

# Blisland Neighbourhood Development Plan 2021-2035

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## **Submission Version**

A Report to Cornwall Council on the Examination of the Blisland  
Neighbourhood Plan

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## Executive Summary

My examination has concluded that the Blisland Neighbourhood Area Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Clarifying that support for housing development which met the policy's criteria, nevertheless must also have regard to other policies in the development plan.
- Amending the need to retain all trees, to those trees which contribute to the areas amenity and also allowing the limited removal of Cornish walls and hedges to facilitate acceptable development in the parish.
- Adding to the policies covering the Blisland Conservation Area, elements from Policy H15 which deals with energy saving and carbon reduction measures in the conservation area.
- Deleting the policy to remove permitted development rights within the conservation area.
- Only requiring applicants to have to assess whether their proposal affects the landscape character of the parish, where it is appropriate to have to do so.
- Linking the natural environment policies with the net biodiversity gain policy set out in the Climate Emergency DPD.
- Deleting the renewable energy policy as it has been superseded by the Climate Emergency DPD.

The referendum area does not need to be extended beyond the Plan area.

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities an opportunity to create the policies that will shape the places where they live and work. A neighbourhood plan provides the community with the ability to allocate land for particular purposes and to prepare the policies that will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the policies of the Cornwall Local Plan: Strategic Policies DPD, adopted in November 2016, the Site Allocations DPD adopted in November 2019 and the Climate Emergency DPD, adopted recently in February 2023. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Blisland Parish Council. A Steering Group was appointed to undertake the Plan's preparations made up of Parish Council representatives and volunteers from the local community.
3. This report is the outcome of my examination of the Submission Version of the Blisland Neighbourhood Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Cornwall Council.

## The Examiner's Role

4. I was appointed by Cornwall Council in March 2023, with the agreement of Blisland Parish Council, to conduct this examination.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 44 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Cornwall Council and Blisland Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:

- That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the Plan should proceed to referendum, if modified.
  - That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Blisland Neighbourhood Plan area.
  8. In examining the Plan, the Independent Examiner is expected to address the following questions
    - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
    - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
    - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and been developed and submitted by a qualifying body?
  9. I am able to confirm that the Plan, if modified by my recommendations, only relates to the development and use of land, covering the area designated by Cornwall Council, for the Blisland Neighbourhood Development Plan, on 27<sup>th</sup> January 2015.
  10. I can also confirm that it does specify the period over which the Plan has effect, namely the period from 2021 up to 2035.
  11. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
  12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
  13. I am satisfied that Blisland Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

## **The Examination Process**

14. The presumption is that the neighbourhood plan examination will proceed by way of the consideration of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put forward a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I am satisfied that I can properly examine the Plan without the need for a hearing.

17. I carried out an unaccompanied visit to Blisland on 28<sup>th</sup> March 2023. I spent the first part of my visit in Blisland and despite the wet weather, I was able to walk through the centre of the village, including having lunch in the community shop and I visited the Parish Church of St Protus and St Hyacinth and learnt of its association with Sir John Betjeman. Crossing the village green, I was able to see the location of the housing allocation site. I then drove out of the village via Waterloo and saw the local primary school, before driving down to Tresarrett and Merry Meeting. I also visited Pendrift, Carwen and crossing the moorland to Bradford. I then crossed Manor Common to the hamlet of Temple, before re-joining the A30.
18. Following my site visit, I prepared a document seeking clarification on a number of matters, which I sent to both the Parish Council and Cornwall Council, entitled “Initial Comments of the Independent Examiner”, dated 29<sup>th</sup> March 2023. I received a response from Cornwall Council on 3<sup>rd</sup> April 2023 and from Blisland Parish Council on 21<sup>st</sup> April 2023.

