

**Independent Examiners Report on the Truro and Kenwyn Neighbourhood**

**Development Plan**

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## SECTION 1

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## **SECTION 2**

### **Summary**

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

- 1. I am satisfied having regard to the Truro and Kenwyn Consultation Statement and my examination of the representations made in connection with this subject that the Truro and Kenwyn Neighbourhood Development Plan meets the Basic Conditions in connection with the consultation process.*
- 2. I find that the policies contained within the Truro and Kenwyn Neighbourhood Development Plan subject to minor modification meet the Basic Conditions.*
- 3. I find that the Truro and Kenwyn Neighbourhood Development Plan can subject to minor modification proceed to a Referendum.*
- 4. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Truro and Kenwyn Neighbourhood Development Plan go to Referendum.*
- 5. At the time of my examination the adopted local plan was the Carrick Local Plan 1998 (saved policies).*

## **SECTION 3**

### ***Introduction***

#### ***1. Neighbourhood Plan Examination.***

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

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

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

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

*This process allows for the holding of a Neighbourhood Plan Hearing where the Examiner decides that there are issues or information on which the Examiner requires clarification. Having read the plan and considered the representations made I do not consider that I require any clarification on any aspects of the plan and therefore do not consider that a Hearing is necessary.*

#### ***2. The Role of Examiner including the examination process and legislative***

**background.**

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

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*
- 3. The Plan does not meet the legal requirements and cannot proceed to a Referendum*

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

*In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:*

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

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

- Has regard to national policies and advice contained in guidance issued*

*by the Secretary of State;*

- Contributes to the achievement of sustainable development; and*
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

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

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

## **SECTION 4 The Report**

### **1. Appointment of the Independent examiner**

*Cornwall Council appointed me as the Independent Examiner for the Truro and Kenwyn Neighbourhood Development Plan with the agreement of Truro City Council and Kenwyn Parish Council.*

### **2. Qualifying body**

*I am satisfied that the Truro City Council is the qualifying body.*

### **3. Neighbourhood Plan Area**

*The Truro and Kenwyn Neighbourhood Development Plan Area covers the whole of the City of Truro and the Parish of Kenwyn. The Basic Conditions Statement submitted with the Truro and Kenwyn Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area.*

### **4. Plan Period**

*It is intended that the Truro and Kenwyn Neighbourhood Development Plan will cover the period 2015-2030.*

### **5. Hearing**

*Having considered the Truro and Kenwyn Neighbourhood Development Plan and the supporting documents I did not consider that I needed further clarification and decided that a Hearing was not required.*

### **6. Site Visit**

*Having considered the Truro and Kenwyn Neighbourhood Development Plan and the supporting documents I did not consider it necessary to make a site visit.*

## **7. The Consultation Process**

*I am required to check the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012. A Consultation Statement was prepared by the Truro and Kenwyn Neighbourhood Development Plan group. This document describes how and when the various elements of the consultation were undertaken. The group carried out a staged consultation process which covered:*

- *scoping issues.*
- *Future thinking workshops.*
- *Community planning workshops.*
- *Planning Aid workshops.*
- *Policy development and options testing.*
- *Final public consultation (Regulation 14 December –February 2015).*

*The process was widely advertised and the responses received were recorded and used to inform the development of the plan and its policies. I have examined the consultation background document and I am satisfied that the consultations that took place were organised and conducted satisfactorily.*

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

*A list of statutory bodies consulted is in the Consultation Statement. These seem satisfactory.*

*I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14. The Town Council and Steering Group have undertaken a thorough consultation process.*

*I therefore consider that the Plan does meet the Basic Conditions in this respect.*

### **8. Comment on Responses**

*Cornwall Council placed the Truro and Kenwyn Neighbourhood Development Plan out for consultation for the required period from 24th of September 2015 to the 5<sup>th</sup> of November 2015. A number of comments have been received and documented.*

*Whilst I have not made reference to specific representations in my report, I have taken them into consideration when recommending modifications to policies.*

### **9. Compliance with the Basic Conditions**

*The Truro and Kenwyn Neighbourhood Development Plan working Group produced a Basic Conditions Statement on behalf of Truro City Council and Kenwyn Parish on 30<sup>th</sup> of July 2015. The purpose of this statement is for the Town Council to set out in some detail why they believe the Neighbourhood Development Plan as submitted does meet the Basic Conditions. It is the Examiners Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.*

