

# **Liskeard Neighbourhood Development Plan 2016 - 2030**

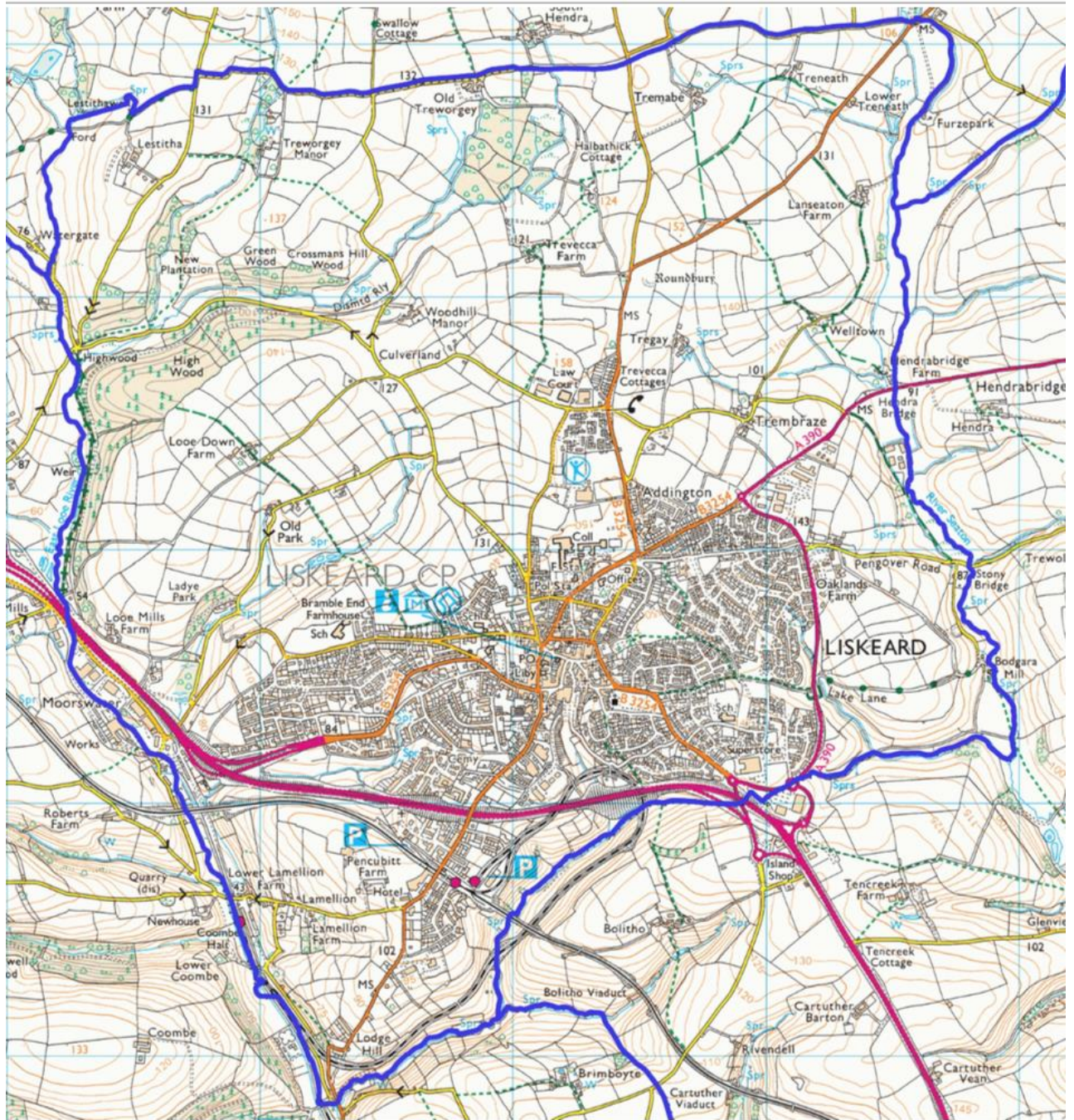
## **BASIC CONDITIONS STATEMENT**

**Date: March 2017**

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

# Liskeard Neighbourhood Development Plan Proposal

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



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### 1 INTRODUCTION

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

### 2 BACKGROUND TO THE LISKEARD NEIGHBOURHOOD DEVELOPMENT PLAN.

Production of the Liskeard Neighbourhood Development Plan was undertaken by the Liskeard Parish Council, working in partnership with Cornwall Council (CC). The plan is based

on consultation with local people, businesses and others with an interest in the area over a thirty three month period.

### **3 SUPPORTING DOCUMENTS AND EVIDENCE**

The Liskeard Neighbourhood Development Plan is supported by the following documents: Consultation Statement; Sustainability Appraisal; Evidence Base Summary (including viability); Delivery Strategy, Equality Impact Statement and a statement from Cornwall Council on whether there is a need for Strategic Environmental Assessment or Habitat Regulation Assessment of the plan.

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

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

#### **8(1) *The examiner must consider the following—***

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),*
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,*
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
- (e) such other matters as may be prescribed.*

#### **(2) *A draft neighbourhood development plan meets the basic conditions if—***

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,*
- (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*
- (e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*
- (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and*
- (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*

- (6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).*

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

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

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<sup>1</sup> Para 8 of schedule 48 to the 1990 Town and Country Planning Act (excluding 2b. c3-5 as required by 38C (5))

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

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

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

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

**38A**

- 1) Liskeard Parish Council is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP) for its own parish.
- 2) The **Liskeard** 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 NDP covers the period up to and including 2030, some 13 years. This period has been chosen to align with the Cornwall Local Plan, prepared by Cornwall Council.
- 1) b) The NDP does not include any provision for excluded development such as national infrastructure
- 1) c) The NDP does not relate to more than one neighbourhood area. It relates only to the Liskeard Neighbourhood Area as designated by Cornwall Council on 25<sup>th</sup> April 2014.

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

- 2) There are no other NDPs in place in the Liskeard 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 Liskeard 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 Liskeard NDP has been subject to Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment. The Cornwall Local Plan has undertaken a Habitats Regulations Assessment (HRA). The screening exercise for the Liskeard NDP concluded that there are no European sites that would be affected by the proposals within the Liskeard NDP, 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

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

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

\*Note – please check with Cornwall Council whether this statement is correct.

