

Porthleven Neighbourhood Plan



NDP Regulation 14

The Basic Conditions Statement



July 2020



Contents

Basic Conditions Statement	3
1. Introduction	3
2. Legal Framework	3
3. The Basic Conditions	4
4. Meeting the Basic Conditions	5
a. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or Neighbourhood Plan)	5
b. The making of the order (or Neighbourhood Plan) contributes to the achievement of sustainable development.	17
c. The making of the order (or Neighbourhood 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).	17
d. The making of the order (or Neighbourhood Plan) does not breach, and is otherwise compatible with, EU obligations.	27
e. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the Order (or Neighbourhood Plan).	28
Appendices	29

Basic Conditions Statement

1. Introduction

This Basic Conditions Statement has been prepared by James Evans BA (Hons) AssocRTPI of Evans Planning, an Independent Planning Consultancy based in Cornwall for the Porthleven Neighbourhood Development Plan (PNDP) on behalf of Porthleven Town Council.

The area has been designated a qualifying area and the Town Council is a qualifying body, please see Appendix A for the Cornwall Council designation letter.

This Basic Conditions Statement is submitted to Cornwall Council under Regulation 15(1)(d) and Regulation 22(1)(e) of the Neighbourhood Planning (General) Regulations 2012 (as amended) to demonstrate that the PNDP meets the legislative basic conditions contained within the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004 (as amended) to enable the PNDP to be put to a referendum.

2. Legal Framework

Regulation 15 of Part 5 of Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the requirements for the qualifying body submitting an NDP to the local planning authority as follows:-

15. (1) *Where a qualifying body submits a plan proposal to the local planning authority it must include: –*
- a) a map or statement which identifies the area to which the proposed Neighbourhood Development Plan relates;*
 - b) a Consultation Statement;*
 - c) the proposed Neighbourhood Development Plan; and*
 - d) a statement explaining how the proposed Neighbourhood Development Plan meets the requirements of Paragraph 8 of Schedule 4B to the 1990 Act.*

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

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

The requirements for part (d) in respect of Neighbourhood Development Plans are that the PNDP meets the basic conditions as outlined overleaf.

3. The Basic Conditions

Only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (as amended). The basic conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Order (or Neighbourhood Plan).
2. 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. This applies only to Orders.
3. 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. This applies only to Orders.
4. the making of the Order (or Neighbourhood Plan) contributes to the achievement of sustainable development.
5. the making of the Order (or Neighbourhood 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).
6. the making of the Order (or Neighbourhood Plan) does not breach, and is otherwise compatible with, EU obligations.
7. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the Order (or Neighbourhood Plan).
8. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

Based on the scale and location of development proposed, Cornwall Council is of the opinion that the Porthleven neighbourhood plan is unlikely to have significant effects on the environment or on European Sites and that a Strategic Environment Assessment (SEA) and Habitats Regulations Assessment (HRA) is therefore not required. 2017. **An update to the EU regulations in July 2020 necessitated Cornwall Council to issue the following statement:-**

“Cornwall Council is of the opinion that the Porthleven Neighbourhood Plan will not have significant effects on the environment and SEA is not required. Document 4.1 Basic Conditions Statement Appendices - Appendix D and E” 2 Documents – Updated SEA and HRA Assessment and

Cornwall Council's Screening Report. Also in Appendix U13 of 2.1 Consultation Statement an Email from Cornwall Council, dated 23/01/2020.

In this regard, we are dealing specifically with a Neighbourhood (Development) Plan, thereby, the conditions outlined under Sections b. and c. referred to above, which apply only to Orders are not relevant in this case.

Over the following pages it will be demonstrated how the Draft PNDP meets each of relevant conditions outlined above.

4. Meeting the Basic Conditions

a. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or Neighbourhood Plan)

Throughout the preparation of the PNDP and having regard as to appropriateness to make the plan, regard has been had to '*national policies and advice contained in guidance issued by the Secretary of State.*'

Principally, this has related to the policies contained within the National Planning Policy Framework (NPPF) and the Government's National Planning Practice Guidance (NPPG), the latter of which provides further up-to-date guidance on the application of policies in the NPPF in response to on-going advice from Central Government and relevant case law.

At the point in writing this Statement, a revised NPPF is in the process of consultation, and it is expected that this revised NPPF will be available in the Summer of 2018. Whilst this document is not at its final version, this Statement refers to its current draft contents, as a link to the commentary on the present (March 2012) NPPF.

