

Truro and Kenwyn Neighbourhood Development Plan

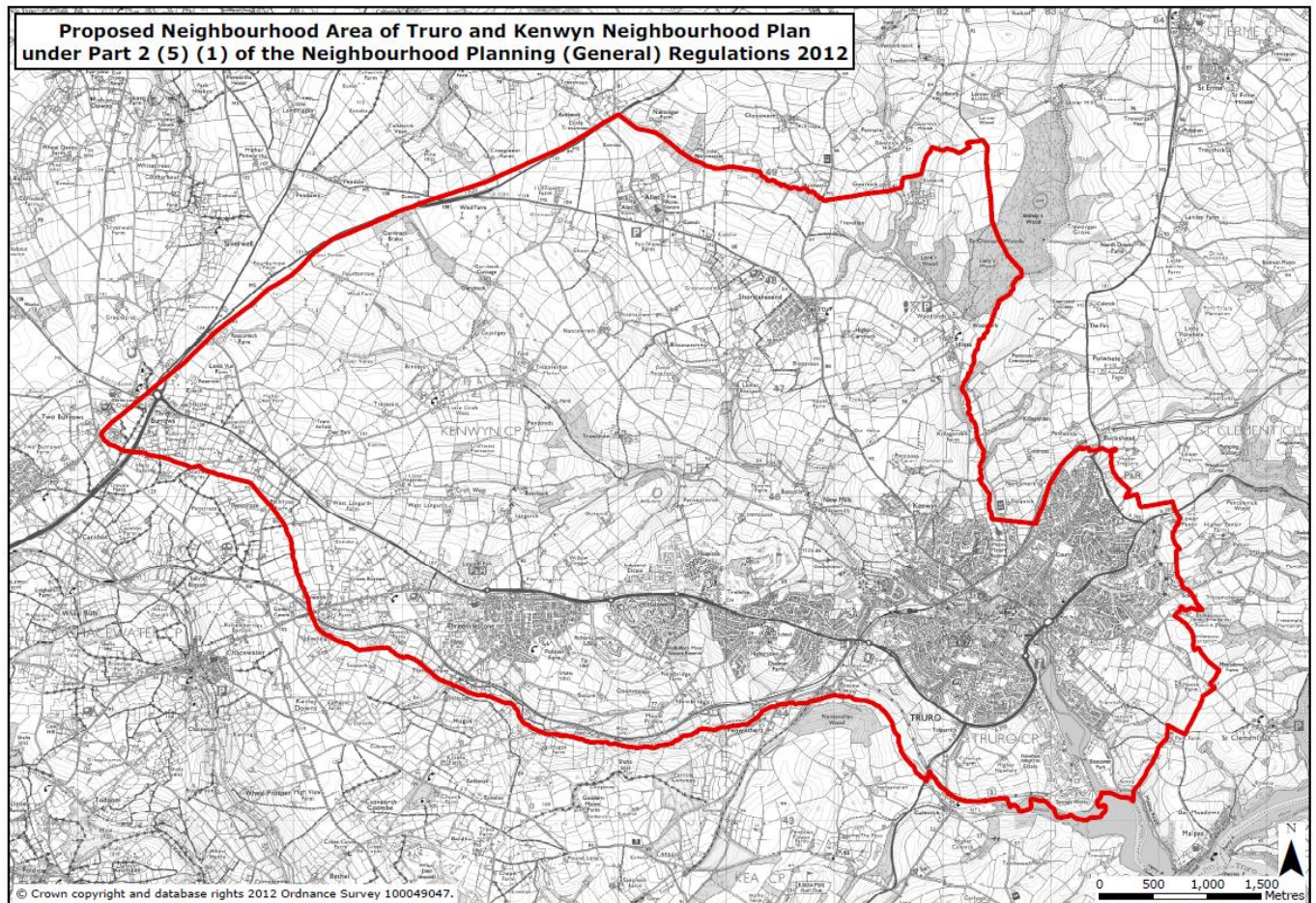
BASIC CONDITIONS STATEMENT

May 2022

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

Truro and Kenwyn Neighbourhood Development Plan Proposal

Submitted by Truro City Council as the Qualifying Body for the Truro and Kenwyn Neighbourhood Development Plan Area comprising the City of Truro and Parish of Kenwyn.



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Submission Documents Accompanying Basic Conditions Statement

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| Revised Truro and Kenwyn Neighbourhood Development Plan | (xx) |
| Sustainability Appraisal | (xx) |
| Consultation Statement | (xx) |
| Evidence Base Summary | (xx) |

1 INTRODUCTION

This Basic Conditions Statement has been produced to explain how the proposed Revision to the Truro and Kenwyn Neighbourhood Development Plan (TKNDP) 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 REVISED TRURO AND KENWYN NEIGHBOURHOOD DEVELOPMENT PLAN.

Production of the revised TKNDP (henceforth referred to as the TKNDP) was undertaken by the Truro City and Kenwyn Parish Councils, working in partnership with Cornwall Council (CC). The plan is based on consultation with local people, businesses and others with an interest in the city.

3 SUPPORTING DOCUMENTS AND EVIDENCE

The TKNDP is supported by the following documents: Consultation Statement; Sustainability Appraisal; Evidence Base Summary and a statement from Cornwall Council on whether there is a need for 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 meet¹:

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

- (a) whether the draft neighbourhood development plan meets the basic conditions (see subparagraph (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.*

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 order,
- (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,

¹ ¹ Para 8 of schedule 4B to the 1990 Town and Country Planning Act (excluding 2b. c3-5 as required by 38C (5))

(c)having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

(d)the making of the order contributes to the achievement of sustainable development,

(e)the making of the order 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 order does not breach, and is otherwise compatible with, **[F2retained EU obligations]**, and

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

5 HOW THE TRURO AND KENWYN NEIGHBOURHOOD DEVELOPMENT PLAN MEETS THE BASIC CONDITIONS.

5.1 Para 1a. Does the draft Truro and Kenwyn Neighbourhood Development Plan meet the basic conditions?

How the draft Truro and Kenwyn 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) Truro City Council is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP) for its own parish (and that of the partner Parish Council of Kenwyn).