*I have to determine whether the Truro and Kenwyn Neighbourhood Development Plan:*

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

*Documents brought to my attention by Cornwall Council for my examination include:*

*(a) The Truro and Kenwyn Neighbourhood Development Plan: This is the main document, which includes projects and policies developed by the community.*

*(b) The Consultation Statement: This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Truro and Kenwyn Neighbourhood Plan and is supported by an evidence base which arose from the consultation process.*

*(c) The Sustainability Appraisal: This is an appraisal of how well the Truro and Kenwyn Neighbourhood Development Plan policies contribute to achieving sustainable development objectives.*

*I am satisfied that the conclusion of the Basic Conditions Statement is correct.*

*I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Truro and Kenwyn Neighbourhood Development Plan does meet the Basic Conditions.*

## **10.Planning Policy**

### **10.1. National Planning Policy**

*National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.*

*To meet the Basic Conditions, the Plan must have “regard to national policy and advice”.*

*In addition, the NPPF requires that a Neighbourhood Plan "must be in general conformity with the strategic policies of the local plan". Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*

*plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.*

*The Truro and Kenwyn Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.*

*I have examined the Truro and Kenwyn Neighbourhood Development Plan Policies and consider that they do have “regard for National Policy and Advice” and therefore subject to the suggested modifications the Plan does meet the Basic Conditions in this respect.*

## **10.2. Local Planning Policy- The Development Plan**

*Truro City and Kenwyn Parish are within the area covered by Cornwall Council. The relevant development plan is Carrick District Wide Local Plan 1998 (saved policies).*

*I am aware that the Cornwall Council Local Plan is at an advanced stage and it is appropriate that the Truro and Kenwyn Neighbourhood Plan considered the emerging policies and the up to date evidence base relevant to the emerging plan in producing the Neighbourhood Development Plan. I am comfortable that in doing so the policies of the Neighbourhood Development Plan remain in general conformity with the relevant Development Plan for the purposes of this examination whilst ensuring an element of future proofing for when the new Cornwall Local Plan is adopted.*

*I have considered the Strategic policies of the Development Plan and the Policies of the Truro and Kenwyn Neighbourhood Development Plan and consider that the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic Policies contained in the Carrick District Wide Local Plan 1998 (saved policies).*

## **11. Other Relevant Policy Considerations**

### **11.1 European Convention on Human Rights (ECMR) and other European Union Obligations.**

*As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.*

*A Sustainability Appraisal has been carried out to assess the policies of the Truro and Kenwyn Neighbourhood Development Plan. The Sustainability Appraisal process incorporates a Strategic Environmental Assessment. I consider that the findings of the report satisfactory.*

*The plan has been screened for the the requirement for a Habitats Regulations Assessment and this information and the conclusion is set out in the Basic Conditions Statement. The conclusion was that a Habitats Regulation Assessment was not required and I concur with this conclusion.*

### **11.2 Sustainable development**

*The Truro and Kenwyn Neighbourhood Development Plan has been assessed by means of a Sustainability Appraisal and the conclusion of this process was that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Truro and Kenwyn Neighbourhood Development Plan addresses the sustainability issues adequately.*

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

1998.

*I am satisfied that the Truro and Kenwyn Neighbourhood Development Plan has done so.*

*I am therefore satisfied that the Truro and Kenwyn Neighbourhood Development Plan meets the basic conditions on EU obligations.*

### **11.3 Excluded development**

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

### **11.4 Development and use of land**

*I am satisfied that the Truro and Kenwyn Neighbourhood Development Plan covers development and land use matters.*

### **11.5 The Neighbourhood Plan Strategic Aims and Policies**

*The Truro and Kenwyn Neighbourhood Development Plan sets out the issues and objectives to be covered in the plan as:*

*Vision and objectives*

*“Our vision is for Truro & Kenwyn to be a successful and vibrant place, where everyone has the opportunity to thrive economically, culturally and socially; a safe place, aware of its history and confident of its future; that promotes and achieves learning, innovation, activity, health and sustainable development.*

*Truro & Kenwyn will be a diverse community that provides for and values all of its people, ensuring that developments benefit communities”*