## **The Consultation Process**

19. Once the neighbourhood area had been formally designated, a Steering Group was formed. One of its initial tasks was to consult local landowners to ascertain what land was available for development. That then led to the setting up of a public consultation meeting and exhibition held in the village hall on the 13<sup>th</sup> June 2015.
20. Following this consultation a questionnaire was prepared and circulated which generated 68 responses seeking resident’s views on possible housing sites and also covering other related issues.
21. It then appears that work on the neighbourhood plan paused until the new Steering Group was established in April 2019. The new Steering Group issued a new survey questionnaire in July 2019, which was had a 63% response rate. It also held individual consultation sessions with the National Farmers Union, the Commoners Association, senior residents, the Parochial Church Council and the Community Shop.
22. The intervention of the COVID-19 pandemic, limited further public events but momentum on the neighbourhood plan was maintained through newsletters and articles in the parish magazine.
23. The first Post pandemic public event was a meeting held in the village hall on the 10<sup>th</sup> July 2021.
24. All this work informed the preparation of the Pre-Submission version of the Neighbourhood Plan which was the subject of a six - week consultation, known as the Regulation 14 consultation, which ran from 25<sup>th</sup> July to 4<sup>th</sup> September 2022. The 17 responses from residents and the statutory organisations are summarised in separate documents which are available on the Steering Group’s website. In addition there was a petition signed by 35 residents objecting to the development boundary proposals. The changes to the plan resulting from the representations are reflected in the response documents referred to above.

25. I am satisfied that the Parish Council has actively sought the views of local residents and other stakeholders and their input has helped shape the Plan.

## **Regulation 16 Consultation**

26. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a six- week period, between 10<sup>th</sup> February 2023 and 23<sup>rd</sup> March 2023. This consultation was organised by Cornwall Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.
27. In total, 12 responses were received from Altarnun Parish Council, Warleggan Parish Meeting, National Highways, Historic England, Devon and Cornwall Police Designing Out Crime Officer, and the following officers or teams within Cornwall Council; Public Health, Principal Public Spaces Officer, Forestry Officer, Environmental Resilience and Adaptation Team, Lead Local Flood Authority, Affordable Housing Team (a late representation but still considered) and the Neighbourhood Plan Team.
28. I have carefully read all the correspondence and I will refer to the representations where relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

## **The Basic Conditions**

29. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.
30. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
  - Will the making of the Plan contribute to the achievement of sustainable development?
  - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
  - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
  - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

## Compliance with the Development Plan

31. The development plan currently comprises the Cornwall Local Plan: Strategic Policies DPD, the Site Allocation DPD and the Climate Emergency DPD which was recently adopted in February 2023. Also part of the development plan is the Mineral Safeguarding DPD and the sole saved Policy C3 of the Cornwall Minerals Local Plan.
32. Policy 2 establishes the plan's overall spatial strategy and Policy 3 identifies an overall housing requirement for Cornwall and establishes a figure of 100 new homes for the rural parts of the Bodmin Community Network Area, which the plan forms part of. The position is that as of March 2021 that total had been passed and there is no requirement for the neighbourhood plan to have to allocate additional sites to meet that target. Policy 3 does support housing and employment development within or immediately adjoining settlements through infill, rounding off and the development of previously developed land as well as rural exception sites plus any sites that are allocated in neighbourhood plans.
33. Policy 5 deals with business and tourism development and allows employment uses in the countryside and small rural settlements, if it is of a scale appropriate to its location or can demonstrate an overriding locational and business need to be in that location, such as farm diversification. Policy 7 presumes against housing in the countryside unless the proposal is a replacement dwelling, subdivisions, the reuse of redundant buildings, temporary workers' accommodation and agricultural and other rural workers housing. Rural exception sites are allowed as per Policy 9. Policy 12 is the overarching design policy.
34. Policy 23 addresses the impact of development on the natural environment and Policy 24 equally applies to development which affects the historic environment and Policy 25 protects and enhances the green infrastructure of Cornwall.
35. The Site Allocation DPD not only deals with site allocations but includes a number of other policies. Policy 1, for example, covers windfall development, setting requirements when considering infill development and rounding off. This DPD does not make any allocations within Blisland parish.
36. The most recently adopted development plan document is the Cornwall Climate Emergency DPD. Cornwall Council made the decision to adopt the plan on 21<sup>st</sup> February 2023.
37. In terms of its contents, Policy TC 5 deals with Rural Service Development. Policies G1 - G4 deal with green infrastructure, net biodiversity gain and other matters related to the natural environment. Policy RE1 deals with renewable and low carbon energy and Policy SEC1 covers sustainable energy and construction.
38. My overall conclusion is that the Neighbourhood Plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies, which together comprise the Cornwall Development Plan.