Turning to the sections of the March 2012 NPPF for delivering sustainable development as listed below, we have taken each policy in turn and highlighted the relevant sections applicable to each of the PNDP policies and how the policy has had appropriate regard to their policy direction. The NPPF Sections are as follows:

Table 1: Comparison of Sections between the current March 2012 NPPF and the draft text revised NPPF (March 2018) and also NPPF Feb 2019

March 2012 NPPF	Associated March 2018 Draft text NPPF	Associated February 2019 text NPPF
1. Building a strong, competitive economy (paragraphs 18-22)	6. Building a strong, competitive economy (paragraphs 82-85)	6. Building a strong, competitive economy (paragraphs 80-82)
2. Ensuring the vitality of town centres (paragraphs 23-27)	7. Ensuring the vitality of town centres (paragraphs 86-91)	7. Ensuring the vitality of town centres (paragraphs 85-90)
3. Supporting a prosperous rural economy (paragraphs 28)	6. Building a strong, competitive economy (paragraphs 82-85)	6. Building a strong, competitive economy (paragraphs 83-84)
4. Promoting sustainable transport (paragraphs 29-41)	9. Promoting sustainable transport (paragraphs 103-111)	9. Promoting sustainable transport (paragraphs 103-111)
5. Supporting high quality communications infrastructure (paragraphs 42-46)	10. Supporting high quality communications (paragraphs 112-116)	10. Supporting high quality communications (paragraphs 112-116)
6. Delivering a wide choice of high-quality homes (paragraphs 47-55)	5. Delivering a sufficient supply of homes (paragraphs 60-81)	5. Delivering a sufficient supply of homes (paragraphs 59-79)
7. Requiring good design (paragraphs 56-68)	12. Achieving well-designed places (paragraphs 124-131)	12. Achieving well-designed places (paragraphs 124-132)
8. Promoting healthy communities (paragraphs 69-78)	8. Promoting healthy and safe communities (paragraphs 92-102)	8. Promoting healthy and safe communities (paragraphs 91-95)
9. Protecting Green Belt land (paragraphs 79-92)	13. Protecting Green Belt land (paragraphs 132-146)	13. Protecting Green Belt land (paragraphs 133-147)
10. Meeting the challenge of climate change, flooding and coastal change (paragraphs 93-108)	14. Meeting the challenge of climate change, flooding and coastal change (paragraphs 147-167)	14. Meeting the challenge of climate change, flooding and coastal change (paragraphs 147-167)

March 2012 NPPF	Associated March 2018 Draft text NPPF	Associated February 2019 text NPPF
11. Conserving and enhancing the natural environment (paragraphs 109-125)	15 Conserving and enhancing the natural environment (paragraphs 168-181)	15 Conserving and enhancing the natural environment (paragraphs 170-183)
12. Conserving and enhancing the historic environment (paragraphs 126-141)	16. Conserving and enhancing the historic environment (paragraphs 182-198)	16. Conserving and enhancing the historic environment (paragraphs 184-202)
13. Facilitating the sustainable use of minerals (paragraphs 142 – 149)	17. Facilitating the sustainable use of minerals (paragraphs 199 – 206)	17. Facilitating the sustainable use of minerals (paragraphs 203-211)

For information, the draft text NPPF (March 2018) also numbered the introduction and preceding sections to main thrust of the policy context unlike the March 2012 NPPF. Hence numbered sections 1 – 5 of the revised text NPPF are not highlighted in the table.

Reference is also drawn to Section 11 of the draft text NPPF (March 2018) which refers to ‘making effective use of land.’ This is a new independent section that did not exist in its own entity on the original March 2012 NPPF.

Table 2: Having Regard to National Policy and Advice

PNDP Policy	Applicable March 2012 NPPF Sections	Applicable March 2018 draft text NPPF Sections for reference	Applicable February 2019 text NPPF Sections for reference	Explanation of how the policy has regard to the National Policy and Guidance
Housing Policies				
Policy HO1: Housing Location	Promoting sustainable transport (paragraphs 29-41) Delivering a wide choice of high-quality homes (paragraphs 47- 55)	Promoting sustainable transport (paragraphs 103-111) Delivering a sufficient supply of homes (paragraphs 60-81)	Promoting sustainable transport (paragraphs 103-111) Delivering a sufficient supply of homes (paragraphs 59-79)	The intention of the first element of the policy is to provide a housing target for the Parish and direct housing to sustainable locations acknowledging the rural location of the Parish and to distinguish between locations suitable for market-led housing development and affordable housing -led rural exception sites in accordance with paragraphs 34, 49, 50, 54 and 55 of the NPPF. Section 2 of the policy outlines the approach to housing development in the Parish once the housing target is met and focuses on delivering rural exception sites only in line with paragraph 54 of the NPPF. Sections 3 to 4 outline to trigger for affordable housing provision/ contributions on infill sites reflecting those highlighted in the Cornwall Local Plan in line with the final bullet point of paragraph 50 of the NPPF.

