable change that the community needs, whilst protecting what is valued.

5.18 The Roseland NDP has been subject to an appraisal of sustainability (documented in the NDP). The purpose of the SA is to ensure that the principles of sustainable development are considered throughout the plan making process and that the Roseland NDP has considered all aspects of economic, social and environmental sustainability in its production.

5.19 The Roseland NDP contributes to the achievement of sustainable development by:

- Planning positively for housing growth to meet the needs of present and future generations by meeting housing need up to the year 2030;
- Positively contributing to the development of a strong, diverse and competitive economy by including criteria based policy to influence the location and form of land for new employment to meet anticipated need;

- Planning for good urban design and the creation of safe and well-connected places;
- Prioritising brown field sites suitable for redevelopment opportunities;
- Setting criteria for development to ensure that sites chosen best meet the overall objectives of the plan and help to create sustainable communities;
- Providing for improved public transport links;
- Protecting locally important open spaces and landscape features;
- protecting and enhancing the natural, built and historic environment of the Roseland.

5.20 The NPPF also indicates that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking to ensure that Plans are deliverable.

5.21 With regard to future infrastructure requirements, this is being addressed at Cornwall wide level through work being undertaken in association with the emerging Cornwall Local Plan, such as the Strategic Housing Market Assessment (SHMA) and Infrastructure Delivery Plan (IDP). This will in turn be used to inform production of Cornwall Council's Community Infrastructure Levy (CIL) which will be used to assist with the delivery of critical infrastructure requirements. In setting CIL, Cornwall Council will need to ensure that the level set will not prejudice the delivery of new development.

5.22 The Roseland NDP has, however, started the process of identifying local infrastructure that will be required for the plan area as a result of new development.

5.23 The NPPF states that the Community Infrastructure Levy should support and stimulate new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place and, at the present time, it is proposed that some 25% of CIL will be allocated to those areas with a Neighbourhood Development Plan in place.

Conformity with Strategic Policies:

5.24 The **Roseland Neighbourhood Development Plan** has been prepared with planning officers from Cornwall Council. This has ensured that the process of developing the policies for the Plan has been scrutinised in terms of conformity with strategic policies of the district plan – this includes the saved policies of the Carrick District Wide Local Area Plan 1998. The following Table of Conformity provides detailed analysis in terms of the **Roseland Neighbourhood Development Plan** policies being in general conformity with the strategic policies of the district plan.

5.25. The Steering Group, in preparing the document, has been mindful of the preparation of the draft Cornwall Local Plan 2010-2030 and any potential bearing this may have on the **Roseland Neighbourhood Development Plan**. It is considered that, if the examination and referendum are successful, the **Roseland Neighbourhood Development Plan** will be brought into force prior to the adoption of the Local Plan under the new Town and Country (Local Planning) (England) Regulations 2012.

6.0 General Conformity with the Strategic Policies of the Development Plan for the Area.

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

The Adopted Carrick District-Wide Local Plan – Saved Policies

6.2 In the Roseland, the relevant adopted development plan comprises the Saved Policies of the Adopted Carrick District-Wide Local Plan (CDWLP) produced by the former Carrick District Council.

6.3 The Saved Policies comprise a large number of policies as listed in www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/interim-and-adopted-planning-policy/carrick-district-saved-policies/. The Carrick District-Wide Local Plan was adopted in 1998 and, therefore, much of the plan has since been implemented or falls outside conformity with the advice of the National Planning Policy Framework.

6.4 The CDWLP saved policies are set out over 11 chapters and comprise 75 policies. These cover Environment, Built environment, Transportation, Housing, Shopping, Employment, Rural Economy, Recreation and Tourism. The policies relating to Tourism are not considered relevant to the Neighbourhood Plan.

6.5 The Plan Strategy for the former Carrick District gives broad guidance on the location and general requirements of development and outlines constraints to development, with the aim of ensuring a continued balance between development and the protection and enhancement of the area's natural and built environment.

6.6 The majority of development was concentrated in, or on the edge of, Truro and Falmouth as these are (i) the areas of existing infrastructure and facilities and (ii) where opportunities to access services using alternative transport to the private car are maximised. Additional development was to be provided across the rural areas of the district, including the Roseland, through infill within defined settlements.

6.7 New development is expected to bring local benefits such as improved infrastructure and facilities. New housing should contribute to meeting local needs. Development should aim to conserve and enhance the landscapes of the district and prevent damage to conservation areas and listed buildings.

6.8 The policies of the Roseland NDP are considered to be consistent with the overarching policies of the CDWLP as detailed in Section 9 of The Plan. Policies relating to housing numbers and employment allocations are clearly out of date in the CDWLP and, as such, the Roseland NDP has had to have regard to work on the emerging Cornwall Local Plan (see below) and associated evidence base, liaising closely with officers from Cornwall Council.