2) The Truro and Kenwyn 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 TKNDP revision covers the period up to and including 2030, some 8 years. This period has been chosen to align with the emerging Cornwall Local Plan being prepared by Cornwall Council.
- 1) b) The TKNDP revision does not include any provision for excluded development such as national infrastructure
- 1) c) The TKNDP revision does not relate to more than one neighbourhood area. It relates only to the Truro and Kenwyn Neighbourhood Area as designated by Cornwall Council on 7th September 2012.

A copy of the letter confirming designation of the Truro and Kenwyn Neighbourhood Area is attached in Appendix 1.

- 2) There are no other NDPs in place in the Truro and Kenwyn 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 (as amended) which have been used to inform the process of making the Truro and Kenwyn 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 Truro and Kenwyn 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 Truro and Kenwyn NDP concluded that there is a potential for significant effects on two European sites, Fal and Helford SAC and the Penhale Dunes SAC, through recreational disturbance. An Appropriate Assessment has been carried out and strategic mitigation is in place through Policy 22 of the Cornwall Local Plan/ amendments to policies ensure that there will be no significant effects on the features of the SAC/SPA. It is therefore possible to conclude that, in combination with the Local Plan Policy, there will be no impact on the integrity of the European site.*
 - 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.

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

There are no other prescribed matters

5.5 Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) includes a further requirement for Neighbourhood Plan revisions. This states that in relation to a modification proposal, a statement should be made setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion.

It is the opinion of the qualifying body that the proposals to allocate new mixed use development sites at Langarth and Pydar Street, alongside other more minor changes to policies are significant enough that they would change the nature of the NDP by positively planning for additional development to meet the needs of the plan area.

The following policies are either new, or have been amended in part by the proposed revisions:

- New Policy E4 (development and building quality) sets out new standards for creating buildings that are energy efficient with green and accessible layouts. This policy will help to secure better quality development across the plan area.
- Revised Policy E2 (sustainable drainage) makes small changes to the name for SUDS and clarifies expectations.
- Revised Policy E6 (Character and setting of settlements) sets out the areas of landscape around the city, Threemilestone and Shortlanesend that are important in forming an edge to our settlements.

- New policy H3 (Langarth) sets out a new approach to the Langarth developments that already have planning permission. The policy sets out the need for a masterplan that creates a mix of uses and a better standard of development that is walkable, green and energy efficient. It also requires the masterplan to identify ways of bringing vital infrastructure forward as soon as possible.
- Revised Policy EJ2 (Truro City Centre) increases flexibility of approach to uses in the city centre and further defines high quality design in the city centre
- New Policy EJ2(b) (Pydar Street Redevelopment Site) sets out the points that must be addressed to gain permission for this important city centre redevelopment site. This includes a mix of uses and high-quality design and layout. Encouraging more sustainable travel choices:
- Revised Policy T2 helps to safeguard land at Truro Railway Station for new sustainable transport uses and for the improvement of rail services in the future.
- Revised Policy H1 (Housing) clarifies affordable housing thresholds and the approach to development in the urban area. The urban extent of Truro is defined and development boundaries proposed for Shortlanesend and Threemilestone
- New Policy H3 (Langarth) helps to ensure that the form of new development will make it easier for new residents to travel without a car and opens up new walking and cycling connections back to the city centre and Threemilestone.
- Revised Policy C3 adds the importance of preserving our Cornish hedges and trees in new development.

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 a number of core land-use planning principles that should underpin plan-making and decision-taking including:

- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport
- Delivering a sufficient supply of homes
- Promoting safe and healthy communities
- Making effective use of land
- Achieving well designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

Principles relating to greenbelt protection, communications and minerals have not been included in this statement

6.3 These principles have been embodied throughout the production of the TKNDP 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 81 states that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. T

6.4.2 A key theme of the Truro and Kenwyn NDP is to support and strengthen the local employment base and attract businesses to Truro and Kenwyn, 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 TKNDP 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 EJ1	Ensure that new employment uses are well-designed, increase opportunities for local people, reduce the need to travel and are accessible.
Policy EJ2	Promotes mixed use development in the city centre to retain vitality and viability.
Policy EJ3	Supports the development of the Port of Truro and marine employment to broaden the employment base of the plan area.
Policies EJ4 – EJ6	Promotes Truro and Kenwyn as business locations and build a sustainable and varied employment destination, and improving quality, access and infrastructure on named sites at Treliske, Newham and Threemilestone.
Policy EJ7	Safeguards employment land in the plan area to ensure a variety of employment space is retained by protecting and providing employment land for future business growth.
Policies T1 and T3	Improve transport links through implementation of Sustainable transport measures to reduce congestion in Truro and Kenwyn and improve the image for business investment.
Policy ED1	Ensure that schools and education facilities are supported and continue to improve and that Truro and Kenwyn is provided with high quality education facilities for all ages.
Policy LC4	Encourage and protect cultural and community centres and services to attract visitors to the plan area.

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

- Newham
- Treliske
- Threemilestone

Criteria has been provided by policies EJ4 and EJ6 to guide the selection and determination of employment proposals. Policy EJ5 shows expansion land at Treliske to support the specific needs of grow on space for the Health and Well-being Innovation Centre and Hospital.

6.5 Ensuring the Vitality of Town Centres

- 6.5.1 The 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 Truro City 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. A theme of economy in the plan is therefore to retain the image and attractiveness of the City Centre as a whole, improving accessibility and enhancing existing buildings and spaces and by creating new, high quality buildings, streets and space to secure its long term viability and vibrancy.
- 6.5.3 The WNP contains the following policies which are considered to address the NPPF objective of ensuring the vitality of the town centre:

Policy EJ2	Sets the boundaries of the town centre, primary retail area and shopping frontages to ensure that the sequential approach is taken to new retail development. Promotes mixed use development in the city centre to retain vitality and viability. Promotes high quality design and standards for new development.
Policies C1, C2, C4, C5	Seek to ensure that the character and appearance of the Conservation Area (that covers the whole shopping core) is protected and enhanced to retain the attractiveness of the centre.
Policy LC4	Encourage and protect cultural and community centres and services to attract visitors to the plan area
Policy H1	Encourage reuse of brownfield sites in town centre for residential to support vitality

6.6 Promoting Sustainable Transport

- 6.6.1 Improving movement around the plan area is a key theme of the TKNDP with the long-term aspiration of improving movement by all modes including walking, cycling, public transport as well as the private car.
- 6.6.2 NPPF states that transport issues should be considered from the earliest stages of plan making and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Transport systems need to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. The following specific policies of the TKNDP seek to address these issues:

Policies T1 & T3	Improve Public Transport and delivering a network of sustainable transport improvements through contributions for the Truro transport Strategy and, where possible, on-site provision of walking, cycling and bus routes and facilities.
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Policy T2	Safeguarding of railway land to ensure that rail infrastructure improvements can be achieved during the plan period.
Policy H1	Prioritises housing developments in accessible areas in the urban area or well related to that area.
Policies EJ1 -6	Encourages accessible layouts and a reduction in the need to travel.
Policies E1 and E4	Promotes sustainable development that reduces the need to travel and integrates sustainable transport modes into new development.