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

There are no other prescribed matters

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

### *Paragraph 2a*

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

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

- 6.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies contained in the NPPF constitute the Government's view of what sustainable development means in practice for the planning system.
- 6.2 NPPF sets out 12 core land-use planning principles that should underpin plan-making and decision-taking. These are that planning should:
- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area....
  - .....be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
  - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
  - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - take account of the different roles and character of different areas ....., promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
  - support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources.....
  - contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies within this framework.
  - 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, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- 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 and deliver sufficient community and cultural facilities and services to meet local needs.

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

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

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

6.4.2 A key theme of the Liskeard NDP is to support and strengthen the local employment base and attract businesses to Liskeard, with the long term vision of providing a variety of new employment opportunities to meet local needs and to support the local economy.

6.4.3 The NDP sets out the following specific policies that are intended to support and strengthen the local employment base and contribute towards the NPPF objective of building a strong, competitive economy.

**Policy EM1** Employment and Housing balance: employment land should be provided alongside new housing

**Policy EM2** Allocation - shows the preferred places for employment

**Proposal EM3** Proposes employment land around A 38 junction

**Policy EM4** Protects existing viable employment sites

**Policy EM5** Encourages home based enterprises

**Policy EM6** Supports an Innovation Hub

**Policy EM7** Improve present employment sites

**Policy EM8** Allow appropriate rural employment

**Policy TC1** Support suitable retail expansion in the centre

**Policy TC2** Check impact of new developments on existing town centre viability

**Policy TC4** Cattle Market development



**Policy TC7** Make best use of WiFi

**Policy SUS2** improved communication technology

6.4.4 The plan allows for the expansion of employment sites at the following locations to meet anticipated future need:

- East of Charter Way (Policy EM2B)
- North of Pengover Rd (Policy EM2A)
- Land at Bolitho Farm (Proposal with agreement of Menheniot Parish Council – EM3)
- Rapsons Lorry park and Extension of Heathlands (Policy EM2)
- Existing employment land is protected through policy EM4

## **6.5 Ensuring the Vitality of Town Centres**

6.5.1 NPPF states that policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period, including recognition that town centres should be at the heart of their communities, markets retained and enhanced and positive planning for declining centres.

6.5.2 The continued health of the town centre is a key concern in the context of changing retail attitudes and shopping habits, as well as pressure for out of town shopping growth. Building the economy in the town is an important part of the plan, retaining the image and attractiveness of the town centre as a whole, improving accessibility, and enhancing existing as well as supporting new buildings and spaces to secure its long term viability and vibrancy.

6.5.3 The NDP contains the following policies which are considered to address the NPPF objective of ensuring the vitality of the town centre:

**Policy TC1** Support suitable retail expansion in the centre

**Policy TC2** Check impact of new developments on existing town centre viability

**Policy TC4** Cattle Market Development

**Policy TC5 & TC6** Appropriate types of shops in centre

**Policy TC7** Make best use of Wi-Fi

**Policy H2** prioritising development of sites within urban boundary

**Policy H9** support appropriate housing in the town centre

**Policy OSL4** Public realm and circulation improvements to improve links in town centre

**Policy OSL11A** create direct and safe cycle/pedestrian routes to local amenities

## **6.6 Promoting Sustainable Transport**

6.6.1 NPPF states that transport systems need to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

- 6.6.2 Improving movement around the plan area is an important theme of the NDP with the long-term aspiration of enhancing connectivity by all sustainable modes including walking, cycling, and public transport. The following specific policies of the NDP seek to address these issues:

**PolicyEM2** allocation of employment land close to roads, public transport routes and within walking/cycling distance of neighbourhood facilities

**Policy H2** Prioritising urban development to enable sustainable access to town centre

**Policy H4** Allocation of housing near neighbourhood facilities with good public transport, pedestrian and cycle access

**Policy H7** ensure developments have minimal impact on infrastructure needs

**Policy OSL4** enhance pedestrian flow in town through public realm improvements and improve accessibility between town and mainline station

**Policy OSL11** create better cycle and pedestrian links between dwellings and neighbourhood facilities

- 6.6.3 In addition the NPPF states that plans should ensure that developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping leisure, education and other activities.

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

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

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

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

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community
- Identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategy

- Encourage the effective use of land by reusing land that has previously been developed (brownfield land), provided that it is not of high environmental value
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

6.7.3 The approach to housing development set out in the NDP is consistent with this guidance, with the stated long-term aspiration of providing good quality new housing of mixed tenure to support Liskeard's local need e.g. including for older people, affordable housing, and larger family dwellings. This provides for the target of 1400 homes required by the Cornwall Local Plan as a share of the Community Network Area that the plan sits within, of which numerically 1235 of the requirement has been met through commitments and completions since 2010, including CLP windfall. The plan makes allowance for around 297 dwellings\* over the plan period, which when added to permissions and completions totals 1532 dwellings. This figure, in association with policies H2 and H5 provides flexibility for the plan, to support the Cornwall 5 year land supply with around 10 years of already permitted deliverable sites, and policies in place to provide a flexible mechanism for trajectory delivery. In addition to the figures shown above, there is also planning permission on the Tencreek site to provide later living/extra care accommodation for up to a further 60 residents.

\* this is based on an estimated urban capacity of 90 dwellings (up to 130 dwellings discounted by 30% in case of non-delivery)– but with nearly half of these already committed, and 207 dwellings at Charter Way/Pengover Road on land allocated in Policy H4.

Specific policies relating to housing:

**Policy H1** Deliver housing to meet Cornwall Plan need

**Policy H2** Use brownfield land for future housing

**Policy H3** Balance employment and new housing

**Policy H4 and H5** Allocate land to deliver Local Plan target and allow for flexibility in the delivery of housing

**Policy H6** Allow appropriate agricultural/special needs dwellings

**Policy H7** Ensure infrastructure is sufficient for need

**Policy H8** Redress imbalance in house types

**Policy H9** Support appropriate housing in the town centre

**Policy H10** Design standards for new housing

**Policy TC3** Ensuring good design in all town centre development

**Policy TC4** Cattle Market development

## **6.8 Requiring good design**

6.8.1 The NPPF attaches great importance to the design of the built environment with “*good design seen as a key aspect of sustainable development*”(para 56) . Neighbourhood Plans are therefore expected to “*develop robust and comprehensive policies that set out the quality of development that will be expected for the area*”, based on stated objectives for the future of the area. Policies should not however attempt to impose architectural styles or particular taste or stifle innovation.