The Emerging Cornwall Local Plan

6.9 Following Local Government Reorganisation in 2009, Cornwall Council was formed from the County Council and previous District and Borough Councils in Cornwall. Work has subsequently commenced on a new Cornwall Local Plan. Submission of the plan is currently anticipated in January 2015.

6.10 In the absence of an up-to-date local plan for the area, the Roseland NDP has effectively been produced in parallel with the emerging Cornwall Local Plan, working closely with the Council to ensure broad conformity between the Plans. Much of the evidence used in the production of the Neighbourhood Plan is derived from information and analysis used to inform the production of the emerging Local Plan and previous Area Action Plans for the Plan Area, which has further aided consistency of approach. Whilst legislation requires the Roseland NDP to be considered against the saved policies of the Carrick District-Wide Local Plan (as the relevant development plan for the area), at a practical level it is necessary to ensure that the Roseland NDP will not be in conflict with the Cornwall Local Plan policies as soon it is adopted.

6.11 The emerging Local Plan is intended to provide strategic policy guidance for the whole of Cornwall. It is the intention to continue using some of the existing Saved Policies for the purposes of development management to supplement policies of the emerging Local Plan and, as such, conformity with these policies will continue to be relevant even after adoption of the emerging Cornwall Council Local Plan.

6.12 Policy 3 of the Local Plan (Role and Function of Places) sets out the hierarchy of settlements in Cornwall. Policy PP6 of the Local Plan deals specifically with the Truro and Roseland area, although Truro and Kenwyn area is identified as being the key focus for development in the Community Network Area (CNA). It requires around 900 dwellings to be constructed across the Network Area as well as 50,750 sqm of business and industrial development (although the majority will be provided for within Truro and Kenwyn), as well as identifying a number of key objectives for the CNA.

6.13 The broad scale of development proposed in the Roseland NDP is consistent with that of PP6 in the draft Local Plan. The Neighbourhood Plan provides criteria by

which applications can be structured to meet the Local Plan requirement for employment and housing in the rural areas of the CNA.

6.14 This Basic Condition Statement demonstrates specifically how the Roseland NDP conforms to the key strategic policies and objectives of both the adopted and emerging local plans and it is requested that a degree of flexibility and practicality is applied to the assessment of general conformity with the development plan in this particular instance. The term 'general conformity' is not defined in law but the use of the adjective 'general' is clearly intended to introduce some degree of flexibility, the extent of which will depend upon the planning judgement of the decision maker and the particular circumstances of the case.

6.15 It is considered that the ambition of the Roseland NDP is aligned with, and positively supports, the strategic needs and priorities of the wider local area and promotes development consistent with the requirements of the emerging Local Plan.

6.16 A more detailed assessment of the policies contained in the Roseland NDP and their relationship to policies in both the adopted and emerging Local Plans is set out in the following section and summarised below.

Roseland Neighbourhood Development Plan - Basic Conditions Statement

Draft Roseland NDP	Regard to NPPF	Social/Economic/ Environmental Role	General Conformity with Strategic Policies: Emerging Cornwall Local Plan (ECLP) ; saved policies of the Carrick District Wide Local Area Plan (CDWLP)
E10.1 Overview of Key Points of The Roseland NDP		Para 7 NPPF	
A - Underpinning the tourist, agriculture and service industries by protecting the natural beauty of the AONB and maintaining and enhancing the distinctive character of the Roseland.	The requirement of the NPPF to deliver sustainable development through addressing a balance between the economic, social and environmental dimensions is met through this strategy as illustrated at pages 7-10 above and demonstrated in the policy assessment below.	Environmental Economic	There is conformity with the spatial strategy of the ECLP. This strategy safeguards the context in which Policy 5 of the ECLP can be implemented whilst safeguarding the area's landscape and character in accordance with Policy 23 and paragraph 2.90.
B - Positive management of new development to minimise the impact on the landscape and on cherished Roseland villages and hamlets.		Economic Environmental	There is conformity with Policy 23 of the ECLP which requires that development proposals need to sustain Cornwall's local distinctiveness and character and protect and enhance Cornwall's natural environment and assets according to their international, national and local significance
C - Provision of housing to meet local need.		Social	This strategy recognises that there will be a need for some housing in existing rural settlements in conformity with paragraphs 2.18 and 2.19 and Policy 5 of the ECLP.
D - A balanced approach to carbon reduction / energy efficiency.		Environmental Economic	There is conformity with Policy 15 of the Emerging Cornwall Local Plan which seeks to increase use and production of renewable and low carbon energy generation development whilst ensuring that adverse impacts are addressed satisfactorily.
E - Support the retention of the existing services valued by the community.		Social	There is conformity with the spatial strategy and paragraphs 1.25 and 1.26 of the ECLP.