*What the plans aims to deliver:*

- *Truro & Kenwyn to be vibrant, safe and pleasant places with adequate opportunities for work, fulfilment and enjoyment;*
- *Conserving and enhancing the landscape and green spaces of our area;*
- *A good mix of facilities, services and open spaces for local people;*
- *To encourage community cohesion;*
- *To try and make sure that people of all ages and backgrounds can find fulfilment, happiness and safety in their communities;*
- *The variety and quality of life in our communities to be good, not just for us, but for those who travel to work here and for those who visit us;*
- *Our settlements to blend carefully and accessibly into our rural surroundings;*
- *To play a full and dynamic part in tomorrow’s Cornwall — fostering the spirit of “onen hag oll” — one and all;*
- *Most of all, to engage young people in our community so that it attracts them to make their lives here.*

*I consider that the policies follow from the stated aims and objectives and are consistent with achieving those stated aims and objectives.*

## **12. Truro and Kenwyn Neighbourhood Development Plan Policies**

### **Policy E1. Sustainable development**

***New development in Truro and Kenwyn will be approved where it can be demonstrated that the proposal is sustainable, embodying the social, economic and environmental aspects of sustainable development set out in the plan’s definition of sustainable development.***

### **COMMENT**

*I have no comment on this policy.*

*Policy E2. Sustainable drainage*

*New developments will be permitted where they provide sustainable urban drainage and incorporate water recycling features that minimise the impact of development upon the drainage regime of the river catchment, in particular developments must:*

- Maximise the use of Sustainable Urban Drainage technology within the site area with additional drainage discharged to the Strategic SUDs network;*
- Minimise the amount of green space lost to hard surfacing;*
- Decrease surface water run-off in the problem drainage catchments;*
- Utilise green infrastructure provision where possible as part of SUDs design to create multi-functional green space;*
- In areas at risk of flooding, proposals must not increase flood risk;*
- provide for the future maintenance of the drainage features.*

**COMMENT**

*I have no comment on this policy.*

**E3. Sewage facilities**

***Development proposals will be permitted where adequate sewage treatment facilities are available or where suitable arrangements are made for their provision.***

**COMMENT**

*I have no comment on this policy*

#### ***Policy E4. Building quality***

***Applications for development will be expected to provide secure, high quality, energy efficient design and accessible layouts.***

***Developments will be permitted where:***

- They safeguard grade 2 and 3a agricultural land for food production;***
- It is demonstrated that the housing density proposed achieves a best use of land, whilst being of a massing and height appropriate to the character of its surroundings and maintaining an acceptable level of amenity in terms of garden space and accessible and usable open spaces;***
- Development integrates and strengthens existing neighbourhoods and builds a distinctive and cohesive place;***
- Developments provide infrastructure of a scale proportionate to meet the needs of new residents;***
- They provide a layout that actively promotes energy conservation and incorporate sustainable forms of construction, energy conservation measures and where possible renewable energy technology;***
- They integrate sustainable transport modes (including bus services where the scale of development is appropriate) and active travel measures into the development;***
- High quality design and layout can be demonstrated that adds to the character of the area, meeting the Building for Life Standard Where possible, reuse or redevelop existing buildings;***

- *Achieve a minimum of Code 4 of the Code for Sustainable Homes, rising to zero carbon from 2016 (or equivalent standard)*

#### **COMMENT**

*The Government has withdrawn the Code for Sustainable Homes. The final bullet point of this policy needs to be reworded to reflect this.*

*Suggested rewording:*

- *Buildings are designed to a high level of energy efficiency aiming towards zero carbon where possible*

#### **Policy E5. Green infrastructure**

*The Truro and Kenwyn Green Infrastructure Strategy sets out the priorities and the Open Space Strategy sets out the standards for green space and open space provision in the plan area.*

*New development will be permitted where:*

- *A net increase in biodiversity is provided through the creation of new habitat and the retention of key habitat, trees and wildlife corridors;*
- *New open space provision prioritises opportunities for the provision of allotments or community growing schemes;*
- *Opportunities to connect to existing or new footpath links beyond the application site are maximised;*
- *Key areas of biodiversity and green space shown on the proposals map are preserved or enhanced or appropriately buffered by proposals and are not*

*negatively impacted or reduced in size, scale or connectivity to wider networks of green infrastructure.*

- *A positive and viable management mechanism is developed and committed to, ensuring the continued provision and maintenance of the green infrastructure asset.*