## Compliance with European and Human Rights Legislation

39. Cornwall Council issued a Screening Opinion, in a report dated April 2022, which concluded, after consulting the 3 statutory bodies, that a full strategic environmental assessment, as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required.
40. The Council, as competent authority, in the same screening report, screened the Plan under the Conservation of Habitat and Species Regulations. This concluded that a full Habitat Assessment would not be required as the plan would not be expected to have any significant effect upon European protected sites, the nearest of which are the River Camel SAC, and Crowdy Marsh SACs beyond the potential for risks to the River Camel SAC due to eutrophication, caused by excessive phosphates. The assessment concluded that the approach of the council which was to use a phosphate calculator, which had been agreed with Natural England should mean that no additional harm would be caused to the SAC arising from the policies in the neighbourhood plan. Accordingly, an HRA would not be required.
41. I am satisfied that the basic conditions regarding compliance with European legislation, including the more recent basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the Plan has no conflict with the Human Rights Act.

## The Neighbourhood Plan: An Overview

42. The submission of the neighbourhood plan marks the culmination of a great deal of hard work by the Steering Group. It is clear that the plan is a bespoke neighbourhood plan, which is distinctive to the parish, addressing issues which are clearly important to the community.
43. I appreciate that work on the plan started back in 2015 and after initial consultations, there was a hiatus until the current Steering Group took up the mantle of the plan's preparation. Their work must have been made that much more difficult when the pandemic arrived. I must congratulate all on having the stamina to see this plan through to this important milestone.
44. The Steering Group has chosen to use the end date of 2035 rather than 2030 to coincide with the end of the Local Plan's time period. When pressed on the decision, the Parish Council convinced me that it has realised that having a different end date will necessitate the plan having to be the subject of more regular reviews, both to ensure its ongoing effectiveness but also to ensure that neighbourhood plan policy remains in general conformity with any future changes to the strategic planning framework, based on both national planning changes and more importantly local plan policy and housing requirements, otherwise the relevance of the neighbourhood plan, as a decision making tool will be dramatically reduced. I do not feel the need to make any recommendations as to the plan period.

45. I also wish to commend the neighbourhood plan for taking up the opportunity to actually identify the site where new housing is to be supported. Faced with an option of not having to allocate a site due to local plan targets being met for the Rest of Bodmin CNA, many groups would have ducked that difficult decision. It shows a confidence in the neighbourhood plan process, that allowed the Parish Council to decide to adopt a new settlement boundary, so as to allow new additional housing close to the heart of the village.
46. One of the basic condition tests is whether the neighbourhood plan will deliver “sustainable development”. On this point, I am satisfied that the plan, when read as a whole, will deliver that sustainable development. The policies seek to protect the key elements of the character of the parish and in particular the stunning Conservation Area at the heart of the Blisland village as well as the moorland to the east and the river valleys to the west. At the same time it has presented an objective assessment of the merits of alternative sites which were put to the village and that resulted in a site being selected for new housing development. The policies are backed up by strong evidence and a compendium of supporting assessments and appraisals will put the community in a strong position to protect the environment, as it is being shown to have been positively planning for new development, obviously in the area of housing, but also in other areas such as economic development, encouraging the diversification of the rural economy.
47. I have had to make a small number of predominantly minor policy amendments which allow me to conclude the plan meets the basic conditions. These changes will require some changes to the supporting text so that the neighbourhood plan reads as a coherent document. I am afraid making these changes goes beyond my remit as an examiner, where I am only required to deal with the matters set out in legislation which are predominantly basic conditions issues.
48. I will be therefore leaving it to the Parish Council / Steering Group to work alongside Cornwall Council planners to address these consequential changes when preparing the Referendum Version of the plan, which will have to be prepared alongside Cornwall Council's Decision Statement.

## **The Neighbourhood Development Plan Policies**

### **Policy 1: New Housing Development**

49. My only concern is that the policy, if read in isolation, could be interpreted as supporting residential development in locations which may conflict with other policies relating to the location of new residential development, as it is stating that proposals for new housing will be supported, so long as it meets the five criteria set out in the policy. Whilst planning documents should be read as a whole, nevertheless, I feel that this possible ambiguity could be removed by referencing development being in locations which are deemed acceptable having regard to policies in the development plan, particularly Policy 3 of this neighbourhood plan and Policies 3, 7 and 9 of the Cornwall Local Plan – Strategic Policies.