6.8.2 Policies should aim to ensure that developments:

- “- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development:*
- *Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit:*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks.*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation:*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping.”*

6.8.3 The need to improve the quality of design of new development is keenly felt in the plan area and has featured highly throughout previous public consultation and is a long-term aspiration of the plan, to ensure that new development is the best that can be achieved to compliment the quality of historic development in the area. The principal ways of achieving this are identified as being:

- conserving and enhancing existing high quality areas
- Improving existing buildings, streets and spaces; and
- Creating new high quality buildings, streets and spaces.

6.8.4 Specific policies that seek to secure good design are:

**Policy H10** Design standards for new housing

**Policy TC3, TC8, TC9, TC10** ensuring good design in all town centre development

**Policy OSL4** well designed public realm improvements

**Policy OSL13** ensure that new community leisure facilities are designed to integrate with historic environment

**SUS1** high quality sustainable design standards

## **6.9 Promoting Healthy Communities**

6.9.1 NPPF highlights the important role planning can play in facilitating social interaction and creating healthy and inclusive communities. It suggests that authorities should create a shared vision with communities of the residential environment and facilities they wish to see. Production of the Liskeard NDP has involved consultation and engagement with a wide variety of people in the local community as detailed in the accompanying Consultation Statement and Equalities report.

6.9.2 NPPF states that planning policies should aim to achieve places which promote:

- Opportunities for meetings between members of the community
- Safe and accessible environments
- Safe and accessible developments

6.9.3 With regards to social, recreational and cultural facilities it comments that policies should: *“plan positively for the provision and use of shared space, community facilities .....and other local services to enhance the sustainability of communities and residential environments: Guard against the unnecessary loss of valued facilities and services.... Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”*

6.9.4 The NDP contains policies to promote healthy communities through:

**Policy EM2** employment sites allocated near neighbourhood nodes to facilitate walking/cycling to work

**Policy H2** Prioritise urban capacity sites to improve community cohesiveness by creating more viable communities in the town.

**Policy H4** Allocated site (and those which already have permission) are sited around neighbourhood nodes and facilities enabling stronger communities

**Policy H8** Redress imbalance in house types helps to improve the social and economic mix in neighbourhood communities

**Policy H9** Support appropriate housing in the town centre to strengthen communities – mixed tenures to cater for first-time-buyers, older people, live/work units etc.

**Policy H10** Design standards for new housing to ensure safe, secure , accessible housing

**Policy TC1** Support retail expansion to enhance town centre vibrancy

**Policy TC3, 8, 9, 10** good design to ensure town develops to enhance community spirit and wellbeing, through supporting existing and new cultural and heritage assets.

**Policy TC4** Cattle market site as key to regeneration of town centre as community hub.

**Policy OSL 1, 2, 3** Protecting and enhancing local green spaces and play area provision

**Policy OSL4** Public realm access and circulation improvements

**Policy OSL6** meeting the communities need for leisure and sports facilities

**Policy OSL7** Provision of community gardens/orchards/allotments

**Policy OSL8, 11** Protection and enhancement of the safety and connectivity of designated trails and pedestrian, equestrian and cycle routes

**Policy OSL9, 10** reduction in light pollution through dark sky policy and extension of locally valued tranquil area by designation as an AGLV

**Policy OSL12, 13** protection and enhancement of cultural community, arts, recreational, sports and leisure facilities

## **6.10 Meeting the challenge of climate change, flooding and coastal change**

6.10.1 Local Authorities are encouraged to adopt proactive strategies to mitigate and adapt to climate change, taking into account flood risk .Para 95 of the NPPF states that in order to support the move to a low carbon future, LPA's should plan for new development in locations and ways which reduce greenhouse gas emissions. Actively support energy efficiency improvements to existing buildings and set local requirements for sustainable buildings that is consistent with the Governments zero carbon policy and adopt nationally described standards.

6.10.2 The Liskeard area contains critical drainage catchments (as defined by the Environment Agency) and flood zone designations. Drainage is therefore a key consideration for all new development in the plan area. Policies have been proposed to mitigate the impact of drainage in the plan area.

6.10.3 Policy criteria will help to provide for sustainable opportunities and provide the opportunity to reduce vehicular movement and increase more sustainable forms of transport such as walking and cycling. New development is required to be of a high quality, designed to incorporate open space and link strongly to Green Infrastructure provision, all of which will contribute towards mitigating and adapting to climate change and reducing greenhouse emissions.

6.10.4 Specific policies in the NDP aimed at meeting the challenges of climate change, flooding and coastal changes are:

**Policy H4, H5, H7** In assessing sustainable sites for development within the plan period surface water run-off and flood risk were factored in.

**Policy H10** general design principles

**Policy SUS1** Sets out the criteria to be applied to ensure that development is sustainable, more energy efficient and helps to reduce the need to travel



## **6.11 Conserving and enhancing the natural environment**

6.11.1 NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity, and states that plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.

6.11.2 Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

LPA's should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local LPA's should seek to use areas of poorer quality land in preference to that of a higher quality.

6.11.3 Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

6.11.4 Liskeard's green infrastructure and biodiversity assets both within the town and its immediate surrounding countryside, contain key sites that provide accessible green corridors and a rich habitat, including Sungirt woods, Lanchard valley, Lake lane, Looe and Seaton river valleys, Ladye valley, the designated Caradon Trail, and within the Northern boundary, the Area of Great Landscape Value, which includes ancient woodland, and the World Heritage Site Caradon Railway track-bed. This area also forms part of the Bodmin Moor Dark Sky Park buffer zone. The landscape of the area is highly valued by the local population, and as such a key aspiration of the plan is to create new green infrastructure as well as conserving and enhancing natural assets.

6.11.5 Specific policies in the NDP aimed at conserving and enhancing the natural environment are:

**Policy H2** Maximize use of brownfield land

**Policy H4, H5** Allocation criteria to meet target within the plan timeframe assesses the impact of developing agricultural land against its landscape and biodiversity value

**Policy OSL2** Conserving and enhancing biodiversity, ecological assets, ancient woodland, watercourses and other landscape features important to the local community. Helping to preserve publically accessible and valued views of rural and heritage landscapes – providing areas of rural tranquillity which surround and penetrate the built up area of Liskeard and help to maintain the relationship between town and surrounding countryside.

**Policy OSL8** conservation and enhancement of routes and settings of the designated Caradon Trail/green corridor, Caradon Railway World Heritage Site, and potential future trails.

**Policy OSL9** Dark sky and light pollution protection (half of NDP area to the North of Liskeard falls within the buffer zone of the Bodmin Moor Dark Sky Park initiative).