- 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 sufficient supply of 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 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 TKNDP is consistent with this guidance, with the stated long-term aspiration of providing good quality new housing to support Truro

and Kenwyn as a whole. This provides for around the 3,900 homes required by the emerging Cornwall Local Plan of which numerically the whole requirement has been met through commitments and completions since 2010. However, allowing flexibility over the plan period for non-implementation of current permissions, the plan also allows for additional housing growth as required by local needs, limited to a scale of development to reflect community aspirations for more organic growth beyond that approved already in a series of urban extensions to the west of the urban area and allocation of specific sites at Pydar Street and Langarth. There is also further potential for residential to be provided as part of mixed-use developments within the City Centre and brownfield sites that have been identified in the urban area.

Non site specific policies include:

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|-------------------|--|
| Policy H1 | sets out the criteria against which housing developments will be tested. This prioritises the development of brownfield sites and ensures that affordable housing is provided for. |
| Policy H2 | Provides criteria against which new care facility proposals will be assessed. |
| Policy E4 | Provides criteria for building quality to ensure that layouts meet housing need and provide necessary infrastructure and mitigation. |
| Policy EJ2 | Seeks to achieve mixed use development in the city centre. |

Site specific policies include:

- | | |
|-----------------------|---|
| Policy EJ2 (a) | sets out the requirements for the redevelopment of the former Carrick District Council offices at Pydar Street |
| Policy H3 | Sets out the allocation of the Langarth sites for development and the parameters under which they may be brought forward. |

6.8 Achieving well designed places

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 126). It recognises that Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.

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;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.-

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 key 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 key 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 E4	Criteria to help deliver development of an appropriate density, design and layout to deliver high quality development.
Policy E5	Developments are required to respect the setting and character of the area.
Policy EJ1	Ensure that new employment uses are well designed.
Policies EJ2a and H3	Allocate sites for housing at Pydar Street and Langarth and sets out the design parameters for their successful development.
Policies H1 and H2	Create new high-quality buildings, streets and spaces.
Policy C1 and C4	Aim to achieve high quality and appropriate design in Conservation Areas

6.9 Promoting Healthy and Safe Communities

6.9.1 NPPF highlights the important role planning can play in achieving healthy, inclusive and safe places by facilitating social interaction; creating safe and accessible communities and enabling and supporting healthy lifestyles. It suggests that this should plan positively for the social, recreation al and cultural facilities and services a community needs. Production of the TKNDP has involved extensive consultation and engagement with the local community as detailed in the accompanying consultation statement, including specific targeting of, for example, young people and the elderly.

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 facilitiesand 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 TKNDP contains a vision that specifically refers to the town becoming a place full of community spirit and a diverse and active community life. This requires accessible places, good local facilities, local schools diverse leisure and cultural offers and opportunities for all residents and users of the plan area to contribute to community life.

Policy E4	Requires that new development provides or makes a contribution to the provision of social infrastructure.
Policy E5	Ensures the provision and retention of green infrastructure.
Policies LC1, LC2, LC3	Provide and maintain open space and protect playing pitches and locally protected open space.
Policy LC4	Create and protect community and cultural facilities, services and centres.
Policy T3	Promotes active travel modes.

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. 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 Truro and Kenwyn area contains critical drainage areas (as defined by the Environment Agency) and much of the city centre is covered by 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 TKNDP aimed at meeting the challenges of climate change, flooding and coastal changes are:

Policies E1 & E4	Set out the criteria to be applied to ensure that development is sustainable, more energy efficient and helps to reduce the need to travel
Policies E2 & E3	Sets out the requirement for adequate sustainable drainage systems and foul drainage capacity to mitigate the impact of problem drainage areas
Policy E5	Requires the provision and maintenance of Green Infrastructure in the plan area
Policies EJ1-6	Promotes development that reduces the need to travel as well as high environmental standards in the construction of new commercial space
Policies H1 & 2	Promotes development that reduces the need to travel as well as high environmental standards in the construction of new housing
Policies LC1-3	Promote the provision and maintenance of open space for environmental and social reasons
Policies T1 & T3	Requires contributions to and implementation of sustainable transport measures and reduction in need to travel
Policy T2	Safeguards railway land for future travel and transport options

6.11 Making effective use of land

6.11.1 NPPF states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions

6.11.2 Planning policies and decisions should: encourage multiple benefits from both urban and rural land, including through mixed use

- recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops)
- support opportunities to use the airspace above existing residential and commercial premises for new homes.

6.11.3 Specific policies in the TKNDP aimed at conserving and enhancing the natural environment are:

Policy E4	Criteria to help deliver development of an appropriate density, design and layout to deliver high quality development.
Policy EJ2	Mixed use redevelopment is supported as is town centre first approach to as well as reuse of underused property in the city centre.
Policy EJ2 (a)	Sets out the requirements for the redevelopment of the former Carrick District Council offices at Pydar Street
Policy H1	Supports housing developments of an appropriate scale that help to meet local housing need. Prioritise the use of brownfield land and sets out requirements for high quality, energy efficient design and proportion of affordable and self-build housing plots to be provided.