50. The policy is split between requirements set out in i) – v) and it offers encouragement to other facilities. One of those is the inclusion of charging points for electric vehicles. However, this requirement is now incorporated within Part S of the Building Regulations. I will therefore be recommending that this element of the policy be removed.

#### **Recommendations**

***After “new housing” insert “in locations which are in compliance with other development plan policy,”***

***Remove the second bullet point***

### **Policy 2: Housing Impact**

51. I find this to be a locally distinct policy and from my site visit I recognise its relevance, particularly the importance of the Cornish walls and hedges within the parish.
52. I will recommend the acceptance of the suggested modification from Cornwall Council, that the loss of the Cornish walls can be countenanced where there is a need to facilitate otherwise acceptable development, otherwise the policy could prevent the delivery of sustainable development.
53. I do not see that there is necessarily a conflict with Policy G3 of the Climate Emergency DPD, as suggested by Cornwall Council in its Regulation 16 comments, as that is a wider policy covering the expectation for development to achieve a 15% site canopy through both new planting and tree retention.
54. I do however consider that it would be unreasonable to expect the retention of all trees irrespective of their condition or quality on a development site. I propose to amend that part of the policy to refer to, “especially those trees that contribute to the amenity of the immediate area”.

#### **Recommendations**

***In (iv) after “trees” insert “, especially those trees that contribute to the amenity of the immediate area”***

***Insert at the end of the final paragraph “except where the removal is necessary to facilitate development that is supported by policies in this plan.”***

### **Policy 3: Development Boundary**

55. One of the principal benefits of neighbourhood plans is that they allow the community to allocate land in the plan area. In this regard, I note that Map B shows a new expanded development boundary around the village, that would allow for the proposed housing development, which the plan promotes.
56. I have paid particular regard to the Housing Policy Rationale Paper produced by the Neighbourhood Plan Steering Group, which I consider objectively justifies the reasons why the community chose that particular site, against the alternatives which were being considered. From my site visit, I have no grounds for taking a different view.
57. My only recommendation relates to how the boundary is shown on Map 2. The black line reflected the development boundary as it previously existed under

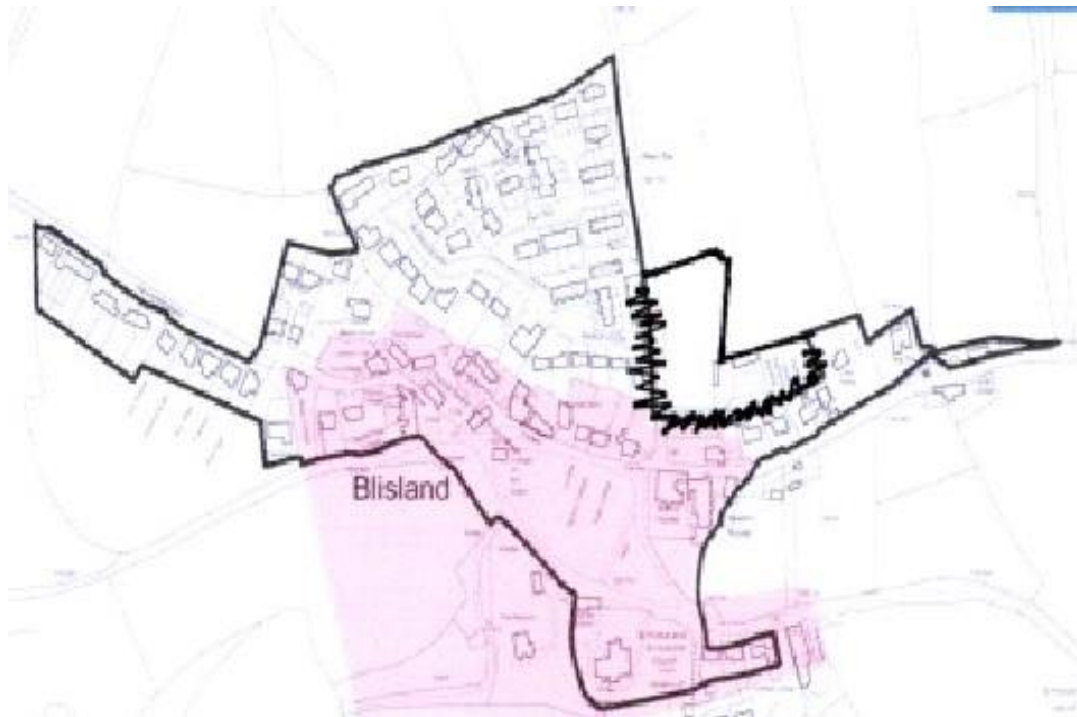
the North Cornwall Local Plan, with the addition of the proposed housing site shown in red. I consider that it will be much clearer if the new settlement boundary were shown all in black thereby incorporating that site in the following manner.