**Policy OSL10** Extension of AGLV to designated area of local landscape and heritage value to afford greater recognition and protection of the rural nature of Liskeards Northern 'rim', with its sunken lanes, designated Caradon Trail, medieval fields and sweeping views, Ducal deer park landscape, and Ladye Valley, that characterise the boundary between town and countryside.

## **6.12 Conserving and enhancing the historic environment**

6.12.1 The NPPF sets out guidance on how local planning authorities should develop positive strategies for the conservation and enjoyment of the historic environment, taking into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

6.12.2 The NDP has identified a number of buildings and spaces with special heritage character which contribute to the town and surrounding area's image and identity, and contains policies aimed at protecting and enhancing the existing historic buildings and areas of special character consistent with NPPF guidance. In addition to the large number of historic listed buildings within Liskeard's conservation area, there are also extensive historic landscapes encompassing Grade II listed medieval farmsteads, a Ducal Deer Park and listed religious assets in the Ladye valley, historic industrial structures linked to the Devon and Cornwall World Heritage Mining Site, which includes the track-bed of the Liskeard & Caradon railway, passing through an AGLV, to the former site of the Liskeard & Looe canal at Moorswater, where there are further industrial heritage assets.

**Policy TC3** ensure that town centre development does not harm the character of the historic environment

**Policy TC4** Cattle Market – ensure that development is compatible with surrounding historic buildings

**Policies TC8 – 13** protect and enhance heritage assets within town through appropriate design

**Policy OSL8** protect and enhance the setting of the designated Caradon Heritage Trail, Liskeard & Caradon Railway World Heritage Site, and Looe Valley cycle trail with its links to further industrial heritage at Moorswater.

**Policy OSL 10** Extension of AGLV to include an area of local landscape and heritage value, in order to enhance the setting and linkage of the designated Caradon Heritage Trail with the World Heritage Site, and give further recognition and protection to the setting of the Ducal Deer Park, medieval landscape and farmsteads, and religious assets in the Ladye Valley.

## 7 CONTRIBUTION TO THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

*Paragraph 2(d)*

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

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

- 7.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF therefore is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.
- 7.2 There are three elements to sustainable development: economic, social and environmental. These require the planning system to perform a number of roles:
- an economic role - contributing to building a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy
- 7.3 The NDP has been subject to an appraisal of Sustainability (AS), a copy of which has been submitted in support of the plan. The purpose of the AS is to ensure that the principles of sustainable development are considered throughout the plan making process and that the NDP has considered all aspects of economic, social and environmental sustainability in its production.
- 7.4 The **Liskeard** NDP contributes to the achievement of sustainable development by:
- T
- 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 allocating land for new employment, supporting the vitality of the town centre and identifying locations for new retail development to meet anticipated need;
  - Planning for good urban design and the creation of safe and well-connected streets and spaces;
  - Prioritising (and where possible identifying) brownfield sites suitable for redevelopment opportunities;

- Promoting energy efficient design and technology;
  - 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 and enhanced pedestrian links to recreation facilities;
  - Locating new development where it relates well to the existing settlements, incorporating good pedestrian and cycle links, and providing opportunities for access by public transport such as bus and rail;
  - Providing significant areas of new open space and protecting locally important open spaces and landscape features;
  - protecting and enhancing the natural, built and historic environment of Liskeard.
- 7.5 The NPPF also indicates that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking to ensure that Plans are deliverable.
- 7.6 Ensuring that the NDP is deliverable has involved:
- making sure that any sites identified for development are capable of being brought forward within the lifetime of the plan: (Housing delivery trajectory in Housing working group report – evidence base)
  - ensuring that infrastructure requirements are identified and: (infrastructure report – evidence base)
  - setting out a delivery table, with actions and outcomes in relation to the Neighbourhood Plan policies as shown in the Delivery Plan and Policy DP1.
- 7.7 With regards to future infrastructure requirements, this is being addressed at Cornwall-wide level through work being undertaken in association with the Cornwall Local Plan, such as the Strategic Housing Market Assessment (SHMA) and Infrastructure Delivery Plan (IDP). This will in turn be used to inform production of CC's Community Infrastructure Levy (CIL) which will be used to assist with the delivery of critical infrastructure requirements. In setting CIL, CC will need to ensure that the level set will not prejudice the delivery of new development.
- 7.8 The NDP has produced an **Infrastructure Report** which outlines the present and likely future needs for Liskeard, assuming that development proceeds in a sustainable manner towards the targets set in the Cornwall Local Plan. The **Delivery Plan** sets out how the plan should be implemented, and provision of additional infrastructure should be prioritised in line with the plans delivery schedule. In addition, a list of Projects, brought forward in response to public engagement throughout the development of the NDP, is included as a guide to where future funding should be targeted. In the absence of any clear policy from Cornwall Council about how CIL will be spent, but in the certainty that no contributions will be sought from developments in Liskeard, it is a concern that the commitment to grant 25% of CIL collected to areas with a Neighbourhood Plan is an empty promise, which does nothing to help Liskeard to plan for the delivery of infrastructure needs.
- 7.9 NPPF states that the Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place and at the present time it is proposed that some 25% of CIL will be allocated to those areas with a Neighbourhood

Development Plan in place. However, in the case of Liskeard (placed in housing market zone 5), It is current CLP policy to set the CIL charging schedule for this area at zero, so it is unclear how the Liskeard NDP area will benefit from this 25% allocation



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

### *Paragraph 2(e)*

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

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

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

### **The Cornwall Local Plan**

- 8.2 Following Local Government Reorganisation in 2009, Cornwall Council was formed from the County Council and previous District and Borough Councils in Cornwall. Work subsequently commenced on a new Cornwall Local Plan. The plan was Submitted to the Secretary of State in February 2015 and the Inspector’s decision letter was received on the 23<sup>rd</sup> of September 2016. The Cornwall Local plan was formally Adopted in November 2016.
- 8.3 The Local Plan provides strategic policy guidance for the whole of Cornwall. The plan also continues to use some of the existing Saved Policies of the predecessor Local and Borough Plans for the purposes of development management to supplement those of the Adopted Local Plan and as such conformity with these policies will continue to be relevant up until the Site Allocations DPD is Adopted.
- 8.4 Policy 2 sets out the spatial strategy for Cornwall, consisting of the following principles:
- Respecting and enhancing quality of place – maintaining and respecting the special character of Cornwall, recognising that urban and rural landscapes, designated and undesignated are important;
  - Providing solutions to current and future issues – assisting the creation of resilient and cohesive communities; and
  - Generating and sustaining economic activity – improving conditions for business and investment in Cornwall.
- 8.5 Policy 2a sets out key targets for the Local Plan, including the headline requirement for a minimum 52,500 homes up to 2030, 38,000 full time jobs and 704,000 square metres of employment space and at least 318 permanent pitches for Gypsies and Travellers, 60 transit pitches and 11 plots for Travelling Showpeople.