#### **COMMENT**

*I have no comment on this policy.*

#### **Policy E6. Character and setting of settlements**

*Developments must respect the special character and wider setting of the settlements of Truro, Threemilestone and Shortlanesend. Development will only be permitted where it provides a positive impact by means of its scale, height, materials or layout and does not result in the loss or significant impact upon:*

- *The Green foreground or background important to the character of the settlement; or*
- *The most typical views of the settlement from the surrounding countryside or from within the settlement; or*
- *A significant green gap between two or more settlements which are close to each other and in danger of losing their separate identity;*
- *the special qualities of the setting of the Area of Outstanding Natural Beauty.*

#### **COMMENT**

*I am concerned that due to the scope of this policy and the absence of detailed*

*description and justification for it that it fails to meet the Basic Conditions. A policy of this kind needs to reference and be supported by an evidence base that describes and justifies the protection that the policy seeks to achieve. This evidence needs to be clearly referenced in the policy. The policy should be reworded to include reference to this evidence and unless this is available the policy should be deleted or modified significantly.*

**Policy E7. Character of the Highways and byways**

*Development affecting roads, streets, opes, lanes, bridges and pavements in the plan area should retain and enhance the character of the material and construction of the structure or surface making, where possible environmental improvements by retaining or reinstating historic paving and construction materials, sympathetic landscaping and planting, or removing unsightly elements such as hoardings; integrating road signs and markings as far as possible with the character of the space.*

*Alterations shall preserve or enhance the character of the Conservation Area. Outside of the conservation area, development should aim to retain or enhance appropriate surfacing or construction materials.*

**COMMENT**

*I have no comment on this policy*

**Economy and jobs**

*Vision: A vibrant, sustainable, resilient and balanced economy responsive to all community needs and market conditions.*

**Policy EJ1 Communities at work**

*Applications for new employment development will be expected to improve employment opportunity and the quality of the employment environment in the Truro and Kenwyn area through the provision of good quality, accessible and environmentally sustainable schemes that meet the needs of our communities. Such developments will be permitted where they provide the following:*

- Increased opportunities and employment for local people;*
- sustainable forms of construction, energy conservation measures and renewable energy;*
- A high degree of permeability and access mobility within the development, and linking it well with local facilities such as convenience stores;*
- Provision for the on and off site highways, pedestrian and other access improvements which are needed to integrate the development well into the surrounding area and sustainable/active transport networks;*
- Provision for parking appropriate to the needs of the development.*

#### **COMMENT**

*I have no comment on this policy.*

#### **Policy EJ2. Truro city centre**

*The proposals map shows the town centre boundary, primary shopping area and primary shopping frontages of Truro. Development proposals in the city centre will be permitted where they contribute to the realisation of EJ1 and provide:*

- A well-balanced mix of uses, including residential;*

- ***High quality design and construction which integrates well with Truro's distinctive and historic character including its setting, distinctive buildings, and green infrastructure as well as the quality of the public realm.***

***Particular sites identified and safeguarded for mixed use development at Pydar Street, Moorfield car park and the former bus depot are included on the proposals map.***

***To support the continued vitality and viability of the city centre, development will be supported that reuses buildings or sites for residential use, including live/work accommodation and 'living over the shop'. Proposals for change of use or redevelopment of ground floor accommodation in the primary shopping area will only be permitted where the proposal would add to the attractiveness of the centre and would not reduce the predominance of A1 use.***

***Development proposals for retail or city centre uses outside of the town centre boundary defined on the proposals map will need to be subject to sequential testing to demonstrate why the proposed use cannot be accommodated in the city centre and that they would not negatively impact on the trading and operation of the city centre.***

#### **COMMENT**

***I have no comment on this policy.***

#### **Policy EJ3. The Port of Truro**

***In the port area shown on the proposals map, permission will be granted for the development of the port and marine related industry or uses where the proposal would address the requirements of EJ1 and:***

- ***Contribute to an improved layout and provision of additional facilities for the***

*port;*

- *Contribute to the development of the maritime sector in Truro;*
- *Be compatible with adjoining uses;*
- *Preserve or enhance green infrastructure links found within the*

*area.*

- *Contribute to the realisation of the key nature conservation objectives for the Fal and Helford Special Area of Conservation and the Malpas estuary SSSI.*