PNDP Policy	Applicable March 2012 NPPF Sections	Applicable March 2018 draft text NPPF Sections for reference	Applicable February 2019 text NPPF Sections for reference	Explanation of how the policy has regard to the National Policy and Guidance
Policy HO2: Housing Sizes and Mix	Delivering a wide choice of high-quality homes (paragraphs 47- 55) Requiring good design (paragraphs 56-68)	Delivering a sufficient supply of homes (paragraphs 60-81) Delivering a sufficient supply of homes (paragraphs 59-79)(paragraphs 124-131)	Delivering a sufficient supply of homes (paragraphs 59-79) Achieving well-designed places (paragraphs 124-132)	In accordance with the objectives of paragraph 50 of the NPPF by encouraging development that responds to the identified local needs and developing for all sectors of society of the parish in terms of sizes and mix of development; and paragraph 54 of the NPPF which in rural areas seeks a responsive planning system that plans housing development to reflect local needs. For reference, the first two bullet points of paragraph 50 of the NPPF read as follows: • <i>plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);</i> • <i>identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand;</i> Paragraph 61 of the NPPF additionally outlines that <i>'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations</i>
Policy HO3: Development Site	Delivering a wide choice of high-quality homes (paragraphs 47- 55) Requiring good design (paragraphs 56-68)	Delivering a sufficient supply of homes (paragraphs 60-81) Achieving well-designed places (paragraphs 124-131)	Delivering a sufficient supply of homes (paragraphs 59-79) Achieving well-designed places (paragraphs 124-132)	This is a site-specific policy referring to an area delineated on Figure 2 on Page 18 of the NDP as a development site. This follows a detailed landscape character assessment regarding all sites on the edge of the town to establish an appropriate location to demark for an expansion of the settlement. There is also a design led component of the policy seeking to deliver the design objectives of paragraphs 57, 58, 60, 61 and 64 of the NPPF. The NDP policy does not stifle innovation or originality but quite rightly seeks design to be in keeping with its surroundings.

PNDP Policy	Applicable March 2012 NPPF Sections	Applicable March 2018 draft text NPPF Sections for reference	Applicable February 2019 text NPPF Sections for reference	Explanation of how the policy has regard to the National Policy and Guidance
Policy HO4: Replacement Dwellings	Requiring good design (paragraphs 56-68)	Achieving well-designed places (paragraphs 124-131)	Achieving well-designed places (paragraphs 124-132)	This policy relates specifically to replacement dwellings both within the settlement and within the surrounding open countryside. The policy seeks to deliver the requirements of paragraph 60 of the NPPF. It does not stifle innovation, but quite rightly, bearing in mind the level of designations across the Parish, seeks development to demonstrate how it responds appropriately to context The policy is not overly descriptive in its content, and thus there is no conflict with paragraph 59 of the NPPF.
Built Environment Policies				
Policy BE1 Design Principles	Requiring good design (paragraphs 56-68)	Achieving well-designed places (paragraphs 124-131)	Achieving well-designed places (paragraphs 124-132)	Paragraph 56 outlines that ‘The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ Furthermore, Paragraph 58 explains that ‘<i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.</i>’ The purpose of this policy is to provide those objectives by seeking development to demonstrate how it has positively to the characteristics and key feature of the Parish as highlighted through policy components 2 (a) to (g). The policy is not prescriptive and accords with paragraph 59. Furthermore, it does not stifle innovation in line with paragraph 60 of the NPPF. However, it does seek to reinforce local distinctiveness.

PNDP Policy	Applicable March 2012 NPPF Sections	Applicable March 2018 draft text NPPF Sections for reference	Applicable February 2019 text NPPF Sections for reference	Explanation of how the policy has regard to the National Policy and Guidance
				Paragraph 60 of the NPPF explains that '<i>Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform</i> <i>to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'</i>
Policy P1 Parking				
Policy P1 Parking	Promoting sustainable transport (paragraphs 29-41)	Promoting sustainable transport (paragraphs 103-111)	Promoting sustainable transport (paragraphs 103-111)	In accordance with paragraphs 29 and 39 of the NPPF taking into account the rural location of the Parish, local car ownership levels and current on street congestion.
Historic Environment Policy				
Policy HE1 Designated and Non-designated Heritage Assets	Requiring good design (paragraphs 56-68) Conserving and enhancing the historic environment (paragraphs 126-141)	Achieving well-designed places (paragraphs 124-131) Conserving and enhancing the historic environment (paragraphs 182-198)	Achieving well-designed places (paragraphs 124-132) Conserving and enhancing the historic environment (paragraphs 184-202)	The policy acknowledges the value of both designated and non-designated assets in the parish in line with Section 12 of the NPPF. The policy refers directly to adopted Porthleven Conservation Area Appraisal & Management Strategy (March 2010) in accordance with paragraph 129 of the NPPF which explains that '<i>Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'</i>