8.6 Policy 3 of the Local Plan (Role and function of places) sets out the hierarchy of settlements in Cornwall .

8.7 The broad scale of development proposed in the NDP is consistent with the Local Plan in providing for the delivery of housing, community, cultural, leisure, retail, and employment provision.

The plan makes allowance for around 297 dwellings\* over the plan period which, when added to sites with planning permission or development completed since 2010 plus CLP windfall allowance, totals 1532 dwellings against a Local Plan target of 1400 for Liskeard. This figure, in association with policies H2 and H5 provides flexibility for the plan, to support the Cornwall 5 year land supply with around 10 years of already permitted deliverable sites, and policies in place to provide a flexible mechanism for trajectory delivery.

In addition to the figures shown above, there is also planning permission on the Tencreek site to provide later living/extra care accommodation for up to a further 60 residents.

\* this is based on an estimated urban capacity of 90 dwellings (up to 130 dwellings discounted by 30% in case of non-delivery)— but with nearly half of these already committed, and 207 dwellings at Charter Way/Pengover Road on land allocated in Policy H4.

8.8 Section 9 of this Basic Condition Statement demonstrates specifically how the NDP conforms to the key strategic policies and objectives of the local plan. The term ‘general conformity’ is not defined in law but the use of the adjective ‘general’ is clearly intended to introduce some degree of flexibility, the extent of which will depend upon the planning judgement of the decision maker and the particular circumstances of the case.

8.9 It is considered that the ambition of the 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 Local Plan.

8.10 A more detailed assessment of the policies contained in the NDP and their relationship to policies in the Local Plan is set out in the following section and summarised in Appendix 2.

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

### 9.1 A PLACE TO WORK AND LEARN (EMPLOYMENT AND TRAINING) NDP Policies

EM 1 Employment and Housing balance: employment land should be provided alongside new housing

EM 2 Allocation - shows the preferred places for employment

EM 3 Proposes employment land around A 38 junction

EM 4 Protects existing viable employment sites

EM 5 Encourages home based enterprises

EM 6 Supports an Innovation Hub

EM 7 Improve present employment sites

EM 8 Allow appropriate rural employment

9.1.1 The above mentioned policies are considered to be in conformity with the following policies of the adopted Local Plan.

#### 9.1.2 CORNWALL LOCAL PLAN

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

**Policy 2 –Spatial strategy:** make best use of resources and existing infrastructure, Increase energy efficiency, positively manage new development through high quality design.

**Policy 2a - Key Targets:** quantifies provision of housing, employment, gypsy and traveller sites and bed-spaces in communal establishments

**Policy 5 – Business and Tourism:** supports development to stimulate new jobs and economic growth. Safeguards existing employment sites. Sets out criteria for the location of new employment space and the particular sectors to be supported.

**Policy 7 – Housing in the countryside:** addressing the needs of rural areas, allowing re-use or re-purposing of existing buildings

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

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

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

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

**Policy 26 – Flood risk management and coastal change:**

## **9.2 A PLACE TO LIVE (HOUSING)**

### **NDP Policies**

- H 1 Deliver housing to meet Cornwall Plan need
- H 2 Use brownfield land for future housing
- H 3 Balance employment and new housing
- H 4 / H5 Allocate land to deliver Local Plan target
- H 6 Allow appropriate agricultural/special needs dwellings
- H 7 Ensure infrastructure is sufficient for need
- H 8 Redress imbalance in house types
- H 9 Support appropriate housing in the town centre
- H 10 Design standards for new housing

9.2.1 The above mentioned policies are considered to be in conformity with the following policies of the adopted Local Plan.

### **9.2.2 CORNWALL LOCAL PLAN:**

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

**Policy 2 –spatial strategy:** Improve conditions for business and investment and provide for new employment floorspace. Make best use of resources and exiting infrastructure, Increase energy efficiency, positively manage new development through high quality design.

**Policy 2a - Key Targets:** quantifies provision of housing, employment, gypsy and traveller sites and bed-spaces in communal establishments

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

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

**Policy 7 – Housing in the countryside:** addressing the needs of rural areas, allowing re-use or re-purposing of existing buildings

**Policy 8 – Affordable housing:** Requires a target of 25% affordable housing in developments in Liskeard

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

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

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

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

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

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

**Policy 26 – Flood risk management and coastal change:**

### **9.3 A PLACE TO MEET, SHOP AND DO BUSINESS (TOWN CENTRE)**

#### **NDP Policy**

TC 1 Support suitable retail expansion in the centre

TC 2 Check impact of new developments on existing town centre viability

TC 3, TC 8, TC 9, TC 10 Ensuring good design in all town centre development

TC 4 Cattle Market development

TC 5/TC 6 Appropriate types of shops in centre

TC 7 Make best use of WiFi

TC 11, TC 12 Enhance heritage including local listing of buildings

TC 13 Maintain and improve buildings & public realm utilizing design standards

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

#### **9.3.2 CORNWALL LOCAL PLAN:**

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

**Policy 2 –Spatial strategy:** make best use of resources and existing infrastructure, Increase energy efficiency, positively manage new development through high quality design.

**Policy 4 – Shopping, services and community facilities:** community facilities should be retained wherever possible.

**Policy 5 – Business and Tourism:** supports development to stimulate new jobs and economic growth. Safeguards existing employment sites. Sets out criteria for the location of new employment space and the particular sectors to be supported.

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

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

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

**Policy 27 – Transport and accessibility:** Development should be consistent with and help the delivery of the Council’s Local Transport Plan. Locate development and include a mix of uses to reduce the need to travel. Development should be designed with convenient and accessible cycle, pedestrian and public transport routes. Safeguard strategic transport opportunities around existing facilities to allow for expansion and future use (including rail).

#### **9.4 A PLACE TO RELAX AND ENJOY (OPEN SPACE AND LEISURE)**

##### **NDP Policies**

OSL 1, OSL 2 List green spaces, conserve and enhance to accommodate growth

OSL 3 Play provision in neighbourhoods

OSL 4 Public realm and circulation improvements

OSL 5 Open space and developer contributions

OSL 6 Leisure and sports provision

OSL 7 Provision of community gardens/orchards/allotments

OSL 8, OSL 11 Trails, pedestrian, equestrian and cycle links and corridors/enhanced connectivity

OSL 9 Dark skies and sustainable lighting

OSL 10 Area of local landscape and heritage value

OSL 12, OSL 13 Protection and provision of community sport, leisure & recreation facilities

- 9.4.1 The above mentioned policies are considered to be in conformity with the following policies of the adopted Cornwall Local Plan.