*Development which would cause a significant adverse effect on the Fal and Helford Special Area of Conservation will not be permitted.*

*Individual proposals within the Newham area will be expected to contribute to the overall appearance and feel of the area, however the main opportunity for making connections between the City Centre and Newham is through the redevelopment of Garras Wharf. If this happens within the plan period, Cornwall Council will expect this issue to be addressed by any application.*

#### **COMMENT**

*I have no comment on this policy.*

#### **Policy EJ4. Newham Employment Area**

*Permission will be granted for the redevelopment of the Newham employment area for B1 (offices) and high quality employment space where the proposal would contribute to meeting the requirements of EJ1 and:*

- *Contribute through improved layout, design of building, density of use and landscaping to the site and its surroundings;*

- ***Address the principles of the Newham Improvement Plan;***
- ***Maintain or increase the employment density of the site;***
- ***Be compatible with adjoining uses; Help strengthen links to Truro centre and contribute to the realisation of road improvements at ‘Little Newham’;***
- ***Preserve or enhance green infrastructure links such as the Newham trail, hedgerow and trees found within the area.***
- ***Not lead to the sterilisation of the waterfront for marine related industry in the future.***

***Small scale extensions to the employment area will be permitted where the proposal would:***

- ***Represent a natural rounding off of the existing area;***
- ***Be of a scale, design and layout that would not adversely impact on the landscape setting of the estate;***
- ***Not sterilise the Heritage Quarry as shown on the proposals map;***
- ***Improve the layout, functioning and appearance of the Newham employment area.***
- ***Contribute to the realisation of the key nature conservation objectives of the Fal and Helford Special Area of Conservation and the Malpas Estuary SSSI.***

***Development which would cause a significant adverse effect on the Fal and Helford Special Area of conservation will not be permitted***

**COMMENT**

*I have no comment on this policy.*

**Policy EJ5. Treliske Employment Area**

*Permission will be granted within the area shown on the proposals map for the provision of employment uses, primarily grow on space related to the Health and Well-being Innovation Centre at Treliske, where the proposal would address the requirements of EJ1 and achieve high quality design and layout of buildings, spaces and landscaping.*

**COMMENT**

*I have no comment on this policy*

**Policy EJ6. Threemilestone Employment Area**

*Permission will be granted for the redevelopment of spaces within the existing employment area and expansion to the estate where it addresses the requirements of EJ1 and:*

- It would provide a good quality of design and layout of buildings and spaces;*
- Any extension would represent a planned approach to infrastructure, accessibility and strategic landscaping, taking account of current topography and landscape features.*

**COMMENT**

*I have no comment on this policy*

**Policy EJ7. Employment land Safeguarding**

*The strategic employment areas shown on the proposals map at Treliske, Threemilestone, Port of Truro and Newham will be safeguarded for*

**employment uses (B1, B2, B8).**

**The cattle market will be retained for agricultural purposes.**

#### **COMMENT**

**The NPPF clearly sets out the position with regard to the protection of employment sites under:**

**“Delivering sustainable development**

**1. Building a strong, competitive economy.**

**22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.**

**In order to be consistent with the NPPF I consider that this policy should be modified to reflect the need to review these land allocations in the future, if necessary.**

**Suggested modification:**

**Policy EJ7. Employment land Safeguarding**

**The strategic employment areas shown on the proposals map at Treliske, Threemilestone, Port of Truro and Newham will be safeguarded for employment uses (B1, B2, B8) unless following a review sites the sites are considered surplus to requirements.**

*The cattle market will be retained for agricultural purposes.*

## **Education**

### **Policy ED1. School site allocation**

*Proposals for non-educational uses on land shown on the proposals map as protected for school use or for the provision of new schools or extensions will only be permitted where:*

- The proposed development is necessary for the purpose of education or leisure and will not result in the loss of sports pitches or facilities in accordance with policy LC3. or*
- The land is declared surplus to educational requirements; and*
- The proposed development cannot be reasonably accommodated on alternative land.*

## **COMMENT**

*I have no comment on this policy.*

## **Housing**

### **H1. Meeting Local Housing Need**

*Applications for new housing development must help meet local housing need in the Truro and Kenwyn area through the provision of good quality, accessible and environmentally sustainable schemes that meet the needs of our communities.*