#### **Recommendation**

***Replace Map B with the map above***

#### **Policy 4: Housing Design**

58. I commend the work undertaken to create the Blisland Design Guide- as a document, I find it fit for purpose.
59. In terms of the specific policy requirements, I believe that there is some duplication between the fourth bullet point relating to retention of trees and hedges, and the previous requirement which was also sought under Policy 2 (iv). I will propose that it be deleted.
60. I identified in my Initial Comments document, that the fifth bullet point refers to views which are defined in Policy 9. Policy 9 does not identify any views. The Parish Council has proposed alternative wording, which I will incorporate in my



recommendations.

61. Finally as a formatting issue, I consider that the final sentence regarding storage facilities should have its own bullet point.
62. Beyond these matters, I consider that this is a strong, locally distinctive design policy, which is supported by appropriate and proportional evidence.

#### **Recommendations**

***Delete the fourth bullet point***

***In the fifth bullet point, replace "Policy 9" with "Blisland Landscape Character Assessment and Blisland Conservation Area Appraisal"***

***Insert a bullet point before "Storage facilities"***

## Policy 5: Design and Local Distinctiveness in the Parish

63. Cornwall Council has proposed alternative wording covering the last two bullet points which, to my mind, improves the clarity of the policy in terms of what the policy is expecting the development to deliver and I will include that as a recommendation. However, I believe that the policy points applicants to relevant documents that illustrate the distinctiveness of this parish, which applicants and decision makers should be expected to have to refer to.

### *Recommendation*

***Replace the second and third bullet point with “Development proposals should demonstrate how the proposal reflects and enhances the character of the area.”***

## Policy 6: Blisland Conservation Area

64. I have no comments to make on this policy, apart from the insertion of the final paragraph of Policy 15, which I propose to move to this location as it is guiding development within the conservation area, following my recommendation to remove the remainder of Policy 15 from the neighbourhood plan.

### *Recommendation*

***Insert a new paragraph at the end “Applications to install energy-saving and carbon reduction measures within the Blisland Conservation Area will be supported where it can be demonstrated that they will not detract from the historical character of the village. The use of appropriate low visual impact solar panels, solar roof tiles and other unobtrusive materials are encouraged.”***

## Policy 7: Permitted Development Rights

65. This is one of the more controversial policies in the plan. It is seeking through this policy, to remove permitted development rights from any new development that is subsequently approved, within the Blisland Conservation Area. The scope of the policy is likely to be limited, due to the small amount of development which is likely to be permitted within the conservation area over the plan period.
66. In my view, if there was a planning case to withdraw permitted development rights it should be a decision based on the specifics of a new building, and should only be imposed if it meets the 6 tests of a planning condition as set out in paragraph 56 of the NPPF, based on the merits of the particular proposal, rather than in response to this policy. It should also be more borne in mind that permitted development rights are already more limited in conservation areas and areas of outstanding natural beauty, as these are known as Article 2 (3) land.
67. The Secretary of State’s advice, on the acceptability of conditions removing permitted development rights, is set out in paragraph 16 of the Use of Planning Conditions section of the Planning Practice Guidance. It states:
- “Area wide or blanket removal of freedoms to carry out small-scale domestic and non-domestic alterations that would all otherwise not***



*require an application for planning permission, are unlikely to meet the test of reasonableness and necessity.”*