6.12 Conserving and enhancing the natural environment

- 6.12.1 NPPF states that the planning system should contribute to and enhance the natural and local environment and states that plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.
- 6.12.2 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 with distinctions being made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.
- 6.12.3 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;
- 6.12.4 The Truro and Kenwyn is lucky enough to have significant green infrastructure assets in the countryside surrounding the main settlements, the Truro River, part of the Fal and Helford Special Area of Conservation (SAC), and the Carine Common SAC. The landscape of the area is highly valued by the Local Population. As such a key aspiration of the plan is to create new green infrastructure as well as conserving and enhancing natural assets.
- 6.12.5 Specific policies in the TKNDP aimed at conserving and enhancing the natural environment are:

Policy E2	Sets out the requirement for adequate sustainable drainage systems and the use of green infrastructure to mitigate the impact of problem drainage areas
Policy E5	Requires the provision and maintenance of Green Infrastructure in the plan area, including a net increase in biodiversity through the creation of new habitat and retention of key elements.

Policy E6 sets out criteria for assessing whether development impacts on the setting of settlements, including green backdrop and foreground etc.

Policies EJ2-6 Promotes development that preserves and enhances green infrastructure provision

Policies H1 & 2 A 'brownfield first' approach is taken for the selection of sites to ensure that greenfield use is minimised. The policies require that habitat and green space is retained and enhanced in developments.

Policies LC1-3 Promote the provision and maintenance of open space for environmental and social reasons. Policy LC2 identifies new areas of locally protected open space in accordance with the NPPF and local wishes.

6.13 Conserving and enhancing the historic environment

6.13.1 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.

6.13.2 A Conservation Area Appraisal and Conservation Area Management Plan were prepared for the City and adopted by Cornwall Council in 2010. This followed extensive work and was endorsed by the City Council, Civic Society and public consultation. There has been consistent concern by the City Council and Civic Society regarding the quality of alterations to the Conservation Area, particularly as regards signage and shop front replacements in the City centre.

6.13.3 The TKNDP has identified a number of buildings and spaces with special heritage character which contribute to Truro and Kenwyn's image and identity and contains policies aimed at protecting and enhancing the existing historic buildings and areas of special character within the city consistent with NPPF guidance. This 'Local List' has been prepared and adopted by the City Council and endorsed by Cornwall Council.

Policies C1 & C4 Aim to achieve high quality and appropriate design in Conservation Areas

Policy C2 Requires new development to protect and where possible enhance the historic leats system in Truro and their sources in the rural area.

Policy C3 Encourages the preservation of boundaries and heritage assets both inside and outside of the conservation area.

Policy C5 Requires additional consideration of materials, design and scale for shopfronts and signage replacement in the Conservation Area.

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
- 7.2 The TKNDP has been subject to a Sustainability Appraisal (SA), a copy of which has been submitted in support of the plan. The purpose of the SA is to ensure that the principles of sustainable development are considered throughout the plan making process and that the TKNDP has considered all aspects of economic, social and environmental sustainability in its production.
- 7.3 The Truro and Kenwyn NDP contributes to the achievement of sustainable development by:
- Planning positively for housing growth to meet the needs of present and future generations by meeting housing need up to the year 2030;
 - Positively contributing to the development of a strong, diverse and competitive economy by 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 Truro and Kenwyn.
- 7.4 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.
- 7.5 Ensuring that the TKNDP is deliverable has involved:
- making sure that any sites identified for development are capable of being brought forward within the lifetime of the plan either in full or over a significant part of the site:
 - ensuring that infrastructure requirements are identified and:
 - considering whether the proposals are reasonable and proportionate
- 7.6 With regards to future infrastructure requirements, this has been and continues to be addressed at Cornwall-wide level through work being undertaken in association with the Cornwall Local Plan, such as the Strategic Housing Market Needs Assessment (SHMNA) and Infrastructure Delivery Plan (IDP). This in turn was used to inform production of the Community Infrastructure Levy (CIL) which will be used to assist with the delivery of critical infrastructure requirements. In setting CIL, CC has ensured that the level set will not prejudice the delivery of new development.
- 7.8 The TKNDP did however undertake a process of identifying local infrastructure that will be required for the plan area as a result of new development. Where this needs to form the delivery of sites allocated in the plan they have been included in the policies.
- 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 some 25% of CIL will be allocated to those areas with a Neighbourhood Development Plan in place.

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 In Truro and Kenwyn, the relevant adopted development plan is the Cornwall Local Plan. The Local Plan is intended to provide strategic policy guidance for the whole of Cornwall.
- 8.3 Policy 3 of the Local Plan (Role and function of places) sets out the hierarchy of settlements in Cornwall. Policy PP6 of the Local Plan deals specifically with Truro and Kenwyn which is identified as being a key focus for development in the Community Network Area, with a key strategic role in Cornwall. It states that provision will be made for around 3,900 new dwellings and 50,750 sqm of business and industrial development (although the business figure is for the whole CNA) in Truro and Kenwyn and identifies a number of key objectives for the Community Network Area.
- 8.4 The broad scale of development proposed in the TKNDP is consistent with that of PP6 in the Local Plan. The neighbourhood plan provides criteria by which applications can be structured to meet the Local Plan requirement for employment land. The plan revision allocates sites at Langarth and Pydar Street totalling around 3,500 dwellings which over the plan period which, when added to sites with planning permission or development completed since 2010 (some 3100 dwellings), will meet the Local Plan requirement of 3,900. Brownfield sites have been identified that when combined with windfall development and other small sites are capable of delivering around 500 dwellings. This provides flexibility for the plan, especially given the large scale of some approved sites.
- 8.5 Section 9 of this Basic Condition Statement demonstrates specifically how the TKNDP conforms to the key strategic policies and objectives of both the adopted and emerging local plans and it is requested that a degree of flexibility and practicality is applied to the assessment of general conformity with the development plan in this particular instance. The term ‘general conformity’ is not defined in law but the use of the adjective ‘general’ is clearly intended to introduce some degree of flexibility, the extent of which will depend

upon the planning judgement of the decision maker and the particular circumstances of the case.

- 8.6 It is considered that the ambition of the TKNDP is aligned with and positively supports the strategic needs and priorities of the wider local area and promotes development consistent with the requirements of the emerging Local Plan.
- 8.7 A more detailed assessment of the policies contained in the TKNDP and their relationship to policies in the Local Plan is set out in the following section and summarised in Appendix 2.