*Developments will only be permitted where they:*

- *Are well integrated by means of scale, location and character with the urban areas of Truro, Threemilestone or Shortlanesend;*
- *Prioritise the redevelopment of previously developed land within the urban areas of Truro, Threemilestone or Shortlanesend; and*
- *Provide a mix of housing in accordance with local needs/demand;*

*All developments must:*

- *Provide a minimum of 40% affordable housing, phased to be provided alongside the market housing;*
- *Incorporate 5% of self-build or custom build to allow communities to build their own homes, where this would be viable;*
- *Retain and enhance existing habitat and important green space within the site;*
- *Not add to flood risk or result in the loss of flood storage capacity; and*
- *Make a positive contribution to the built environment in terms of scale, materials and bulk.*

*Where on site provision of affordable housing is not possible, make a financial contribution to off-site provision that is equivalent in value to on-site provision.*

*Development comprising the redevelopment of open spaces or garden areas will not normally be permitted, unless it can be demonstrated that their loss would not result in visual or recreational detriment to the location or that sufficient space would be retained to mitigate their loss.*

## **COMMENT**

*The requirement for the provision of 40% affordable housing provision does not meet the Basic Conditions test as it is not consistent with the Policy BHM2 of the Balancing Housing Markets document which forms part of the Development Plan. The policy should therefore be revised to reflect the 35% requirement of Policy BHM2 in order to meet the Basic Conditions.*

### **H2. Care Facilities**

*Development of extra care homes to meet the demand of the local older households will be permitted where they:*

- Are located in a location accessible by good quality, frequent public transport links; and*
- Prioritise where possible the use of previously developed land within the urban areas of Truro, Threemilestone or Shortlanesend.*
- provide capacity for community beds; and*
- Retain and enhance existing habitat and important green space within the site.*

## **COMMENT**

*I have no comment on this policy*

### **Leisure and Culture**

#### **Policy LC1 Open space requirements**

*Development will only be approved where provision is made for the open space needs of the development, consisting of 82.32 square metres per*

***dwelling, made up of appropriate typologies. Play areas and sports facilities should be designed to be easily accessible by sustainable and active travel modes. Where there is access to alternative facilities, or the scale of the development will not allow for on- site provision, contributions to the development or ongoing maintenance and management of alternative facilities may be required.***

#### **COMMENT**

***Policies should where possible avoid the use of jargon, the wording of this policy would be improved by the use of “plain” English. The requirement of 83.32M2 per dwelling seems high and could impact on the viability of proposals.***

***Suggested modification:***

#### ***Policy LC1 Open space requirements***

***Development will only be approved where provision is made for open space consisting of 82.32 square metres per dwelling and the type of open space provision should meet the needs resulting from the development. Play areas and sports facilities should be designed to be easily accessible by sustainable and active travel modes. Where there is access to alternative facilities, or the scale of the development will not allow for on- site provision, contributions to the development or ongoing maintenance and management of alternative facilities may be required.***

#### ***Policy LC2 Local Protected open space***

***The Proposals Map identifies open spaces that make a significant contribution to public amenity by virtue of their landscape character, appearance and/or function. Development proposals located within these open spaces will only be permitted where:***

***a) The development is for the replacement or extension of an existing building currently set in open space or for a new building which supports a recreational or sports use and where the proposal does not detract from the open character of the area, maintains or enhances visual amenity, and does not prejudice the established function of the area; or***

***b) supports a recreational or sports use and where the proposal does not detract from the open character of the area, maintains or enhances visual amenity, and does not prejudice the established function of the area; or***

***c) Development is necessary for the continuation or enhancement of established uses for recreation, leisure or nature conservation which would result in community benefits and where the proposal maintains the open character of the area, and maintains or enhances visual amenity; or***

***d) Development is minor in nature and includes the provision of an appropriate equivalent or improved replacement facility in the locality, of at least quantitative and qualitative equal value to compensate for the open space loss, and it can be demonstrated that the character and appearance of the area to be lost is not critical to the setting of the area.***

#### **COMMENT**

***It is necessary to ensure that there is a robust evidence base for policies which seek to protect open spaces This policy should be modified to make reference to the evidence base for this policy, and propose the following modification of the first paragraph:***

***The Truro Landscape Strategy and Proposals Map identify open spaces that make a significant contribution to public amenity by virtue of their landscape character, appearance and/or function. Development proposals located within***