#### 9.4.2 CORNWALL LOCAL PLAN

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

**Policy 4 – Shopping, services and community facilities:** Sets out the sequential approach to retail location.

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

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

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

**Policy 22 – European Protected sites:** reassessment of the description and extent of each Area of Great Landscape Value, to inform and produce strong revised statements of these local designations of landscape value.

**Policy 23 – Natural Environment:** Development should recognise and respect distinct and diverse landscape of Cornwall, including AGLV's as well as impact on dark skies and tranquillity in areas that are relatively undisturbed, protecting and enhancing biodiversity.

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

**Policy 25 – Green Infrastructure:** protect and enhance a diverse, connected and functional network of open spaces and waterscapes, retaining and enhancing the most important environmental infrastructure assets, and providing appropriate buffers to natural spaces that have community, biodiversity and heritage significance.

**Policy 27 – Transport and accessibility:** Development should be consistent with and help the delivery of the Council's Local Transport Plan. Locate development and include a mix of uses to reduce the need to travel. Development should be designed with convenient and accessible cycle, pedestrian and public transport routes. Safeguard strategic transport opportunities around existing facilities to allow for expansion and future use (including rail).

**Policy 28 – Infrastructure:** New development must be accompanied by appropriate infrastructure provided in a timely manner. Developer contributions will be sought to ensure that the necessary infrastructure is in place to deliver development. On site infrastructure will also be required where appropriate.

#### 9.5 A PLACE WITH A SUSTAINABLE FUTURE (SUSTAINABILITY)

##### NDP Policies

SUS 1 High quality sustainable design standards to help mitigate climate change

SUS2 improved communication technology to help reduce the need to travel

9.5.1 The above mentioned policies are considered to be in conformity with the following policies of the adopted Cornwall Local Plan.

### 9.5.2 CORNWALL LOCAL PLAN:

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

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

**Policy 14 – Renewable and low carbon energy:** sets out framework for encouraging and permitting use of renewable energy to improve energy efficiency and move towards a low-carbon economy.

**Policy 15 – Safeguarding renewable energy:** protects existing renewable energy installations from negative impact of new developments

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

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

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

**Policy 27 – Transport and accessibility:** Development should be consistent with and help the delivery of the Council's Local Transport Plan. Locate development and include a mix of uses to reduce the need to travel. Developments should be designed with convenient and accessible cycle, pedestrian and public transport routes. Safeguard strategic transport opportunities around existing facilities to allow for expansion and future use (including rail).

**Policy 28 – Infrastructure:** New development must be accompanied by appropriate infrastructure provided in a timely manner. Developer contributions will be sought to ensure that the necessary infrastructure is in place to deliver development. On site infrastructure will also be required where appropriate.

### 9.6 DELIVERY PLAN NDP Policies

Policy DP1 Use of s106 funding, Community Infrastructure Levy [if any is allocated to Liskeard], grant aid, and investment in the town should be directed towards the projects and initiatives detailed in this Neighbourhood Development Plan

- 9.6.1 The above mentioned policy and objective are considered to be in conformity with **policy 28: Infrastructure**, of the Cornwall Local Plan.

## 10 COMPATABILITY WITH EU REGULATIONS

### *Paragraph 2f*

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

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

Cornwall Council have been asked to screen the plan to see whether it needs Strategic Environmental Assessment and Habitat Regulations Assessment. Confirmation pending

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

- 10.1 Strategic Environmental Assessment (SEA) is a requirement of the EC Directive on the assessment of the effects of certain plans and programmes on the environment. The requirements of this Directive have been incorporated within the NDP SA which has been undertaken in accordance with published government guidance “Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents” (2005).
- 10.2 The purpose of the NDP SA is to ensure that the principles of sustainable development have been considered throughout the plan making process and consideration given to all aspects of economic, social and environmental sustainability in its production.
- 10.3 An SA of the Local Plan was consulted upon in 2010 and updates in 2012 and 2015/16. This was submitted to the statutory environmental bodies: English Heritage, Natural England and the Environment Agency and was also made publically 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> . The SA has now been adopted as part of the Local Plan.
- 10.4 The SA Scoping Report for the NDP was consulted on between [insert dates] and submitted to the same statutory environmental bodies and published on the Liskeard Neighbourhood Plan website.
- 10.5 An SA Framework was established as part of this scoping process to test the NDP. This was based on the framework used in the Cornwall Local Plan Issues and Options report with a number of additional Liskeard specific sub-objectives added where relevant.
- 10.6 The Sustainability Appraisal report is submitted in support of the NDP.

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

- 10.7 A Habitats Regulations Assessment (HRA) was undertaken as part of the Cornwall Local Plan at Publication stage and updated for the Examination of the plan. This concluded that the Cornwall Local Plan policy framework is sufficient to deliver necessary measures to avoid or mitigate any adverse effects on the integrity of European sites.

- 10.8 The assessment of the potential impacts on internationally designated wildlife sites resulting from the proposals for inclusion in the Liskeard Neighbourhood Plan has concluded that there will be no adverse effects on the integrity of sites. One of the assumptions behind this conclusion is that the mitigation and monitoring measures suggested for the Cornwall Local Plan are implemented.
- 10.9 The conclusion that there will be no adverse effects on the integrity of internationally designated sites means that a full HRA of the Liskeard neighbourhood plan is not required if the level of growth is maintained at that set out in the proposed plan. Should the level of growth be increased, the need for a full HRA may have to be reassessed.
- 10.10 The Habitats Regulations Assessment (HRA) checks for potential impacts on internationally designated wildlife sites arising from the implementation of a plan such as the Liskeard Neighbourhood Plan. This stage of the HRA has looked in simple terms, at the potential impacts of the Liskeard Neighbourhood Plan on internationally designated wildlife sites within 20km of the Neighbourhood Area.
- 10.11 The conclusion of this assessment is that the Liskeard Neighbourhood Plan, implemented in the framework established through the Cornwall Local Plan, will not have an adverse effect on the integrity of internationally designated sites either on its own or in combination with other plans. The Liskeard Neighbourhood Plan will therefore not need to be subject to a Habitats Regulations Assessment.