Roseland Neighbourhood Development Plan - Basic Conditions Statement

Draft Policies			
LA1 - AONB Management Plan	The requirements of paragraphs 28, 113, 114, 115 and 170 are met by the recognition of a hierarchy of landscape values and the need to maintain the character of landscapes as identified through a Local Landscape Character Assessment that is balanced against the needs of a prosperous local economy and the safeguarding of natural resources.	Environmental	Paragraph 2.96 of the ECLP recognises that considerable guidance and evidence is set out in the Area of Outstanding Natural Beauty Management Plan and that it provides important information and should be used alongside the ECLP in making planning decisions. Policy 23.2 of the ECLP also supports policy LA1.
LA2 - Local Landscape Character		Environmental	The Cornwall Landscape Character Assessment is supported through Paragraph 2.95 and 2.96 of the ECLP which recognises that considerable guidance and evidence is set out in that document and that it provides important information and should be used alongside the ECLP in making planning decisions. Policy 23.1 of the ECLP also supports policy LA2.
LA3 - Natural Resources/ Agriculture		Environmental	Saved Policy 3A of the CDWLP and Policy 23.1 of the ECLP seek to safeguard the countryside for its own sake from inappropriate development. Policy LA3 recognises the need to protect the natural resources and agriculture of the area to achieve those ends.
LA4 - Sea Defences	The strategic approach to managing new development to minimise the impact on the landscape and its character, which this policy delivers, is in conformity with paragraphs 114 and 126, and takes care to avoid impact on protected habitats.	Environmental	Policy 26 in the ECLP for the development of infrastructure to safeguard against coastal change make no specific reference to the need to preserve and enhance but in Policy 23.1 the need to protect local character and to ensure that such infrastructure is appropriately delivered gives justification for a specific policy that arises from the concerns of local people.
LA5 - Biodiversity and Geological Conservation	This policy is in conformity with paragraphs 117, 118, and 119.	Environmental	This policy is in conformity with policy 23.3 of the ECLP

Roseland Neighbourhood Development Plan - Basic Conditions Statement

CV1 - Village Character	Support for the character of villages is key to sustaining an area where the local economy is dependent upon the quality of its character and this meets the aims of paragraph 28, which seeks to support the local economy through support for the character of the countryside in this context. The emphasis on good design and the role of neighbourhood plans to develop robust and comprehensive policies to achieve that are requirements of paragraphs 56 and 58. The villages of the Plan area are part of a valued historic environment. Their conservation and enhancement is an aim of Section 12.	Environmental Social	This is in conformity not just with saved policies 3A, 3D and 4O of the CDWLP that safeguard the setting and built development of a village, but also policies 4 and 24 of the ECLP, in that it seeks to ensure that new development respects and conserves not only the character of villages, but their services, facilities and community's amenities.
CV2 - Listed Buildings	The Plan area is rich in valued historic assets and their conservation and enhancement is an aim of Section 12.	Environmental	The conservation of heritage assets is in conformity with saved policies 4D, 4F, 4S, 4T, 4U in the CWDLP and policy 24 of the ECLP, which seek to sustain Cornwall's local distinctiveness and character and protect and enhance Cornwall's historic environment and assets.
CV3 - Conservation Criteria		Environmental	
CV4 - Archaeological Heritage		Environmental	
CV5 - Marine Heritage	Whilst primarily a conservation policy, this policy supports the protection of traditional economic activity in the harbours and boatyards of the Plan area and avoids impacts through recreational activity. This fulfils not only the aims of	Economic Environmental	

Roseland Neighbourhood Development Plan - Basic Conditions Statement

	Section 12, but also that of paragraph 28 in supporting a prosperous economy through the retention of appropriate infrastructure for the local water based industry		
SF1 - Services/Facilities	Paragraph 28 encourages the retention and development of local services and community facilities in villages as a way of promoting a strong rural economy. This policy seeks to achieve that objective.	Social	This policy is in conformity with Policy 27.2 and paragraphs 2.115 and 2.116 of the ECLP which seeks to protect community infrastructure and services and facilities in settlements.
SF2 - Sustainable Transport	This policy fulfils the aims of paragraphs 35 and 41 in that it prioritises sustainable transport and the protection of infrastructure necessary to support appropriate sustainable transport modes on the Roseland.	Social	This policy is in conformity with paragraph 2.111 which aims to maintain our key transport network for walking; bus; car; cycle and sea transport as well as safeguarding future opportunity for improvements. The ECLP proposes in Policy 27 to safeguard strategic transport opportunities including land around existing facilities to allow for expansion and use for future sustainable modes of travel.
SF3 - Public Car Parking	The communities need to retain a sufficient level of public car parking in keeping with the character of the local area to support tourism and village centre vitality. This is consistent with the provisions of paragraph 40 that encourage improvement of parking quality that is safe and convenient for the benefit of town centres.	Social	This policy is consistent with saved policy 5G of the CDWLP which provides that planning permission will not be granted for development proposals which involve the loss of public car parks unless the provision can be accommodated elsewhere within the immediate locality.