*these open spaces will only be permitted where:*

**Policy LC3. Protection of formal open spaces and playing pitches**

*Land that provides important formal or informal recreational space or sports pitch facilities for the plan area are shown on the Proposals Map. Permission will only be granted for development that results in the loss of this space in exceptional circumstances where:*

- Sport and recreational facilities can best be retained and enhanced to at least equivalent community benefit or playing standard through the redevelopment of part of the site; or*
- Alternative provision of at least equivalent community benefit and playing and facilities standard is made available in an appropriate location that is well related to the community to which it relates and designed to be easily accessible by sustainable and active travel modes.*

**COMMENT**

*The title of the policy and the first paragraph are not consistent. The title refers to “formal” whilst the policy itself refers to “formal and informal”. This inconsistency should be addressed. If this policy is seeking to protect these spaces from development, which in my opinion it is, there needs to be a better explanation as to why these spaces are “important” to the community in order to meet the Basic Conditions test if the policy is to remain in its current form. Alternatively, the policy needs to be reworded or deleted.*

**Policy LC4. Cultural and community centres, services and facilities**

*The quality and opportunity for accessing cultural and community centres, services and facilities in the plan area should be enhanced by improvements to*

*existing facilities and appropriate new provision where it is required.*

*Development of new or improved community, cultural and cultural interpretation facilities in sustainable locations will be supported. The loss of cultural and community centres, services and facilities will not be permitted unless appropriate replacement facilities can be provided of equivalent or improved value and in a location that would provide appropriate access for the community that the facility serves.*

#### **COMMENT**

*I consider this policy is overly restrictive and I recommend the following modification:*

*Proposals for the loss of, or conversion of part of a community building for an alternative use will be supported where the proposal can demonstrate that:*

*i) the proposal to reduce the area of the community facility would lead to the enhancement of the facility or support the viability of the use and the remaining area is still sufficient to meet community needs; or*

*ii) there is no longer a need for the community facility and this can be demonstrated through a process of community engagement or active marketing of the facility for community uses for a period of not less than 12 months; or*

*iii) alternative provision can be made to a standard equivalent to or better than the existing facility and equal or improved accessibility for the community.*

*Where it is demonstrated that the existing community use is not viable, preference will be given to the change of use or redevelopment to alternative community uses before other uses are considered.*

## **Transport**

### **Policy T1. Transport Strategy Contributions**

*The Truro Sustainable Transport Strategy (shown on the inset map) identifies a package of measures to reduce congestion and increase capacity in the transport network in the plan area. Proposals for development in the plan area will be required to provide contributions to the delivery of this package alongside measures within proposals to increase the use of non-car based modes of transport, particularly for shorter journeys in the urban area in accordance with the policies of this plan.*

#### **COMMENT**

*This policy is unclear on where the contributions will be coming from. For clarity I suggest the following modification:*

### **Policy T1. Transport Strategy Contributions**

*The Truro Sustainable Transport Strategy (shown on the inset map) identifies a package of measures to reduce congestion and increase capacity in the transport network in the plan area. Prior to the implementation of the Community Infrastructure Levy, S.106 Contributions will be required (where appropriate) to provide contributions to the delivery of this package alongside measures within proposals to increase the use of non-car based modes of transport, particularly for shorter journeys in the urban area in accordance with the policies of this plan.*

### **Policy T2: Safeguarding railway land**

*Land at Truro railway station and the former Cattle Dock (as shown on the proposals map) will be safeguarded for future rail related usage. Non-rail*

*related development will not be permitted on these sites unless it can be proven that the land will not be required for future rail usage.*

#### **COMMENT**

*I have no comment on this policy.*

#### **Policy T3. Sustainable transport**

*Development will be permitted where:*

- The site or proposal is well served by public transport, walking and cycling routes or has deliverable potential to be (and this can be secured for future implementation);*
- The movement hierarchy of the proposal maximises opportunities within and adjoining the development to prioritise non-car based modes of transport, including walking, cycling and public transport;*
- Where the scale of development allows, public transport routes should be incorporated into or enhanced to provide accessible bus stop infrastructure within 400m walking distance of dwellings or employment uses;*
- Connections are made to cycle and walking routes beyond the site wherever possible.*

*The Green Infrastructure Strategy shows potential and existing strategic and important cycle and walking routes for Truro and Kenwyn.*