### **Equality Impact Assessment**

- 10.12 The Equality Act 2010 places a duty on all public authorities to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a “protected characteristic” and those who do not.
- 10.13 An Equality Impact Assessment (EqIA) was undertaken during the course of producing the NDP which examined the impact of the NDP on groups with protected characteristics.
- 10.14 The EQIA concluded the policies contained within the Liskeard Neighbourhood Plan will have positive, or no impacts upon groups with protected characteristics. Many of the policies contained within the Plan seek to cater for the needs of people with protected characteristics in the Plan area. The Liskeard Neighbourhood Plan’s vision, objectives and policies all aim to foster community cohesion and social inclusion.

### **Conclusion**

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

## **11      PRESCRIBED CONDITIONS AND PRESCRIBED MATTERS.**

### *Paragraph 2g*

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

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

### **11.1**

There are no other prescribed matters.

## **12      CONCLUSION**

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

## APPENDIX 1

### LISKEARD NEIGHBOURHOOD PLAN CONFIRMATION OF DESIGNATION

#### DECISION OF THE PORTFOLIO HOLDER FOR ENVIRONMENT, HERITAGE AND PLANNING

In respect of attached report for and on behalf of Chloe Pitt

**Subject Matter:**

Decision regarding designation of Neighbourhood Plan Area for Liskeard Neighbourhood Plan.

**Decision:**

That the Liskeard Neighbourhood Area is 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, publicly advertised and consulted on for prescribed period and approved by Cornwall Council.

**Alternative options considered:**

None other than that contained in the report.

**Conflicts of interest declared:**

None

**Dispensations granted in respect of a conflict of interest:**

N/A

Dated 14th April 2014

Signed Edwina Hannaford

Portfolio Holder for Environment, Heritage and Planning

Implementation Date 25 April 2014



Cornwall Council

Report to:

Date:

Title:

Portfolio Area

Divisions Affected

Portfolio Holder for Environment, Heritage and Planning

8 April 2014

Decision regarding designation of Neighbourhood Plan Area for Liskeard Neighbourhood Plan

Environment, Heritage and Planning

Liskeard North, Liskeard West and Dobwalls and Liskeard East

Relevant Scrutiny Committee: Scrutiny Management Committee

Relevant Portfolio Advisory Committee (Cabinet (executive) decisions):

Key Decision: N

Urgent Decision: N

Approval and clearance obtained:

Date next steps can be taken: (e.g. referral on of recommendation or implementation of substantive decision)

Y

Normally 10 calendar days after decision for Cabinet

Y

Appropriate pre-decision notification given where an executive Decision?

Author: Chloe Pitt Role: Neighbourhood Planning Officer

Contact: Tel: 01209 616995 e-mail: [chloe.pitt@cornwall.gov.uk](mailto:chloe.pitt@cornwall.gov.uk)

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Recommendations:

1. That the Liskeard Neighbourhood Area is designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

### 1. Executive summary

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

Cornwall Council

submitted to, publicly advertised and consulted on for the prescribed period and approved by Cornwall Council.

The Liskeard Town Council is working on the preparation of a Neighbourhood Plan for the Liskeard Parish area. An application for the designation of the Neighbourhood Area was made to Cornwall Council and was advertised between 27 December 2013 and 7 February 2014.

No objections were received to the advertisement of the Neighbourhood Area and it is therefore recommended under Regulation 6 that the Neighbourhood Area designation is confirmed and advertised as required by Regulation 7.

### 2. Background

Liskeard Town Council gave notice of its intention to prepare a Neighbourhood Plan with a letter of application, accompanied by a map showing the parish area. The group is properly constituted according to the Neighbourhood Planning (General) Regulations 2012.

Where an application is in accordance with the Regulations, Cornwall Council is required to designate the Neighbourhood Area under Regulation 7.

### 3. Outcomes/outputs

The Neighbourhood Planning (General) Regulations 2012 require that provided the Neighbourhood Area meets the requirements as set out in Section 61G(2) of the Town and Country Planning Act (1990) and parts 2 and 3 of the regulations then the Council must publicise the application for a period of 6 weeks.

The application for designation of the parish area was advertised for a 6 week public consultation period between 27 December 2013 and 7 February 2014. No objections were received in respect of the notice.

Liskeard Town Council is a 'relevant body' under the Regulations and the proposed Neighbourhood Area is considered to be reasonable.

It is considered that the application for designation of the Liskeard area as a Neighbourhood Area has satisfied the requirements of the Regulations and as no objections have been received the decision to designate it as a Neighbourhood Area should be approved by the Cornwall Council.

Cornwall Council is now required to publicise the designation of the Neighbourhood Area in accordance with Regulation 7.

#### 4. Options available and consideration of risk

There are not considered to be any significant risks that would occur as a direct result of this decision.

Cornwall Council

Consultation has been undertaken in accordance with Part 2 of the Neighbourhood Planning (General) Regulations 2012 and no objections have been received as part of that process.

#### 5. Proposed Way Forward

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	N	No implications
Financial	N	There are no direct or significant financial implications as a result of this report and any costs incurred are within the existing approved service budget.
Risk	N	No implications
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	<a href="#">Equality and Diversity</a> The implications are unchanged since the EIA completed for the original Cabinet report “No negative impacts have been identified at this time in this EIA. However this will be reviewed as part of the development of an Engagement Strategy/Plan that assesses how groups and individuals can be supported and potential solutions.”
Safeguarding	N	<a href="#">Safeguarding</a> No implications

Information Management	N	<a href="#">Information Management</a> No implications
Community	N	<a href="#">Community Safety, Crime and Disorder</a>

That the Liskeard Neighbourhood Area is designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

## 6. Implications

Cornwall Council

Safety, Crime and Disorder		No implications
Health, Safety and Wellbeing	N	<a href="#">Health, Safety and Wellbeing</a> No implications
Other implications	N	<a href="#">Committee Report Template- Other Implications</a>

Supporting Information

Appendices:

None

Background Papers:

None

Approval and clearance of report

All reports:

Final report sign offs	This report has been cleared by OR not significant
Legal (if significant/required)	Elizabeth Dunstan
Finance Required for all reports	Andy Brown, Assistant Head of Finance
Equality and Diversity	

Cabinet/individual decision reports:

Final report sign offs	This report has been cleared by	Date
Head of Service	Phil Mason	1 April 2014
Corporate Director	Paul Masters	2 April 2014