Roseland Neighbourhood Development Plan - Basic Conditions Statement

SF4 - Open Spaces	The need to protect and retain open spaces including those for sporting and recreational activity to promote healthy communities is recognised in paragraphs 69, 70, 73, 74, 76 and 77.	Social	This policy is in conformity with Policy 25 of the ECLP which seeks to protect and enhance open spaces and waterscapes and provides that proposals for development should retain and enhance the most important environmental infrastructure assets and connections which contribute to our Strategic Environmental Infrastructure network in their existing location; provide appropriate buffers to high value natural spaces and provide good quality and accessible open and coastal space. In adopting the aims and objectives of this policy, the local community makes it clearer for people to understand what they wish to keep from harm.
GPI – Sustainable Development	The underlying presumption in the NPPF is that in favour of sustainable development. Paragraph 16 makes it clear that the application of this presumption will have implications for how communities engage in neighbourhood planning by developing plans that plan positively to support local development. Policy GPI encapsulates that principle by showing how development can achieve sustainability at a local level.	Economic Social Environment	The policy is consistent with policy 1 of the ECLP in seeking to put sustainability at the heart of the Roseland Neighbourhood Plan.
GP2 - Design and Character of the Roseland	This policy seeks to further the aims to achieve sustainable development as outlined in paragraph 9 of the NPPF.	Environment	The policy is supportive of, and in conformity with, the principles of the Cornwall design guide and consistent with Policy 13 of the ECLP.

Roseland Neighbourhood Development Plan - Basic Conditions Statement

	<p>Whilst the Roseland Design Guide is an emerging document, the adoption of relevant parts of the Carrick Design Guide meets the community's objectives in seeking positive improvements in the quality of the built, natural and historic environment, as well as the quality of peoples' lives.</p> <p>The development of the Roseland Design guidelines in support of policy GP2 will deliver a robust and comprehensive policy, setting out the quality of development that will be expected in the area as encouraged by paragraph 58 of the NPPF.</p>		
GP3 - Settlement Boundaries	<p>This policy provides direction and support for appropriate development in villages and, in so doing, removes uncertainty from future investment in those villages consistent with paragraphs 21 and 28 of the NPPF. It identifies appropriate locations for housing consistent with paragraph 55 of the NPPF.</p>	Economic Social	<p>The settlement boundaries identified are based upon those identified previously in the Carrick District Wide Local Plan and have been modified to reflect changes since that plan and the identification of physical, cultural and social features through the Roseland Plan Area Profiles.</p> <p>Policy 3 of the emerging ECLP supports the identification of boundaries as a means of identifying infill sites for housing development.</p> <p>Policy and para's 25, Truro and Roseland Aim 6 CDWLP Policy 4L</p>
Housing Strategy	<p>Consistent with paragraph 50 of the NPPF.</p>		<p>Consistent with PP6.2 of the ECLP in that it makes provision for additional housing at a size, nature and</p>

Roseland Neighbourhood Development Plan - Basic Conditions Statement

			scale appropriate to the needs, character, role and services available of the settlement and will deliver community benefits in the form of affordable housing for local people.
HO1 - Change of Use of Holiday Lets	These policies deliver to the requirements of paragraph 51 of the NPPF in that they support bringing back into residential use suitable buildings used for other commercial purposes.	Social	These policies are consistent with the objectives of policy 7 to reuse suitable buildings to meet a general housing need. Whilst this policy focuses on affordable rather than open market housing, this is in response to community objectives.
HO2 - Conversion of Hotels, Guest Houses		Social	
HO3 - Re-use of Redundant Buildings		Social	
HO4 - Within Settlements with Defined Boundaries	The policy is consistent with paragraphs 50 and 54 in that it sets a policy to deliver a mix of housing to meet local affordable housing need and provides for rural exception sites.	Social	Consistent with the spatial strategy and Policy 3 in the ECLP, in that this policy will guide affordable housing to those areas where there is immediate access to key services and facilities. It recognises that any affordable housing development outside the settlements identified in Policy GP3 will be treated as exceptions to policy. This is in conformity with Policy 8 and paragraphs 2.30 - 2.32 of the ECLP.
HO5 - Local Connection	This policy focuses on delivering to the local need for housing in line with paragraph 54 of the NPPF to reflect local needs.	Social	This is consistent with paragraph 4.13 of the Cornwall Balancing Housing Markets Development Plan Document 2008.
HO6 - Management of Affordable Housing	This policy recognises the need to identify a variety of means by which Affordable Housing may be delivered in the future and, therefore, be sustainable in conformity with paragraphs 50 and 52 of the NPPF.	Social	Relevant to CDWLP Policy 6G and ECLP Policy 22.