*Development in the plan area should contribute to the development of the new routes and the protection and enhancement of existing routes, including the development of linkages to them wherever possible.*

## **COMMENT**

*I have no comment on this policy*

### **Historic Environment**

#### **C1. Character and setting of the Truro Conservation Area**

**Development in the Conservation Area will only be permitted where it respects, preserves and enhances the special character and wider setting of the Conservation Area in terms of:**

- The scale, height, form, detail, materials, colour and massing of the proposal;**
- The relationship between the proposal and listed buildings and structures and non-designated assets;**
- Preservation and enhancement of open spaces and spaces between buildings.**

**Development that affects the setting of a conservation area must preserve or enhance the setting and character of and views into, and out of, historic and conservation areas including views of listed buildings and structures and significant open spaces.**

## **COMMENT**

*This policy would be strengthened by reference to the relevant evidence base documents which identify and describe the character and setting of the Truro Conservation Area.*

#### **C2. Preservation of the Historic Leats**

**Development proposals must retain and respect the integrity of the unique and**

*historic Leats system in Truro and prevent damage or detriment to their appearance or operation. Development should ensure that the system remains uncovered and operational. Where appropriate, developments should restore defunct parts of the leats system.*

*Development in the rural Allen and Kenwyn Valleys must preserve and enhance the course and integrity of the leat systems present in those areas. Proposals for the reconstruction of the leats in these areas will be supported.*

#### **COMMENT**

*I have no comment on this policy.*

#### **C3. Boundaries**

*Development should seek to preserve or enhance walls, hedges railings and other boundary structures and treatments and heritage assets (including milestones) that contribute to the appearance of the streetscape or special character of the Plan area. In the Conservation Area proposals should not result in the loss of walls and boundaries of traditional character and appearance. Proposed new boundary treatments and enclosures must respect the quality and composition of existing boundaries.*

#### **COMMENT**

*I have no comment on this policy.*

#### **C4. Demolition in the Conservation Area**

*Development involving the demolition of the whole or part of an existing building within the Truro Conservation Area will only be permitted where:*

- *The alternative development preserves or enhances the character or*

*appearance of the conservation area; and The building or feature makes no positive contribution towards the character or appearance of the Conservation Area; or*

- The condition of the building or feature and the cost of repair and maintenance renders it impracticable to retain when assessed in comparison with its importance and the value derived from its continued use; and*
- There is clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or to find viable new uses and these efforts have failed.*

*Consents to the demolition of a building within the Conservation Area will be conditioned to ensure that demolition does not take place before a contract has been let for redevelopment of the site.*

#### **COMMENT**

*Demolition within Conservation is already controlled by other legislation, the Planning (Listed Buildings and Conservation Areas) Act 1990. A Neighbourhood Development Plan Policy will not meet the Basic Conditions if it seeks to increase the level of control laid down in the relevant legislation. This policy is not required as part of the plan and consideration should be given to its deletion.*

#### **C5. Shop fronts and Signs**

*Proposals for the development of new, or the refurbishment of existing shop frontages and other commercial premises within the Conservation Area will be permitted where the proposed alteration or replacement is sympathetic to and respects the architectural integrity of the building and the character of the area*

*with special regard to such matters as scale, pattern of frontages, vertical or horizontal emphasis, materials, colour and detailed design.*

*New signs will only be permitted where they respect the architectural integrity and features of the buildings and the character of the locality.*

**COMMENT**

*I have no comment on this policy.*

## **SECTION 5**

### **Conclusion and Recommendations**

1. *I find that the Truro and Kenwyn Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
2. *The Truro and Kenwyn Neighbourhood Development Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
3. *The Truro and Kenwyn Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
4. *The Sustainability Appraisal, which also covers the Strategic Environmental Assessment requirement, and the amended Habitats Regulations Assessment screening, I find to meet the EU Obligation.*
5. *The policies and plans in the Truro and Kenwyn Neighbourhood Development Plan subject to the suggested modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Carrick District Wide Local Plan (saved policies)1998, the Development Plan.*
6. *I therefore recommend that the Truro and Kenwyn Neighbourhood Development Plan can proceed to a Referendum.*

*Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD*

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*CEDR accredited mediator*

*NPIERS Neighbourhood Plan Examiner*

*24<sup>th</sup> March 2016*