## APPENDIX 2:

### Table of Neighbourhood Plan Policy Links

NDP Policy	NPPF	Cornwall Local Plan
<b>Employment and Training</b>		
<b>EM1</b> Employment and housing balance <b>EM2</b> Employment land allocation <b>EM3 (proposal)</b> Allocation of land outside, but abutting the LNP designated area <b>EM4</b> Safeguarding existing employment land <b>EM5</b> Home based enterprise <b>EM6</b> Development of Innovation/business support hub <b>EM7</b> Redevelopment and enhancement of existing employment sites <b>EM8</b> Small workshop development in the countryside	<ul style="list-style-type: none"> <li>Building a strong, competitive economy</li> <li>Ensuring the vitality of town centres</li> <li>Supporting a prosperous rural economy</li> <li>Promoting sustainable transport</li> <li>Supporting high quality communications infrastructure</li> <li>Meeting the challenge of climate change, flooding and coastal change</li> <li></li> </ul>	1 Sustainable development 2 Spatial strategy 2a. Key targets 5 Business and tourism 12 Design 13 Development standards 21 Best use of land and existing buildings 23 Natural Environment 25 Green infrastructure; 26 Flood risk management
<b>Housing</b>		
<b>H1</b> housing requirement to 2030 <b>H2</b> brownfield land priority <b>H3</b> employment and housing balance <b>H4</b> Allocation to meet current target <b>H5</b> Ensuring housing delivery up to 2030 <b>H6</b> Agricultural/specialist needs dwellings <b>H7</b> infrastructure <b>H8</b> Redressing housing imbalance <b>H9</b> supporting the town centre <b>H10</b> General design principles	<ul style="list-style-type: none"> <li>High quality homes</li> <li>Ensuring the vitality of town centres;</li> <li>Conserving and enhancing the natural environment.</li> <li>Meeting the challenge of climate change</li> <li>Requiring Good Design.</li> <li>Promoting Sustainable Transport</li> </ul>	1 Sustainable development 2 Spatial strategy 2a Key targets 3 Role and function of places 6 Housing mix 8 Affordable housing 12 Design 13 Development standards 16 Health and well-being 21 Best use of land and existing buildings 23 Natural Environment 25 Green infrastructure; 26 Flood risk management
<b>Town Centre</b>		
<b>TC1</b> New large scale retail development <b>TC2</b> Impact assessment of retail development <b>TC3</b> development in town centre generally <b>TC4</b> Liskeard cattle market <b>TC5</b> primary shopping area and upper floors <b>TC6</b> development in primary retail frontages <b>TC7</b> town centre wi-fi and web presence <b>TC8</b> Design of new development in centre and	<ul style="list-style-type: none"> <li>Building a strong, competitive economy;</li> <li>Ensuring the vitality of town centres</li> <li>Promoting sustainable transport</li> <li>Supporting high quality communications</li> </ul>	1 Sustainable development 2 Spatial strategy 4 Shopping, services and community facilities 5 Business and tourism 12 Design 21 best use of land and existing buildings 24 Historic environment



<p>conservation area</p> <p><b>TC9</b> signage in centre and conservation area</p> <p><b>TC10</b> Shop fronts</p> <p><b>TC11</b> local listing of buildings</p> <p><b>TC12</b> retention and enhancement of heritage assets</p> <p><b>TC13</b> maintenance &amp; improvement of buildings &amp; public realm in town centre: design</p>	<p>infrastructure</p> <ul style="list-style-type: none"> <li>• Requiring good design</li> <li>• Conserving and enhancing the historic environment</li> </ul>	<p>27 Transport and accessibility</p>
<b>Open space and leisure</b>		
<p><b>OSL1</b> green spaces</p> <p><b>OSL2</b> conserve/enhance/create green space to accommodate growth</p> <p><b>OSL3</b> play provision in neighbourhoods</p> <p><b>OSL4</b> public realm access/circulation improvements</p> <p><b>OSL5</b> open space and developer contributions</p> <p><b>OSL6</b> meeting community need for sports &amp; leisure</p> <p><b>OSL7</b> Provision of orchards and allotments</p> <p><b>OSL8</b> routes &amp; settings of trails and World Heritage Site</p> <p><b>OSL9</b> dark sky</p> <p><b>OSL10</b> Area of Great Landscape Value</p> <p><b>OSL11</b> create/protect pedestrian, equestrian &amp; cycle links &amp; corridors</p> <p><b>OSL12</b> protect cultural, community arts, recreation, sport &amp; leisure facilities</p> <p><b>OSL13</b> create additional cultural, community arts, recreation, sport &amp; leisure facilities</p>	<ul style="list-style-type: none"> <li>• Promoting sustainable transport</li> <li>• Requiring good design</li> <li>• Promoting healthy communities</li> <li>• Conserving and enhancing the natural environment</li> <li>• Conserving and enhancing the historic environment</li> </ul>	<p>1 Sustainable development</p> <p>4 Shopping, services and community facilities</p> <p>12 Design</p> <p>16 health and well-being</p> <p>21 Best use of land and existing buildings</p> <p>23 Natural Environment</p> <p>24 historic environment</p> <p>25 Green infrastructure</p> <p>27 transport and accessibility</p> <p>28 infrastructure</p>
<b>Sustainability</b>		
<p><b>SUS1</b> sustainable development standards</p> <p><b>SUS2</b> improved communications</p>	<ul style="list-style-type: none"> <li>• Building a strong competitive economy</li> <li>• Ensuring the vitality of town centres</li> <li>• Promoting sustainable transport</li> <li>• Supporting high quality communications infrastructure</li> <li>• promoting healthy communities</li> <li>• meeting the challenge of</li> </ul>	<p>1 Sustainable development</p> <p>12 Design</p> <p>13 Development standards</p> <p>14 renewable low carbon energy</p> <p>15 safeguarding renewables energy</p> <p>16 Health and well-being</p> <p>23 Natural Environment</p> <p>25 Green infrastructure</p> <p>27 transport and accessibility</p> <p>28 Infrastructure</p>

	<p>climate change</p> <ul style="list-style-type: none"> <li>• Conserving and enhancing the natural environment.</li> <li>• Meeting the challenge of climate change</li> </ul>	
<b>Delivery Plan</b>		
DP1 use of funding to drive NDP projects		



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

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

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

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

### **Appendix 3a - Summary of saved Policies of the Caradon Local Plan first Alteration 2007:**

- CL8 – Landscape of County Importance
- CL9 – Areas of Great Landscape Value
- LISK5 – Bay Tree Hill Improvements
- LISK7 – Education Reserve
- SA4 – Highways Reservation
- W1 – Whitsand Bay

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

This will be supplied by Cornwall Council