Roseland Neighbourhood Development Plan - Basic Conditions Statement

HO7 - Full Time Principal Residence Requirement	To deliver a wide choice of housing in the Roseland in line with paragraph 50 of the NPPF it is necessary to address the imbalance that results in a high proportion of individual dwellings being occupied for limited periods of time and, therefore, contributing in a limited way to the vitality and viability of villages in the Plan area.	Social	Policy 3 of the ECLP states that the scale and mix of uses of development and investment in services and facilities should be proportionate to the role and function of places. It is the community's view that there is an imbalance between homes not used for permanent residence and permanent residences that affects the mix and scale of uses and, in turn, the role and function of local villages on the Roseland. The proposed policy is seeking to redress that imbalance.
HO8 - Replacement Dwellings	Both of these policies aim to increase the opportunities to deliver 'a wide choice of high quality homes' by allowing for the replacement or extension of existing properties. This is consistent with NPPF paragraphs 49, 51 and 58 providing a range of high quality housing through the reuse of existing housing stock, but in a way that ensures a high quality of development safeguarding local character.	Social	These policies are consistent with saved Policy 6J of the CDWLP for the development of replacement dwellings and saved Policy 6P for granny annexes. These policies are consistent with Policy 7 of the ECLP which provides that additional accommodation to meet needs in the open countryside will be focused on the use of existing buildings through the replacement of dwellings of an appropriate scale and character or subdivision of existing residential dwellings. Design objectives and design standards in policies 13 and 14 of the ECLP are at one with these policies in seeking development appropriate to the local area.
HO9 - Extensions and Annexes		Social	
CDI - Commercial Development	This policy is at the heart of the objective for commercial development in the Roseland.	Economic	Paragraph 2.3.point 7 of the ECLP states that the emphasis of the local plan will be on supporting the quality of Cornwall's environment, through protection

Roseland Neighbourhood Development Plan - Basic Conditions Statement

	It is consistent with paragraph 28 of the NPPF in that it supports economic growth in order to create jobs and prosperity whilst respecting the character of the countryside.		and enhancement, as an economic driver. The Roseland Plan recognises the particular relevance of Policy 5 of the ECLP in achieving the aims of the local plan. It recognises that the quality of the landscape and its wildlife is a significant economic, as well as an environmental, asset that must be taken into account in calculating the cost of any development on the community and the environment.
CD2 - Re-use of Farm Buildings	Paragraph 28 of the NPPF states that, to promote a strong rural economy, neighbourhood plans should <i>inter alia</i> support the sustainable growth of all types of business in rural areas through the conversion of existing buildings. Policy CD2 has the same objective in that it supports the conversion of farm and rural buildings for commercial development subject to criteria to ensure that the growth is sustainable.	Economic	This policy is consistent with saved Policy 9A of the CDWLP for the reuse of rural buildings. Policy 5 of the ECLP seeks to safeguard existing and potential employment, land and buildings. Policy 22 encourages the use of previously developed land and buildings.
CD3 - Agricultural Barns	Policy CD3, whilst recognising the limitations of planning control over the development of agricultural barns, seeks to ensure where possible that they are developed in accordance with high design standards consistent with paragraph 59 of the NPPF.	Economic	The encouragement of high quality design and location of new development in the countryside is at the heart of the community's objectives. Particular concerns regarding large agricultural barns and their impact on the landscape have to be tested against robust design criteria developed through the Roseland Plan consistent with the objectives of Policy 13 of the ECLP.

Roseland Neighbourhood Development Plan - Basic Conditions Statement

CR1 - Energy Saving Measures	This policy is aimed at delivering the objectives of paragraphs 95 and 97 of the NPPF.	Economic	This policy is consistent with Policy 13B of the CDWLP. This policy is consistent with Policy 15 of the ECLP in that it seeks to support development proposals that increase the use and production of renewable and low carbon energy generation .
CR2 - Wind Turbines	Paragraph 97 of the NPPF places a responsibility on local communities to contribute to energy generation from renewable or low carbon sources. Balancing the need to encourage the uptake of lower carbon energy with the essential conservation of the landscape led to our approach in this Policy.	Economic Environmental	This policy is consistent with Policy 13C of the CDWLP. Policy 15 of the ECLP requires that, when considering renewable generation development proposals, regard will be given to the wider benefits of providing energy from renewable sources, as well as the potential effects on the local environment including any cumulative impact of these proposals. In and adjacent to Areas of Outstanding Natural Beauty and undeveloped coast, developments would not be allowed except in exceptional circumstances and should generally be very small scale in order that the natural beauty of these areas may be conserved. Policy CR2 is consistent with this policy and has identified the scale of turbines appropriate for the Plan area.
CR3 - Low Impact Solar	These policies are consistent with paragraph 97 of the NPPF in that they are supporting the development of both domestic scale roof mounted photovoltaic cells and the small scale ground mounted photovoltaic cells.	Economic	These policies are consistent with Policy 15 of the ECLP in that they are supporting the development of renewable energy developments at a scale appropriate to the AONB or on the outskirts of the AONB.
CR4 - Ground-mounted Solar Panels		Economic	
CR5 - Encouraging Carbon Reduction	This policy is consistent with Paragraph 97 of the NPPF in that it supports developments	Economic	These policies are consistent with Policy 15 of the ECLP in that they are supporting developments that deliver carbon reduction at a scale appropriate to the AONB