PNDP Policy	Applicable March 2012 NPPF Sections	Applicable March 2018 draft text NPPF Sections for reference	Applicable February 2019 text NPPF Sections for reference	Explanation of how the policy has regard to the National Policy and Guidance
				The policy also reflects the direction in paragraph 126 of the NPPF to not only take account of 'the desirability of sustaining and enhancing the significance of heritage assets' but to take account of 'the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring' and 'the desirability of new development making a positive contribution to local character and distinctiveness. '
Natural Environment Policies				
Policy NE1 Local Landscape Character Assessment - Safeguarding and Enhancing Valued Landscapes	Conserving and enhancing the natural environment (paragraphs 109-125)	Conserving and enhancing the natural environment (paragraphs 168-181)	Conserving and enhancing the natural environment (paragraphs 170-183)	The whole of the Parish is considered to be a valued landscape as referred to under paragraph 109 of the NPPF, part of which is AONB as safeguarded through paragraphs 115 and 116. The policy direct development to demonstrate accordance with the landscape evidence base covering the Parish which includes the County produce Landscape Character Assessments (LCA) and the Parish produced Local Landscape Character Assessments (LLCA).
Policy NE2 Development within, or in the setting of the South Coast Western Section of the Cornwall AONB	Conserving and enhancing the natural environment (paragraphs 109-125)	Conserving and enhancing the natural environment (paragraphs 168-181)	Conserving and enhancing the natural environment (paragraphs 170-183)	Part of the Parish is within the AONB designation as safeguarded through paragraphs 115 and 116 of the NPPF. The policies objectives accord with the principles of these paragraphs by seeking development to demonstrate how it responds to local character and also within, or in the setting of the AONB shows accordance with the AONB Management Plan.

PNDP Policy	Applicable March 2012 NPPF Sections	Applicable March 2018 draft text NPPF Sections for reference	Applicable February 2019 text NPPF Sections for reference	Explanation of how the policy has regard to the National Policy and Guidance
Policy NE3 Open Spaces – Provision and Protection	Promoting healthy communities (paragraphs 69-78) Conserving and enhancing the natural environment (paragraphs 109-125)	Conserving and enhancing the natural environment (paragraphs 168-181)	Conserving and enhancing the natural environment (paragraphs 170-183)	A number of open and recreational areas have been identified as Local Green Space designations as supported through paragraph 76 of the NPPF and in accordance with the criteria outlined under paragraph 77 of the NPPF
Economic Policies				
Policy EC1: Supporting a Prosperous Rural Economy in the Parish	Building a strong, competitive economy (paragraphs 18-22) Supporting a prosperous rural economy (paragraphs 28) Promoting sustainable transport (paragraphs 29-41)	Building a strong, competitive economy (paragraphs 82-85) Promoting sustainable transport (paragraphs 103-111)	Building a strong, competitive economy (paragraphs 80-82) Promoting sustainable transport (paragraphs 103-111)	Acknowledging the rural location of the Parish the policy seeks to support economic development in sustainable locations in accordance with paragraph 28 of the NPPF.
Policy EC2: Development within the Harbour	Supporting a prosperous rural economy (paragraphs 28)	Building a strong, competitive economy (paragraphs 82-85)	Building a strong, competitive economy (paragraphs 80-82)	Policy seeks to safeguard the marine related and commercial/ retail uses that surround and are reliant on the harbour for functional and commercial reasons. Paragraph 28 of the NPPF seeks to promote ' <i>promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.</i> '

PNDP Policy	Applicable March 2012 NPPF Sections	Applicable March 2018 draft text NPPF Sections for reference	Applicable February 2019 text NPPF Sections for reference	Explanation of how the policy has regard to the National Policy and Guidance
Infrastructure and Facilities Policies				
Policy A1 Penrose Footpath Link	Promoting healthy communities (paragraphs 69-78)	Promoting healthy and safe communities (paragraphs 92-102)	Promoting healthy and safe communities (paragraphs 91-95)	Policy seeks to deliver a safe and accessible route to the Penrose Estate as supported through paragraph 69 and 75 of the NPPF. The latter of which states <i>'Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'</i>
Policy PR Infrastructure	Paragraph 17 – Core Planning Principle	Decision – making (paragraphs 39-59)	Section 4 Decision-making and in particular - (paragraphs 38-46)	Paragraph 17 of the NPPF under the economic role of sustainable development requires the delivery of <i>'infrastructure and thriving local places that the country needs.'</i> The policy provides a local list of projects that are direct to delivering the social and economic needs for the Parish and are linked to the 25% CIL contribution.
Policy C1 Retention of Community Facilities	Promoting healthy communities (paragraphs 69-78)	Promoting healthy and safe communities (paragraphs 92-102)	Promoting healthy and safe communities (paragraphs 91-95)	The policy safeguards the valued community facilities that facilitate the social interaction that creates the healthy, inclusive communities as referred to under paragraph 69 of the NPPF. Safeguarding such facilities accords with paragraph 70 of the NPPF