The Climate Emergency Development Plan Document

- 8.8 Following the declaration of a Climate Emergency in January 2019, Cornwall Council has been producing a Climate Emergency DPD to help tackle climate change in Cornwall. The DPD was Submitted to the Secretary of State in November 2021. Commencement of Examination is currently anticipated in March/April 2022.
- 8.10 Both Truro City and Kenwyn Parish Councils have declared climate emergencies and the preparation of the revised TKNDP was also driven by ensuring that the policies of the TKNDP are sufficient to help plan for adapting to and combatting climate change in the plan area.
- 8.11 Whilst legislation requires the TKNDP to be considered against the saved policies of the Cornwall Local Plan (as the relevant development plan for the area), at a practical level, it is necessary to ensure that the TKNDP will not be in conflict with the DPD policies as soon it is adopted. The revision of the TKNDP has effectively been produced in parallel with the emerging DPD, working with the Council to ensure broad conformity between the plans.

The Cornwall Site Allocation Development Plan Document

- 8.12 The Cornwall Site Allocation DPD identifies where new housing and employment uses should be located in 10 towns/conurbations and two eco-communities in Cornwall. The document allocates or provide direction for meeting the housing and employment targets already set in the Cornwall Local Plan. The council adopted the document, also referred to as the Allocations DPD, on 26th November 2019.
- 8.13 The Site Allocation DPD does not cover the Truro and Kenwyn area and therefore there is no issue of conformity to be raised.

9 DETAILED CONSIDERATION OF TRURO AND KENWYN NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES:

9.1 ENVIRONMENT TKNP Policies

- Policy E1 – Sustainable development – Ensuring that new development demonstrates social, economic and environmental sustainability.
- Policy E2 – Sustainable drainage – ensure sustainable drainage is provided to accommodate development in the plan area and avoid increasing flood risk.
- Policy E3 - Sewage facilities – ensure adequate foul drainage is provided for new development.
- Policy E4 – Building quality – setting standards for new building to secure high quality, secure, energy efficient and accessible developments
- Policy E5 – Green Infrastructure - Requires the provision and maintenance of Green Infrastructure in the plan area, including a net increase in biodiversity through the creation of new habitat and retention of key elements.
- Policy E6 - Character and setting of settlements – sets out criteria for assessing whether development impacts on the setting of settlements, including green backdrop and foreground etc.
- Policy E7 – Character of the highways and byways – Seeks to retain and enhance character and materials of highways and associated structures.

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

9.1.2 CORNWALL LOCAL PLAN

Policy 1 - presumption in favour of sustainable development

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

Policy 13 – Design: Requires high quality design underpinned by character, layout, movement, adaptability and community engagement.

Policy 14 – Development Standards: Requires development to provide on-site open space, reduce impacts from pollution and minimise energy consumption.

Policy 17 – 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 22- Best use of land and existing buildings: prioritise 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

9.2 Economy and Jobs TKNP Policies

Policy EJ1 – Communities at work – Sets out standards for new employment development across the plan area. This policy is applied to the successive policies of the section in EJ2 – EJ6.

Policy EJ2 – Truro City Centre – Sets out the town centre and Primary Retail areas. Mixed use redevelopment is supported as is town centre first approach to new retail.

Policy EJ2 (a) - Pydar Street—sets out the requirements for the redevelopment of the former Carrick District Council offices at Pydar Street

Policy EJ3 – The Port of Truro – Supports improved layout and design and protection of the area for marine uses.

Policies EJ4-6 – Newham, Treliske and Threemilestone employment areas – setting standards for new development, including criteria for extension of the employment areas. For Treliske land is allocated for grow on space to the Health and Well-being Innovation Centre.

Policy EJ7 – Employment Land Safeguarding – safeguards allocated areas at Treliske, Newham and Threemilestone for employment as well as the Cattle Market site for agricultural purposes.

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

9.2.2 CORNWALL CC LOCAL PLAN:

Policy 1 - presumption in favour of sustainable development

Policy 2 – Key targets and 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. Supporting Truro’s wider role as an economic and service centre and grow its role as a retail alternative to major centres outside of Cornwall.

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

Policy 5 – Jobs and skills: 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, including maritime employment.

Policy 13 – Design: Requires high quality design underpinned by character, layout, movement, adaptability and community engagement.

Policy 22- Best use of land and existing buildings: prioritise 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

9.3 Education TKNP Policies

Policy ED1 – Protects school sites from alternative development unless exceptionally justified.

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

9.4 Housing TKNP Policies

Policy H1 – supports housing developments of an appropriate scale and character that help to meet local housing need. Priorities the use of brownfield land and sets out requirements for high quality, energy efficient design and proportion of affordable and self-build housing plots to be provided.

Policy H2 – Provides criteria for the development of extra care facilities in the plan area, including accessible location, quality of design and requirement for community beds.

Policy H3—Sets out the allocation of the Langarth sites for development and the parameters under which they may be brought forward.

Policies link specifically to:

Policy E4 – Building quality – setting standards for new building to secure high quality, secure, energy efficient and accessible developments.

Policy EJ2 – Truro City Centre –Mixed use redevelopment (with residential) is supported.

Policy EJ2 (a) - Pydar Street—sets out the requirements for the redevelopment of the former Carrick District Council offices at Pydar Street

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

9.4.2 ADOPTED CORNWALL LOCAL PLAN

Policy 1 - presumption in favour of sustainable development

Policy 2 – Key targets and spatial strategy: make best use of resources and existing infrastructure, Increase energy efficiency, positively manage new development through high quality design. Deliver sufficient housing of appropriate types to meet future requirements in particular meeting affordable housing ... needs.

Policy 3 – Role and function of places: the scale and mix of uses should be proportionate to the role and function of places. Larger scale residential development will be accommodated in Truro with Threemilestone.

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 8 – Affordable housing: Requires a target of 35% affordable housing in developments in Truro.

Policy 13 – Design: Requires high quality design underpinned by character, layout, movement, adaptability and community engagement.

Policy 14 – Development Standards: Requires development to provide on-site open space, reduce impacts from pollution and minimise energy consumption.