68. The Secretary of State goes on to say that the local planning authority has powers under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, to withdraw permitted development rights across a defined area. That would, in my opinion, be a much more powerful tool to bring under planning control the changes which the Parish Council is clearly concerned about, as such an Order would withdraw permitted development rights on existing, as well as proposed new development within the conservation area.
69. I have concluded that this policy does not accord with Secretary of State policy and advice and I will be recommending the policy should be deleted from the plan, on the basis that it does not meet one of the basic conditions. I note that the Parish Council in its response to my Initial Comments document, stated that it did wish to include an action, to apply for an Article 4 direction under the Parish Action Plan, included at the end of the neighbourhood plan document, which covers non- development plan policies. I would support that suggestion, although it is not within my remit as examiner to make a recommendation to a Parish Council proposed action.
70. In making this recommendation, I do not have to address my other concern, which related to where the policy would apply, as it refers to removing permitted development rights in *areas which affect the setting* of the conservation area. I was not clear as to what part of the village, the Parish Council considered “formed the setting of the conservation area” as it would be necessary to identify which areas would be subject to the policy. In its response, the Parish Council confirmed that it now would actually only be seeking for the policy to be applied to land within, not outside, the conservation area.

#### ***Recommendation***

***That the policy be deleted.***

#### **Policy 8: Historic Environment**

71. The Parish Council confirmed to me its proposal to retitle the policy, “Historic Environment Outside of the Settlement”. I will slightly modify the suggestion so that it applies to all areas outside the Blisland Conservation Area.
72. The neighbourhood plan itself is not seeking to identify the non-designated heritage assets within the parish, as many neighbourhood plans do, but it does include an item on the Parish Action List to “develop a list of non-listed heritage assets”. However, Cornwall Council have confirmed to me that it has already identified 798 non-designated heritage assets as being registered in the parish of Blisland. It may be that the Parish Council was not aware that these heritage assets already enjoyed non designated heritage asset status.
73. I have no other concerns regarding this policy.

### **Recommendation**

#### **Retitle policy “Historic Environment Outside of the Blisland Conservation Area”**

### **Policy 9: Landscape Character**

74. Whilst I understand and support the aspirations of this policy, there are some minor domestic developments that takes place within the village, beyond the conservation area, for example off Manor Close or Pentor, where it would, in my view, be an over onerous requirement, to expect an applicant to have to demonstrate that their say, domestic extension, would not have an adverse impact on the landscape character of the parish. I can cover that concern by proposing the insertion of a caveat “where appropriate”.
75. A neighbourhood plan policy is required by law to be a policy for the development and use of land, which can be used to determine a plan application. Planning control does not ordinarily cover the protection and management of woodlands, as these are covered by the Forestry Commission Felling License regime. I will therefore seek to clarify that this policy only seeks to protect woodland loss due to development.

### **Recommendations**

***In the first bullet point after “development must” insert “, where appropriate”***

***Replace the first sentence of the second bullet point with: “There will be a presumption against the loss of any woodland, including partial encroachment, as a result of development.”***

### **Policy 10: Dark Skies**

76. I had some initial concerns regarding the way the specific details of lighting levels, would be understood by the average householder. I also questioned the efficacy of the policy, as most conservatories could be built under permitted development rights.
77. I have been reassured by the responses from both of the Parish Council and in particular Cornwall Council, that in its view this is an enforceable requirement. I understand the policy being advanced is in line with the guidance issued by Cornwall Council. I will therefore not be proposing any modifications to the policy, which I consider is in line with the Secretary of State’s aspirations set out in paragraph 185 c) of the NPPF.
78. I have to point out that the policy only applies to developments which require planning permission. The option of an Article 4 direction, would make this policy much more effective in protecting Blisland’s dark skies.

### **Policy 11: Natural Environment**

79. Cornwall Council has pointed out that with the recent adoption of the Climate Emergency DPD, some of this policy may well be superseded, particularly, by Policy G2 dealing with net biodiversity gain.