NB. A number of the sections in the NPPF are not applicable to the PNDP area or do not have a directly relevant policy within the document as the relevant planning policy considerations are already considered to be adequately managed through policies in the NPPF and/or the adopted Cornwall Local Plan.

b. The making of the order (or Neighbourhood Plan) contributes to the achievement of sustainable development.

From its starting point, the PNDP has been prepared with a clear understanding of the requirement for achieving sustainable development as outlined in paragraphs 6- 17 of the NPPF.

Table 2 on the preceding pages demonstrates how the PNDP has had regard to the policies in the NPPF which deliver sustainable development. In addition, Table 3 on the subsequent pages outlines how the PNDP demonstrates conformity with the Cornwall Local Plan.

The PNDP as a result clearly contributes to achieving sustainable development by seeking to protect and enhance what is valuable to the community whilst allowing for development that contributes to supporting a strong, vibrant and healthy Parish and building a strong, responsive and competitive rural economy.

Thereby the PNDP policies seek to achieve sustainable development by seeking jointly and simultaneously the three mutually dependent roles of sustainable development - economic, social and environmental – and the interplay between them.

c. The making of the order (or Neighbourhood 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).

The single development plan for the area is the Cornwall Local Plan (CLP). The CLP was adopted by Cornwall Council on the 22 November 2016.

The CLP contains the following strategic policies:

Policy 1 Presumption in favour of sustainable development

Policy 2 Spatial strategy

Policy 2a Key targets

Policy 3 Role and function of places

Policy 4 Shopping, services and community facilities

Policy 5 Jobs and skills

Policy 6 Housing mix

Policy 7 Housing in the countryside Policy 8 Affordable housing

Policy 9 Rural Exception Schemes

Policy 10 Managing viability

Policy 11 Gypsies, Travellers and Travelling Show people

Policy 12 Design

Policy 13 Development standards

Policy 14 Renewable and low carbon energy

Policy 15 Safeguarding renewable energy

policy 16 Health and wellbeing

Policy 17 Minerals – general principles

Policy 18 Minerals safeguarding

Policy 19 Strategic waste management principles

Policy 20 Managing the provision of waste management facilities

Policy 21 Best use of land and existing buildings

Policy 22 European protected sites

Policy 23 Natural environment

Policy 24 Historic environment

Policy 25 Green infrastructure

Policy 26 Flood risk management and coastal change

Policy 27 Transport and accessibility

Policy 28 Infrastructure

Table 3 overleaf provides a summary of how each of the PNDP policies align with the applicable policies in the CLP to demonstrate the '*general conformity*' of the PNDP with the strategic policies for the area, being those in the CLP.

Table 3 Demonstrating Conformity with the Strategic Policies in the Development Plan for the Area

PNDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
Housing Policies		
Policy HO1: Housing Location Housing	Policy 2 Spatial strategy Policy 2a Key targets Policy 3 Role and function of places Policy 7 Housing in the countryside Policy 8 Affordable housing Policy 9 Rural Exception Schemes	The first component of this policy seeks to provide an indicative target for the Parish Community Network Area (CNA) as outlined in policy 2A and 3 of the CLP. Policy 2A of the CLP seeks to <i>'provide homes in a proportionate manner where they can best meet need'</i> and identifies a housing apportionment target for the Helston and South Kerrier CNA residual in which the Parish is located of 1100 homes. Updates to Table 1 to Policy 3 of the CLP provided by Cornwall Council explains that for the Helston and South Kerrier CNA residual of the 1100 home apportionment, 642 homes have been completed between 2010-2017 and a further 388 have planning permission. Cornwall Council have advised that the remaining housing requirement for a CNA should be pro rata distribution based upon households amongst the CNA parishes by taking the 2010 apportionment of 1100, however any Parishes that have a principal settlement wholly within the AONB are excluded from the proportionate distribution. Based upon this approach the Council have advised that Porthleven Parish contains 27% of the households of the CNA and minus 121 completions or commitments within the Parish boundary have agreed that based upon this approach the apportionment the Parish from 2018-2030 will be a further target of 19 dwellings. However, it is stressed by the Council that this is a minimum target. The Housing needs evidence in the Homechoice register as of May 2018 highlights 135 individuals in housing need with connections to the Parish. Furthermore, the close-knit nature of the parish, and constraints within the historic core render the opportunity to deliver housing within the settlement to be limited. Following public consultation, the view was to plan for a more strategic scale growth to address the needs of the parish in line with Objective 4 of the CLP which in order 'To enable self-sufficient and resilient communities' seeks to 'Meet housing need by providing for new homes over the plan period that provide everyone in the community with the opportunity of living in an appropriate home, supported by local community facilities.

PNDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
		The level of growth in the policy, provides for up to 85 dwellings, and is consistent with the ratio of housing delivered in the parish since 2010. This figure is considered to accord with aims of paragraph 1.64 of the CLP which highlights that outside of the main urban areas 'development would be expected to focus upon meeting local need and supporting the sustainability of smaller communities through windfall development, including infill sites and exceptions sites. Development should be of a scale and nature appropriate to the character, role and needs of the local community.' This approach complies with Policy 2A which seeks to 'provide homes in a proportionate manner where they can best meet need.' The second component of the policy relates to where new housing development will be supported and in what manner. The supporting text to Policy 3 of the CLP states that the 'majority of parishes that do not have a town or village named in Policy 3 can meet the remaining housing requirement through the following: • <i>Existing sites with planning permission;</i> • <i>Infill;</i> • <i>Small scale rounding off;</i> • <i>The development of previously developed land within or adjoining settlements;</i> • <i>Rural exception sites.</i> No settlement within the Parish is named in policy 3. Policy 3 itself states that: 'Outside of the main towns identified in this Policy, housing and employment growth will be delivered for the remainder of the Community Network Area housing requirement through; • <i>identification of sites where required through Neighbourhood Plans</i> • <i>rounding off of settlements and use of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;</i> • <i>infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside. Proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished;</i> • <i>rural exception sites under Policy 9'</i>

PNDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
Policy HO2: Housing Sizes and Mix	Policy 2 Spatial strategy Policy 2a Key targets Policy 3 Role and function of places Policy 7 Housing in the countryside Policy 8 Affordable housing Policy 9 Rural Exception Schemes	Policy seeks all housing development that comes forward whether full market or affordable housing to provide the size and type of accommodation needed in the Parish –i.e. size based upon number of bedrooms and type based upon end user needs – for example bungalows for the elderly or infirm. The policy conforms with the following policies contained within the CLP Policy 6 refers to ‘new housing developments of 10 dwellings or more should include an appropriate mix of house sizes, type, price and tenure to address identified needs and market demand and to support mixed communities’
Policy HO3: Development Site	Policy 2 Spatial strategy Policy 2a Key targets Policy 3 Role and function of places Policy 7 Housing in the countryside Policy 8 Affordable housing Policy 9 Rural Exception Schemes	Further to Policy H01 of the NDP, this policy again relates to the requirements of Policy 3 of the CLP which states that:- <i>‘Outside of the main towns identified in this Policy, housing and employment growth will be delivered for the remainder of the Community Network Area housing requirement through;</i> <i>• identification of sites where required through Neighbourhood Plans</i> <i>• rounding off of settlements and use of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;</i> <i>• infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside. Proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this will not be diminished</i> <i>• rural exception sites under Policy 9.</i>

PNDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
Policy HO4: Replacement Dwellings	Policy 13 Design	Policy 13.1. a. of the CLP requires development to create ' <i>places with their own identity and promoting local distinctiveness while not preventing or encouraging appropriate innovation. Being of an appropriate scale, density, layout, height and mass with a clear understanding and response to its landscape, seascape and townscape setting</i> '.
Built Environment Policies		
Policy BE1 Design and Character	Policy 13: Design	Policy 13.1. a. requires development to create '<i>places with their own identity and promoting local distinctiveness while not preventing or encouraging appropriate innovation. Being of an appropriate scale, density, layout, height and mass with a clear understanding and response to its landscape, seascape and townscape setting</i>' The NDP policy seeks to encourage appropriate design for the parish in accordance with the above and draws upon existing evidence base documents which identify local distinctiveness for the parish.
Policy P1 Parking	Policy 13: Design Policy 14: Development Standards	Paragraph 2.52 in support of policy 14: Development Standards of the CLP explains that:- <i>'parking standards are set out in the Council's guidance on Travel Plans'</i> This can be found at https://www.cornwall.gov.uk/media/3627939/Travel-plan-guidance-proof9-2-.pdf Cornwall Council parking guidelines (Maximum Standards) outline the following in relation to housing:- 2 spaces/unit elsewhere 1 ½ spaces/unit not to be exceeded overall larger developments Policy 14. 3. Requires all new development to provide 'an appropriate level of off-street parking and cycle parking taking into account the accessibility of the location in terms of public transport and proximity to facilities and services. Policy 13.1.d. Design seeks to create 'a network of safe well-connected routes which are easy to read and navigate by the use of landmarks, spaces, views and intersection'.