Policy 17 – 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 22- Best use of land and existing buildings: prioritise 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

9.5 Leisure and Culture TKNP Policies

Policy LC1 – Sets a requirement for the provision of open space for developments, including the typologies of space.

Policy LC2 – Identifies and protects open space of local importance. Sets out the exceptional circumstances where potential loss may be considered.

Policy LC3 – Identifies and protects formal open space. Sets out the exceptional circumstances where potential loss may be considered.

Policy LC4 – Provides for the provision and improvement of cultural and community centres, services and facilities.

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 ADOPTED CORNWALL LOCAL PLAN:

Policy 1 - presumption in favour of sustainable development

Policy 3 – Role and function of places: the scale and mix of uses should be proportionate to the role and function of places. Larger scale community, cultural and leisure development will be accommodated in Truro with Threemilestone.

Policy 13 – Design: Requires high quality design underpinned by character, layout, movement, adaptability and community engagement.

Policy 14 – Development Standards: Requires development to provide on-site open space, reduce impacts from pollution and minimise energy consumption.

Policy 17 – 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 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 Transport TKNP Policies

Policy T1 – Sets a requirement for contributions to the delivery of the Truro Transport Strategy.

Policy T2 – Safeguards land at Truro Railway Station and Claremont Terrace for future rail related use.

Policy T3 – Requires development to provide for sustainable transport modes, reduce the need to travel and identifies key routes for walking and cycling.

Policies link specifically to:

Policy E1 – Sustainable development – Ensuring that new development demonstrates social, economic and environmental sustainability, including reducing energy use and the need to travel.

Policies EJ1 - 6 – reducing the need to travel, an appropriate mix of uses and accessible developments.

Policies H1-2 – Housing site locations, accessibility and reducing the need to travel.

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

9.6.2 ADOPTED CORNWALL LOCAL PLAN:

Policy 1 - presumption in favour of sustainable development

Policy 13 – Design: Requires high quality design underpinned by layout and movement.

Policy 14 – Development Standards: Requires development to provide adequate parking and space for cycles reduce impacts from pollution and minimise energy consumption.

Policy 17 – Health and wellbeing: Improving the health and wellbeing of Cornwall through maximising opportunities for physical activity.

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 Councils 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.

9.7 Historic Environment TKNP Policies

Policy C1 – Requires development to have regard for the duty to preserves and enhances the special character and wider setting of the conservation area.

Policy C2 – Seeks to protect the leats system in Truro City Centre.

Policy C3 – Seek the preservation or enhancement of boundaries and heritage assets both within the conservation area and in the rest of the plan area.

Policy C4 – Sets requirements in relation to demolition of buildings in the conservation area to mitigate impact on the area.

Policy C5 – Sets requirements for new signs and shopfronts in the conservation area

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

9.7.2 CORNWALL LOCAL PLAN

Policy 1 - presumption in favour of sustainable development

Policy 13 – Design: Requires high quality design underpinned layout and movement.

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.

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

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 TKNDP 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 TKNDP 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 The Cornwall Local Plan was supported by Sustainability Appraisal and Habitat Regulations Assessment. This sets the strategic framework and has resulted in a series of measures to deal with Recreational Pressure at both Penhale Dunes SAC and on the Fal and Helford SAC. The policy response to this is set out in Policies 22 and 23 of the Cornwall Local Plan and the European Sites Mitigation SPD. This sets a Zone of Influence for both SACS that covers much of the Neighbourhood Plan area and provides a template Appropriate Assessment and standard contributions to be used in to deal with the recreational pressure associated with new dwellings.
- 10.4 The original SA Scoping Report for the TKNDP was consulted on between 27th October and 1st December 2014 and submitted to the same statutory environmental bodies and published on the Truro and Kenwyn Neighbourhood Plan website. As a result of the previous TKNDP requiring SA, a full assessment was undertaken without screening.
- 10.5 The SA Framework was established to test the TKNDP. This was based on the framework used in the Cornwall Local Plan Issues and Options report with a number of additional Truro and Kenwyn specific sub-objectives added where relevant.
- 10.6 The Sustainability Appraisal report is submitted in support of the TKNDP.

Habitat Regulations Assessment (HRA)

- 10.7 A Habitats Regulations Assessment (HRA) was undertaken as part of the development of the Cornwall Local Plan.

- 10.8 Screening of the Cornwall Local Plan revealed the potential for Likely Significant Effects (LSE) on the features of The Penhale Dunes and Fal and Helford SACs due to a possible increase in recreation. The Penhale Dunes SAC sits to the north east of the plan area and the settlements of Truro and Threemilestone are entirely within the Zone of Influence for both that site and also the Zone of Influence of the Fal and Helford SAC.
- 10.9 The level of proposed development within the NDP is planned to be accommodated predominantly through edge of settlement greenfield development on sites proposed under NDP policy H3 at Langarth and brownfield redevelopment under Policy EJ2 (a) at Pydar Street.
- 10.10 Cornwall's Local Plan, Policy 22, puts in place a strategic solution for mitigation of recreational impacts influence and therefore a financial contribution is taken from new development to fund mitigation measures e.g. dog wardening, dog bins, information and education, notices and parking restrictions. Therefore in combination with the Cornwall Local Plan the NDP is unlikely to cause significant impacts on the features of Fal and Helford SAC and the Penhale Dunes SAC. A standard AA is available for new residential development within the ZOI.

Screening outcome

- 10.11 The assessment undertook both screening and Appropriate Assessment of the policies and any allocations within the Truro and Kenwyn Neighbourhood Plan. The European designated sites, considered within the Appropriate Assessment for impact pathways that could not be screened out at the screening stage were:
- Fal and Helford SAC;
 - Carrine Common SAC;
 - Falmouth Bay to St. Austell Bay SPA;
 - Newlyn Downs SAC; and,
 - Penhale Dunes SAC.
- 10.12 Impact pathways considered were: recreational pressure, water quality and resources and air pollution.
- 10.13 It has been concluded that the Truro and Kenwyn Neighbourhood Plan will not affect the integrity of European sites in relation to recreational pressure due to the overarching provisions of Policy 22 within the Cornwall Local Plan and the Supplementary Planning Documents (SPD) for terrestrial, marine and estuarine sites. Policy 22 states all new residential, student and tourist accommodation will need to comply with a suite of monitoring and mitigation measures which are described within the SPDs for terrestrial, marine and estuarine sites.
- 10.14 It is however, recommended that text is added into the Truro and Kenwyn Neighbourhood Plan that includes reference to the overarching Local Plan Policy 22 and the SPDs for terrestrial, marine and estuarine sites.