80. The Secretary of State's advice is set out in paragraph 16 f) of the NPPF, which states that plans should avoid "unnecessary duplication of policies that apply to protect the area (including policies in this framework, where relevant.)"
81. I consider that the first element of the policy, which requires that development should avoid areas designated for the importance for species and habitats, does not properly differentiate between the different positions that individual sites lie on the hierarchy of protected sites, which is contrary to paragraphs 175 and 180 of the NPPF- in effect it is according all protected sites the same status. Also having reviewed Policy 23 of the Cornwall Local Plan – Strategic Policies, which will already apply across the parish, I have concluded that that policy approach is more in line with the Secretary of State's aspirations and gives an appropriate level of protection.
82. I do consider that the second and third bullet points do reflect national policy set out in paragraph 179 of the Framework and are particularly relevant to the topography of Blisland parish.
83. I do have a concern that the second element of the policy does not provide the same level of protection and biodiversity enhancements that is now actually required by Policy G2 of the Climate Emergency DPD. However, I do consider there is merit in retaining the examples of biodiversity enhancements as set in the second paragraph of the policy, but the policy would benefit from also referring the decision maker to the equivalent policy in the DPD, so the requirements for biodiversity net gain plans, remain.
84. I also propose to accept the other suggested changes proposed by Cornwall Council in its Regulation 16 submission, in respect of removing the reasons why loss of trees should be countenanced and also the reason for providing hedgehog corridors. These are not statement of policy but the justification for the requirements.

### **Recommendations**

***Remove the first bullet***

***In the paragraph commencing with "Opportunities to build in" replace "should be maximised and" with "as required by Policy G2 of the Cornwall Climate Emergency DPD"***

***In the penultimate bullet point, delete "due to disease or other mitigating factors"***

***In the final bullet point delete all text after "recommended"***

### **Policy 12: Infrastructure in the Hamlets**

85. It could be construed that the policy as submitted would allow significant development in the hamlets as long as the development does not "adversely impact the infrastructure of existing dwellings". Such a policy would be incompatible with the strategic spatial policy approach set out in Policy 3 of the Cornwall Local Plan- Strategic Policies. The suggested amendment put forward by the Parish Council, with the assistance of the neighbourhood planning



officer, should, with slight amendments resolve that concern, by the insertion of “where the proposal meet other development plan policy requirements.”

#### **Recommendation**

***After “supported” insert “where the proposal meets other development plan policy requirements,”***

#### **Policy 13: Broadband**

86. I have no comments to make on this policy

#### **Policy 14: Public Rights-of-Way**

87. I have no comments to make on this policy which meets basic conditions

#### **Policy 15: Renewable Energy**

88. The Secretary of State in a Written Ministerial Statement to the House of Commons dated 25<sup>th</sup> March 2015, stated that neighbourhood plans should not set “any additional local technical standards or requirements related to the construction, internal layout or performance of new dwellings”.
89. Furthermore, much of the contents of this policy is now included within Policy SEC 1 of the Climate Emergency DPD. Furthermore a neighbourhood plan policy cannot dictate what documents are required to be to accompany a planning application. That is the separate role of the Local Validation Checklist which is prepared by Cornwall Council under the provisions of the Town and Country Planning (Development Management Procedures) Order 2015.
90. The reference to electric charging points is, as previously mentioned, now unnecessary as the installation is a matter that is now covered by Part S of the Building Regulations.
91. I consider the prohibition of wind turbines and solar farms is not in general conformity with Policy RE 1 of the Climate Emergency DPD, which I am treating as a strategic policy. That recently adopted policy allows their installation within the AONB *in exceptional circumstances*. I therefore propose that the policy should be deleted as it does not meet basic conditions. However I do consider that the final bullet point, which relates to the installation of energy-saving carbon reduction measures within the conservation area is a proposal which should be supported and can be included as a new element within Policy 6 dealing with development within the conservation area and I will propose an appropriate modification.

#### **Recommendations**

***That the policy be deleted***

#### **Policy 16: Commercial Development**

89. I have no comments to make on this policy.

## The Referendum Area

90. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Blisland Neighbourhood Plan as designated by Cornwall Council on 27<sup>th</sup> January 2015 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

## Summary

91. I congratulate Blisland Parish Council on producing this locally distinctive neighbourhood plan. It includes a range of policies that reflect the need to accommodate some housing development, in a location that is acceptable to the local community, alongside protecting the historical and natural assets that the parish enjoys. It addresses issues that are particularly relevant to this part of Cornwall, for example the need to protect the dark skies and encourage small businesses.
92. It is obvious to me that a huge amount of hard work has gone into this plan by volunteers on behalf of the local community and I am pleased to recognise their efforts.
93. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
94. I am therefore delighted to recommend to Cornwall Council that the Blisland Neighbourhood Development Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS.  
John Slater Planning Ltd  
10<sup>th</sup> May 2023