Roseland Neighbourhood Development Plan - Basic Conditions Statement

	that deliver carbon reduction technologies.		or on the outskirts of the AONB.
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7.0 Compatibility with EU Regulations

Sustainability Appraisal (SA)

- 7.1 Strategic Environmental Assessment (SEA) is a requirement of the EC Directive on the assessment of the effects of certain plans and programmes on the environment. The requirements of this Directive have been incorporated within published government guidance 'Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents' (2005).
- 7.2 An SA Scoping Report for the Local Plan was consulted upon in 2010 and an update in 2012. This was submitted to the statutory environmental bodies: English Heritage, Natural England and the Environment Agency and was also made publicly available on the Cornwall Council website:
<http://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/cornwall-local-plan/sustainability-appraisal-and-habitat-regulation-assessment>.
- 7.3 The Cornwall Council undertook a Screening Opinion of the Roseland NDP on 18 November 2014 and submitted it to the same statutory environmental bodies.
- 7.4 The Screening Opinion of the Cornwall Council is that the Roseland NDP does not trigger the need for Strategic Environmental Assessment (see Appendix 2).
- 7.5 The consultation response from Natural England is satisfied that the draft Roseland NDP does not appear likely to result in 'significant adverse effects on designated landscapes or on national or European protected sites' (see Appendix 2).
- 7.6 An Appraisal of sustainability has been undertaken and is summarised in the NDP.

Habitat Regulations Assessment (HRA)

- 7.7 A Habitats Regulations Assessment (HRA) was undertaken as part of the emerging Cornwall Local Plan at Publication stage. This concluded that the

Cornwall Local Plan policy framework is sufficient to deliver necessary measures to avoid or mitigate any adverse effects on the integrity of European sites.

Equality Impact Assessment

- 7.8 The Equality Act 2010 places a duty on all public authorities to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a 'protected characteristic' and those who do not.
- 7.9 An Equality Impact Assessment (EqIA) was undertaken during the course of producing the Roseland NDP which examined the impact of the Roseland NDP on groups with protected characteristics.
(see <http://www.roselandplan.org/equality-impact-assessment.html>)
- 7.10 The Roseland NDP provides a strategy for the development of the Plan area, and a range of policies, which will result in positive benefits for parts of the local community with protected characteristics, ie older people and young people, and disabled people and those with limited mobility. The NDP does not explicitly address the needs of racial or religious groups, or transgender, gay or lesbian groups, or women. The NDP does make equal provision for Affordable Housing and seeks to retain service and leisure facilities that will benefit these groups equally.
- 7.11 It is considered that the draft Roseland NDP is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998.

Conclusion

- 7.12 The Roseland NDP is considered to be compatible with relevant EU obligations.

8.0 Prescribed Conditions and Prescribed Matters

- 8.1 There are no other prescribed matters.

9.0 Conclusion

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

Appendices

Appendix I Roseland Peninsula Neighbourhood Plan Designation Applications, Map and Designation Decision.

Designation Application - Gerrans Parish

Gerrans Parish Council

Sarah Arden
Planning & Regeneration
Circuit House
Truro
TR1 1EB



Clerk: Mr S. Skull
2, North Parade
Portscatho
Truro
TR2 5HH
01872 580085
email:
gerrans.clerk@btinternet.com

8th December 2012

Chairman: Mrs C. Taffinder

Dear Sarah Arden,

Application under Part 2 (5) (1) of the Neighbourhood Planning Regulations 2012 for the Designation of a Neighbourhood Area

The Parish Council of Gerrans together with the parishes of St Just in Roseland, Veryan, Ruan Lanihorne and Philleigh, gives notice that it wishes to make an application under the above Regulations for the designation of a Neighbourhood Area for the **Roseland Peninsula** as indicated on the attached map covering the combined enclosed total area of the five parishes.

If this designation is made, no alternative plan may be designated for that Neighbourhood area until that designation expires or is withdrawn.

The area is considered appropriate to be designated as a Neighbourhood Area as it is a distinct geographical peninsula in which the five parishes have similar characteristics and challenges relating to:-

- Rural environment, including designated areas of AONB and SSSI.
 - Heritage and Conservation
 - Transport into and around the Peninsula by road and ferries.
 - Housing and Employment.