- 10.15 It is recommended that the following text is inserted into Policy E1 (Sustainable Development) or another appropriate policy to reinforce compliance with the Cornwall Local Plan:
- ‘All residential development will need to be compliant with the Cornwall Local Plan’s European Site Mitigation Supplementary Planning Document (SPD) for terrestrial, marine and estuarine sites. Development which would cause significant adverse effect on any European site will not be permitted, unless it can be demonstrated that Imperative Reasons of Overriding Public Interest (IROPI) and No Reasonable Alternatives exist, and adequate compensation measures to protect the National Site Network can be delivered.’
- 10.16 It is also recommended that the following is inserted to Policy EJ3: ‘Any development brought forward within the Port of Truro development area will require a project specific Habitats Regulations Assessment to ensure no significant adverse effects upon the integrity of the SAC. Development which would cause a significant effect on the Fal and Helford Special Area of Conservation will not be permitted.’ These policy recommendations have now been included in the Neighbourhood Plan, ensuring that there will be no adverse effects on European sites regarding recreational pressure.
- 10.17 It should be noted that this HRA doesn’t just cover the housing in the Langarth allocation (Policy H3) up to the end of the plan period, but also all houses to be completed post the plan period. Any housing delivered post-plan period would not significantly alter the conclusions of this HRA with regards to recreational pressure upon Penhale Dunes SAC and Fal and Helford SAC. This is because the SPD for terrestrial, marine and estuarine sites can be extended to cover the additional beyond-plan-period housing, by placing SAMM tariffs on any dwellings within the core recreational pressure catchments of these SACs. Cornwall Council have confirmed that the amount of development proposed for the Neighbourhood Plan (to 2030) is allowed for in the scope of the strategic solution. However, the Council will need to keep the delivery of housing under review, and address needs and associated mitigation for impacts on the SAC at Local Plan review.
- 10.18 With regards to water quality and resources, the Cornwall Local Plan HRA assessed the potential in-combination impacts and determined that some WwTWs in the hydrological catchment of the Fal and Helford SAC would lead to an excess discharge rate into the water courses that feed the SAC. However, appropriate policy mechanisms in the Cornwall Local Plan address this impact pathway adequately (see Policies 23 and 28). These state that ‘In areas where development without the provision of adequate facilities could impact on the integrity of the designated or candidate international wildlife sites, including the Fal and Helford and River Camel SACs and Tamar Estuaries Complex SPA development proposals will be refused’.
- 10.19 Regarding atmospheric pollution, although the Cornwall Local Plan highlighted that the Newlyn Downs SAC lies within 200m of a major road (A30), air quality modelling concluded that there would be less than a 1% of the Critical Level increase in NO_x and of Critical Load increase in nitrogen deposition, and that the cumulative levels would remain below the Critical Level / Critical Load, ensuring that there will be no adverse effect through air

pollution. As the Truro Neighbourhood Plan merely supports the level of growth allocated within the Local Plan and does not allocate a further quantum of development, it can be concluded that the Neighbourhood Plan will also not cause an adverse effect through air pollution.

Equality Impact Assessment

- 10.20 The Equality Act 210 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.
- 10.21 An Equality Impact Assessment (EqIA) was undertaken during the course of producing the TKNDP which examined the impact of the TKNDP on groups with protected characteristics.
- 10.22 The EQIA concluded the policies contained within the Truro and Kenwyn Neighbourhood Plan will not have negative 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 Truro and Kenwyn Neighbourhood Plan’s vision, objectives and policies all aim to foster community cohesion and social inclusion.

Conclusion

- 10.15 The TKNDP 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 Revised Truro and Kenwyn Neighbourhood Development Plan. It is therefore respectfully suggested to the Examiner that the Truro and Kenwyn Neighbourhood Development Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act and should proceed to Referendum.

APPENDIX 1

TRURO AND KENWYN NEIGHBOURHOOD PLAN CONFIRMATION OF DESIGNATION

DECISION OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

In respect of attached report for and on behalf of Robert Lacey

Dated: 7 September 2012

Subject Matter: Designation of Neighbourhood Plan Area for the Truro and Kenwyn Neighbourhood Plan

Decision:

The Truro and Kenwyn Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

Reason for the Decision:

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

Alternative options considered:

None other than contained within the report.

Conflicts of interest declared:

None.

Dispensations granted in respect of a conflict of interest:

Not Applicable.

Signed 
Portfolio Holder for Housing and Planning

Dated 7-9-2012

APPENDIX 2:**Table of Neighbourhood Plan Policy Links**

TKNDP Policy	NPPF	Cornwall Local Plan
Environment		
E1 Sustainable Development E2 Sustainable drainage E3 Sewage facilities E4 Development and Building quality E5 Green infrastructure E6 Character and setting of settlements E7 Character of the highways and byways	<ul style="list-style-type: none"> • Conserving and enhancing the natural environment. • Promoting Sustainable Transport. • Achieving well designed places. • Meeting the challenge of climate change, flooding and coastal change 	1 Sustainable development 2 Key targets and spatial strategy 13 Design 14 Development standards 17 Health and well-being 22 Best use of land and existing buildings 23 Natural Environment 25 Green infrastructure; 26 Flood risk management and coastal change.
Economy		
EJ1 Communities at work EJ2 Truro City Centre EJ2 (a) Pydar Street EJ3 The Port of Truro EJ4 Newham Employment area EJ5 Treliske employment area EJ6 Threemilestone employment area EJ7 Employment land safeguarding	<ul style="list-style-type: none"> • Building a strong, competitive economy; • Ensuring the vitality of town centres; • Conserving and enhancing the natural environment. • Meeting the challenge of climate change, flooding and coastal change • Achieving well designed places. • Delivering a sufficient supply of homes • Promoting Sustainable Transport 	1 Sustainable development 2 Key targets and spatial strategy 4 Shopping, services and community facilities 5 Jobs and skills 13 Design 22 Best use of land and existing buildings 23 Natural Environment 25 Green infrastructure
Education		
ED1 School site allocation	<ul style="list-style-type: none"> • Building a strong, competitive economy; 	1 Sustainable development 4 Shopping, services and community facilities