PNPD Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
		The policy in the NPD establishes minimum requirement which do not exceed the maximum standards outlined in Cornwall Councils guidance and relates to the rural location of the Parish so as to prevent further on road congestion to ensure our highways are safe and easy to navigate.
Historic Environment Policy		
Policy HE1 Designated and Non-designated Heritage Assets	Policy 13: Design	Policy 24 Historic Environment supports development proposals that <i>‘sustain the cultural distinctiveness and significance of Cornwall’s historic rural, urban and coastal environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated assets and their settings.’</i> The principles of the NDP policy which require development proposals to respect intrinsic architectural and historical value, design and distinct physical features; and its setting and contribution to the local scene of undesignated heritage assets is in accordance with the policy approach outlined above. The policy seeks development to refer to the Porthleven Conservation Area Appraisal & Management Strategy (March 2010) where applicable, representing an existing evidence base document that details the approach and methodology to development within and in the setting of the conservation area.

PNDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
Natural Environment Policies		
Policy NE1 Local Landscape Character Assessment - Safeguarding and Enhancing Valued Landscapes	Policy 23 Natural environment	Policy 23. 1. Natural Environment outlines that ‘development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall’s natural environment and assets according to their international, national and local significance’. The NDP is supported by a Local Landscape Character Assessment which has described the characteristics and special qualities of the parish alongside assessing the capacity for change in landscape terms on the edge of the settlement. The NDP policy requires development to be informed by this evidence base and seeks to respond to local landscape character and reflect the identity of the local surroundings
Policy NE2 Development within, or in the setting of the South Coast Western Section of the Cornwall AONB	Policy 23 Natural Environment	Policy 23. 2 (a) requires that ‘great weight will be given to conserving the landscape and scenic beauty within or affecting the setting of the AONB’. This policy additionally requires that ‘proposals should be informed by and assist the delivery of the objectives of the Cornwall AONB Management Plan’. The NDP policy seeks to respond to local landscape character and reflect the identity of the local surroundings and outlines that development within the setting of the AONB should accord with the Cornwall AONB Management Plan.
Policy NE3 Open Spaces – Provision and Protection	Policy 25 Green infrastructure	Policy 25. 5 Green Infrastructure seeks to provide ‘accessible and good quality open space and where applicable improved access to coastal space’. Policy 25. 7. Outlines that ‘in exceptional circumstances where retention of the most important green infrastructure assets and connections is outweighed by the benefits arising from the development proposals and they cannot be retained on site, the loss resulting from the proposed development should be replaced by equivalent or better provision in terms of quantity and quality and ecological or open space value that enhances the provision of ecosystem services in a suitable location’. The Local Green space designations contained in this policy responds directly to paragraph 76 – 78 of the NPPF by safeguarding recreational areas and green spaces that meet the criteria contained in paragraph 77 of the NPPF. Thus, seeking to protect the most important green infrastructure assets to the local community in accordance with the Local Plan policy 25

PNDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
Economic Policies		
Policy EC1: Supporting a Prosperous Rural Economy in the Parish	Policy 2 Spatial strategy Policy 3 Role and function of places Policy 5 Jobs and skills	Policy 2 Spatial Strategy of the CLP outlines employment figures to be provided for in the CNA but does not sub divide this between the main towns and the residual CNA – therefore there is one overall target. The policy 2. 3. B. seeks to provide <i>‘homes and jobs in a proportionate manner’</i>. Policy 5: Business and Tourism of the Local Plan calls for employment sites to be located:- – <i>‘well integrated to our city, towns and villages’</i> (policy 5. 1. A.) and <i>‘in the countryside and smaller rural settlements be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location such as farm diversification’</i> (policy 5. 1. C.). The policy wording seeks to encourage appropriate employment development that responds to local circumstances and is located within or close to the settlement to ensure the use is not isolated.
Policy EC2: Development within the Harbour	Policy 2 Spatial strategy Policy 3 Role and function of places Policy 4: Shopping, services and community facilities Policy 5 Jobs and skills	The shops and facilities located around the harbour provide for an essential connection to the marine environment for marine related uses, alongside provide a commercial focus for the settlement. The loss of these irreplaceable uses and commercial facilities to other uses will not be supported. Objective 1 of the CLP seeks to ‘Remove unnecessary barriers to jobs, business and investment through a positive policy framework with a focus on sustaining a range of local businesses including growth sectors promoted by Cornwall Council and the Local Enterprise Partnership (LEP) to support both new business and the traditional industries of fishing, farming and minerals. Paragraph 1.23 of the CLP explains that ‘The other traditional cornerstones of our economy, farming and fishing, have continued to modernise, and we intend to support this into the future.’ Policy 2 represents the Spatial Strategy for the CLP and Policy 2. 3. c. particularly welcomed business development for ‘Supporting the expansion of existing businesses and the indigenous businesses of agriculture, fishing and mining.’

PNDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
		Paragraph 2.4 outlines that the 'emphasis' of the Business and Tourism policies in the CLP is on supporting 'indigenous business including agriculture, fishing and mining.' Policy 4. 4. Outlines that 'community facilities and village shops should, wherever possible, be retained and new ones supported. Loss of provision will only be acceptable where the proposal shows: - No need for the facility or service; - It is not viable; or - Adequate facilities or services exist or the service can be re-provided in locations that are similarly accessible by walking, cycling or public transport'.
Infrastructure and Facilities Policies		
Policy A1 Penrose Footpath Link	Policy 16: Health and wellbeing Policy 25 Green infrastructure	The policy seeks to encourage a new footpath link to the Penrose Estate in accordance with the following policies from the CLP. Policy 16.3 seeks to 'Maximise the opportunity for physical activity through the use of open space, indoor and outdoor sports and leisure facilities and providing or enhancing active travel networks that support and encourage walking, riding and cycling.' Policy 25 of the Local Plan seeks the 'Retaining and enhancing the most important environmental infrastructure assets and connections that contribute to the functionality of networks of ecosystems and our Strategic Environmental Infrastructure Network in their existing location.
Policy PR Infrastructure	Policy 28: Infrastructure	The NDP policy seeks to reinforce policy 28 of the CLP regarding infrastructure provision. Policy 28 requires that '<i>Development will be permitted where it would:</i> <i>Be supported by appropriate infrastructure provided in a timely manner; and</i> <i>Provide on-site mitigation measures or make financial contributions for site specific infrastructure provision not in the Regulation 123 list, including maintenance and management contributions to be negotiated on a site-by-site basis'.</i> The policy provides a link to the local list of projects for which the 25% CIL monies will be directed, in line policy 28 of the CLP

PNDP Policy	Applicable Local Plan Strategic Policy	Explanation of how the policy is in general conformity with the development plan
Policy C1 Retention of Community Facilities	Policy 4: Shopping, services and community facilities	Policy 4. 4. Outlines that ‘community facilities and village shops should, wherever possible, be retained and new ones supported. Loss of provision will only be acceptable where the proposal shows: d. No need for the facility or service; e. It is not viable; or f. Adequate facilities or services exist or the service can be re-provided in locations that are similarly accessible by walking, cycling or public transport’. The policy in the NDP seeks to provide the local dimension to this policy.

NB. A number of the policies in the CLP are not applicable to the PNDP area or do not have a directly relevant policy within the document as the relevant planning policy considerations are already considered to be adequately managed through policies in the NPPF and/ or the CLP

d. The making of the order (or Neighbourhood Plan) does not breach, and is otherwise compatible with, EU obligations.

In this regard the National Planning Practice Guidance explains that there are four directives that may be of particular relevance to neighbourhood planning:

- *Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).*
- *Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).*
- *Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively).*

In the case of *Directive 2001/42/EC* the PNDP a screening opinion was obtained from Cornwall Council in terms of the need for Strategic Environmental Assessment (SEA) whereby it was concluded that a SEA was not required. See decision letter at Appendix C).

With regard to *Directive 2011/92/EU* the PNDP does not in itself propose any projects that are likely to have significant environmental effects. Compliance with this directive is more relevant to Neighbourhood Development Orders.

Turning to *Directive 92/43/EEC* and *Directive 2009/147/EC* these seek to protect and improve Europe's most important habitats and species. As part of the screening request for the SEA a Habitat Regulation Assessment Screening request was also submitted and it was concluded that not HRA was required. Thereby it has been concluded that the PNDP is compatible with the above Directives.

- e. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the Order (or Neighbourhood Plan).**

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

- the making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of Neighbourhood Development Plans.)

Through the Submission of the Screening request for the SEA and the HRA it has been established that the PNDP is not likely to have a significant effect on a European site or a European offshore marine site.

List of Appendices

Appendix A: Cornwall Council Designation Letter

Appendix B: Designation letter and map which identifies the area to which the proposed Neighbourhood Development Plan relates

Appendix C: Decision letter from Cornwall Council in response to the screening request to determine if the Plan requires a SEA or an HRA.

Appendix D: SEA & HRA Screening opinion decision Porthleven Updated July 2020

Appendix E: SEA & HRA Screening Report Updated July 2020