The five parishes are relevant bodies for the purposes of Section 61G of the 1990 Town and Country Planning Act.

Yours sincerely,

S J Skull

Clerk to the Council

Roseland Neighbourhood Development Plan - Basic Conditions Statement

Designation Application - Philleigh Parish

Sarah Arden

Planning & Regeneration

Circuit House

Truro

TR1 1EB

Dear Sarah Arden,

Application under Part 2 (5) (1) of the Neighbourhood Planning Regulations 2012 for the Designation of a Neighbourhood Area

The Parish Council of Philleigh together with the parishes of Veryan, Ruanlanihorne, Gerrans and St. Just-in-Roseland, gives notice that it wishes to make an application under the above Regulations for the designation of a Neighbourhood Area for the Roseland Peninsula as indicated on the attached map covering the combined enclosed total area of the five parishes.

If this designation is made, no alternative plan may be designated for that Neighbourhood area until that designation expires or is withdrawn.

The area is considered appropriate to be designated as a Neighbourhood Area as it is a distinct geographical peninsula in which the five parishes have similar characteristics and challenges relating to:-

- Rural environment, including designated areas of AONB and SSSI.
- Heritage and Conservation
- Transport into and around the Peninsula by road and ferries.
- Housing and Employment.

The five parishes are relevant bodies for the purposes of Section 61G of the 1990 Town and Country Planning Act.

Lastly, we believe that the most suitable places to advertise locally are the Roseland Magazine, Roseland Online and the West Briton.

Yours sincerely,
Amie Pascoe

Amie Pascoe [amie@blue-comms.com]

(received by email 20/11/12)

Designation Application - Ruan Lanihorne Parish

19/3/13.

Sarah Arden
Planning & Regeneration
Circuit House
Truro
TR1 1EB

Dear Sarah Arden,

Application under Part 2 (5) (1) of the Neighbourhood Planning Regulations 2012 for the Designation of a Neighbourhood Area

The Parish Council of Ruan Lanihorne together with the parishes of Veryan, Philleigh, Gerrans and St. Just-in-Roseland, gives notice that it wishes to make an application under the above Regulations for the designation of a Neighbourhood Area for the **Roseland Peninsula** as indicated on the attached map covering the combined enclosed total area of the five parishes.

If this designation is made, no alternative plan may be designated for that Neighbourhood area until that designation expires or is withdrawn.

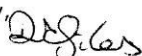
The area is considered appropriate to be designated as a Neighbourhood Area as it is a distinct geographical peninsula in which the five parishes have similar characteristics and challenges relating to:-

- Rural environment, including designated areas of AONB and SSSI.
- Heritage and Conservation
- Transport into and around the Peninsula by road and ferries.
- Housing and Employment.

The five parishes are relevant bodies for the purposes of Section 61G of the 1990 Town and Country Planning Act.

Lastly, we believe that the most suitable places to advertise locally are the Roseland Magazine, Roseland Online and the West Briton.

Yours sincerely,



CLlr Mr David Giles
Chairman, Ruan Lanihorne Parish Council
Email: ruan-clerk@live.co.uk
Web: www.cornwall.gov.uk/default.aspx?page=21503

Designation Application - St Just in Roseland Parish



**ST. JUST IN ROSELAND
PARISH COUNCIL**

V.A.T. No. 527 0370 65

Please reply to: The Clerk to Council
The Millennium Rooms
The Square
St Mawes
Truro
Cornwall
TR2 5AG

parishclerk@roselandinfo.com

01326 270799

Sarah Arden
Planning & Regeneration
Circuit House
Truro
TR11EB

16th November 2012

Dear Sarah

**Application under Part 2 (5) (1) of the Neighbourhood Planning Regulations
2012 for the Designation of a Neighbourhood Area**

The Parish Council of St Just in Roseland together with the parishes of Vryan, Gerrans, Ruan Lanihorne, Philleigh, gives notice that it wishes to make an application under the above Regulations for the designation of a Neighbourhood Area for the **Roseland Peninsula**.

If this designation is made, no alternative plan may be designated for that Neighbourhood area until that designation expires or is withdrawn.

The area is considered appropriate to be designated as a Neighbourhood Area as it is a distinct geographical peninsula in which the five parishes have similar characteristics and challenges relating to:-

- Rural environment, including designated areas of AONB and SSSI.
- Heritage and Conservation
- Transport into and around the Peninsula by road and ferries.
- Housing and Employment.

The five parishes are relevant bodies for the purposes of Section 61G of the 1990 Town and Country Planning Act.