Housing		
H1 Meeting local housing need H2 Care facilities H3 Langarth	<ul style="list-style-type: none"> Delivering a sufficient supply of homes Ensuring the vitality of town centres; Conserving and enhancing the natural environment. Meeting the challenge of climate change, flooding and coastal change Achieving well designed places. Promoting Sustainable Transport 	1 Sustainable development 2 Key targets and spatial strategy 3 Role and function of places 6 Housing mix 8 Affordable housing 13 Design 14 Development standards 17 Health and well-being 22 Best use of land and existing buildings 23 Natural Environment 25 Green infrastructure; 26 Flood risk management and coastal change.
Leisure and Culture		
LC1 Open space requirements LC2 Local protected open space LC3 Protection of formal open spaces and playing pitches LC4 Cultural and community centres and services	<ul style="list-style-type: none"> Building a strong, competitive economy; Ensuring the vitality of town centres; Conserving and enhancing the natural environment. Meeting the challenge of climate change, flooding and coastal change 	1 Sustainable development 3 Role and function of places 13 Design 14 Development standards 17 Health and well-being 23 Natural Environment 25 Green infrastructure 28 Infrastructure
Transport		
T1 Transport strategy contributions T2 Safeguarding railway land T3 Sustainable transport	<ul style="list-style-type: none"> Promoting sustainable transport. Building a strong, competitive economy; Meeting the challenge of climate change, flooding and coastal change 	1 Sustainable development 13 Design 14 Development standards 17 Health and well-being 25 Green infrastructure 27 Transport and accessibility 28 Infrastructure
Historic Environment		
C1 Character and setting of the Truro conservation Area C2 Preservation of the historic leats C3 Boundaries C4 Demolition in the conservation area C5 Shopfronts and signs	<ul style="list-style-type: none"> Conserving and enhancing the historic environment Ensuring the vitality of town centres; Achieving well designed places. 	1 Sustainable development 13 Design 24 Historic Environment

Appendix 3 - Cornwall Council Statement on the need for Habitat Regulation Assessment of the Truro and Kenwyn Neighbourhood Plan

Introduction

The Truro and Kenwyn Neighbourhood Plan has been produced to guide development within the Neighbourhood Plan area of Truro and Kenwyn. It does not propose a level of new development significantly beyond that proposed in the Cornwall Local Plan. Once 'made' by Cornwall Council, the Neighbourhood Plan will be a material consideration in determining planning applications, and is intended to inform pre-application discussions.

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

This statement sets out the findings of this exercise.

Background

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

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

Article 6(3) of the Habitats Directive states:

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

Habitats Regulation Assessment

Habitats Regulation Assessment (HRA) is a separate process which is required for all plans and projects which are not wholly directly connected with or necessary to the conservation management of a European site's qualifying features. This also requires screening as a first step to ascertain whether a plan is likely to have significant adverse effects on the integrity of 'European' sites. European sites in Cornwall include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs.).

HRA focuses on maintaining the 'integrity' of the European Sites, namely their conservation objectives. The table below lists the European Sites within 10km of the neighbourhood plan; their designated features/habitats; conservation objectives; and vulnerabilities.

HRA screening: Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites? The table(s) below appraises the effect of allocations or policies within the NDP which have the potential to significantly affect European sites within or with a pathway of impact from the NDP. The precautionary principle must be used when assessing whether adverse effects are significant.

NDP Allocation or Policy:

Policy EJ2 (a) – Pydar Street – mixed use redevelopment including residential

Policy H3 – Langarth – allocation of sites for residential development (at or above the 2,700 dwellings currently permitted)

European Site	Designated features	Threats/pressures	Pathways of Impact (arising from development relating to the NDP)	Likely significant effects (including in combination)	Screen in or out
Falmouth and Helford Special Area of Conservation	Saltmarsh, inter-tidal mudflats, sub-tidal sandbanks, large shallow inlets and	European Site Conservation Objectives for Fal & Helford SAC	Recreation	Potential	In

Penhale Dunes Special Area of Conservation.	bays, estuaries and reefs. Shifting dunes with Ammophila Arenaria, Dunes with Salix repens ssp. argentea (Salicion arenariae). Humid dune slacks. Fixed dunes with herbaceous vegetation ('grey dunes'). Rumex rupestris (Shore dock). Gentianella anglica (Early gentian). Petalophyllum ralfsii (Petalwort)	European Site Conservation Objectives for Penhale Dunes SAC			
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Appropriate Assessment

Screening of the Cornwall Local Plan revealed the potential for Likely Significant Effects (LSE) on the features of these sites due to a possible increase in recreation. The Penhale Dunes SAC sits to the north east of the plan area and the settlements of Truro and Threemilestone are entirely within the Zone of Influence for both that site and also the Zone of Influence of the Fal and Helford SAC.

The level of proposed development within the NDP is planned to be accommodated predominantly through edge of settlement greenfield development on sites proposed under NDP policy H3 at Langarth and brownfield redevelopment under Policy EJ2 (a) at Pydar Street .

Cornwall's Local Plan, Policy 22, puts in place a strategic solution for mitigation of recreational impacts influence and therefore a financial contribution is taken from new development to fund mitigation measures e.g. dog wardening, dog bins, information and education, notices and parking restrictions.

Therefore in combination with the Cornwall Local Plan the NDP is unlikely to cause significant impacts on the features of Fal and Helford SAC and the Penhale Dunes SAC. A standard AA is available for new residential development within the ZOI.

Screening outcome

The assessment shows that there is a potential for significant effects on two European sites, Fal and Helford SAC and the Penhale Dunes SAC, through recreational disturbance. An Appropriate Assessment has been carried out and strategic mitigation is in place through Policy 22 of the Cornwall Local Plan/ amendments to policies ensure that there will be no significant effects on the features of the SAC/SPA. It is therefore possible to conclude that, in combination with the Local Plan Policy, there will be no impact on the integrity of the European site.