Yours sincerely,

Shirley Penhaligon
Shirley Penhaligon
Clerk

acknowledged 21.11.12

Designation Application - Veryan Parish

Sarah Arden
Planning & Regeneration
Circuit House
Truro
TR1 1EB

Dear Sarah Arden,

Application under Part 2 (5) (1) of the Neighbourhood Planning Regulations 2012 for the Designation of a Neighbourhood Area

The Parish Council of Veryan together with the parishes of Gerrans, Philleigh, Ruan Lanihorne and St. Just-in-Roseland, gives notice that it wishes to make an application under the above Regulations for the designation of a Neighbourhood Area for the **Roseland Peninsula** as indicated on the attached map covering the combined enclosed total area of the five parishes.

If this designation is made, no alternative plan may be designated for that Neighbourhood area until that designation expires or is withdrawn.

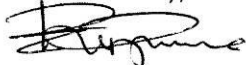
The area is considered appropriate to be designated as a Neighbourhood Area as it is a distinct geographical peninsula in which the five parishes have similar characteristics and challenges relating to:-

- Rural environment, including designated areas of AONB and SSSI.
- Heritage and Conservation
- Transport into and around the Peninsula by road and ferries.
- Housing and Employment.

The five parishes are relevant bodies for the purposes of Section 61G of the 1990 Town and Country Planning Act.

Lastly, we believe that the most suitable places to advertise locally are the Roseland Magazine, Roseland Online and the West Briton.

Yours sincerely,



Cllr Mr Phil Tregunna
Chairman, Veryan Parish Council

Designation Map

Roseland Parishes



Designation Decision

DECISION OF THE PORTFOLIO HOLDER FOR ENVIRONMENT, HERITAGE AND PLANNING

In respect of attached report for and on behalf of Sarah Arden

Dated: 2 July 2013

Subject Matter: Designation of Neighbourhood Plan Area for the
Roseland Peninsula Neighbourhood Plan

Decision:

The Roseland Peninsula Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

Reason for the Decision:

In accordance with the Neighbourhood Planning (General) Regulations 2012 ('The Regulations') any Neighbourhood Plan being produced must be carried out within a Neighbourhood Area the extent of which must be submitted to, publically advertised and consulted on for prescribed period and approved by Cornwall Council.

Alternative options considered:

None other than contained within the report.

Conflicts of interest declared:

None.

Dispensations granted in respect of a conflict of interest:

Not Applicable.

Signed *Edwina Hamaford*
Portfolio Holder for Environment, Heritage and Planning

Dated *2nd July 2013*

Appendix 2 Statement on the need for Strategic Environmental Assessment and Habitat Regulation Assessment of the Roseland Neighbourhood Plan

Introduction

The Roseland Neighbourhood Plan has been produced to guide development within the Neighbourhood Plan area consisting of the parishes of Gerrans, Philleigh, Ruanlanihorne, St Just in Roseland and Veryan. It does not propose a level of new development significantly beyond that proposed in the emerging Local Plan for Cornwall. On adoption by Cornwall, the Neighbourhood Plan will be a material consideration in determining planning applications, and is intended to inform pre-application discussions.

Cornwall Council is required to assess whether plans or projects prepared to guide development in Cornwall require a Habitats Regulation Assessment. If one is required the Council has the responsibility to carry it out. In the first instance the Council therefore has to take a view on whether a full stage 1 Habitats Regulation Assessment is or is not required.

This statement sets out the findings of this exercise.

Background

Strategic Environmental Assessment

The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005)

The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

However, Neighbourhood Plans are not Local Development Documents and are not required to be subject to sustainability appraisal by legislation (although it is advisable to carry out some form of sustainability assessment.) Neighbourhood plans are produced under the Localism Act 2011. The Localism Act requires neighbourhood plans to be compatible with EU and Human rights legislation, therefore, depending on their content, neighbourhood plans may trigger the Strategic Environmental Assessment Directive and Habitats Directive and unless they choose to complete a full SA plans will need to be screened for SEA separately.

The Cornwall Council undertook screening for SEA using criteria for establishing the Likely Significant Effects referred to in Article 3(5) of Directive 2001/42/EC

Habitat Regulations

The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) transpose the requirements of the European Habitats Directive 92/43/EEC into UK law. The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.

Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the integrity of a European Site. European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.

Article 6(3) of the Habitats Directive states:

‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives’.

The following Criteria were applied to determining whether Appropriate Assessment of the Roseland Neighbourhood Plan is required:

1. Is the Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?
2. Does the Neighbourhood Plan propose new development or allocate sites for development?
3. Are there any other projects or plans that together with the Neighbourhood Plan that could impact on the integrity of a European Site?

Conclusion

The Roseland Neighbourhood Plan will not give rise to Likely Significant Effects and is therefore unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects.

The Cornwall Council is satisfied that the Roseland Neighbourhood Plan does not require a Habitat Regulation Assessment or for a full Strategic Environmental Assessment to be undertaken.