

Basic Conditions Statement

Padstow Parish Neighbourhood Plan

Padstow Town Council
July 2021

Basic Condition Statement – Padstow Parish Neighbourhood Plan

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Introduction

Padstow Parish Neighbourhood Plan has been produced by Padstow Town Council, as the ‘qualifying body’ with overall responsibility for the preparation, consultation and submission of the Neighbourhood Plan. The development of the plan and management of the process has been marshalled by a Neighbourhood Plan Steering Group comprised of Town Councillors supported by members of our community in working and task groups.

What are the Basic Conditions and why do we need this Statement?

The ‘Basic Conditions’ are a set of conditions that a Neighbourhood Plan must pass, in order for it to proceed to referendum. In relation to neighbourhood plans, the plan will pass 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 plan
- B. the making of the plan contributes to the achievement of sustainable development
- C. the making of the 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)
- D. the making of the plan does not breach, and is otherwise compatible with, EU obligations
- E. prescribed conditions are met in relation to the plan order and prescribed matters have been complied with in connection with the proposal for the plan

These requirements (and those for neighbourhood development orders) are formally set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 Act (as amended by the Localism Act 2011)¹.

This ‘Basic Conditions Statement’ is submitted alongside the Padstow Parish Neighbourhood Plan. In submitting the Statement and, through its content, demonstrating how the Neighbourhood Plan meets the Basic Conditions, we have satisfied one of the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012. This Regulation sets out what the Town Council, as the ‘qualifying body’ responsible for producing the Plan, must submit as part of the neighbourhood plan proposal. Regulation 15 (1) states² that:

“(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.”* (i.e. this Statement).

¹ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

² See <http://www.legislation.gov.uk/uksi/2012/637/regulation/15/made>

Our Neighbourhood Area

The first formal part of the process of developing our Neighbourhood Plan was the confirmation of our Neighbourhood Area, or the area for which the Town Council, as the 'qualifying body' for neighbourhood planning, has the right to produce a plan for. Our application to designate the Neighbourhood Area was submitted in writing, as required by Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, to Cornwall Council as the local planning authority in October 2012 (see Appendix 1 to this Statement). Following due consideration, the Padstow Neighbourhood Area was formally approved by the local planning authority, Cornwall Council, on 11th January 2013. The approval/decision notice of Cornwall Council is reproduced as Appendix 2 to this Statement. Our approved Neighbourhood Area, which coincides with the parish area, is indicated by the red boundary below in Figure 1.

Figure 1 – Approved Padstow Neighbourhood Area



Why do we need a Neighbourhood Plan?

Preparing a neighbourhood plan has provided Padstow Town Council with the opportunity to embed locally relevant land use policies into the planning system, which should ensure that community priorities are recognised and have a significant influence on the strategies and decisions of the local planning authority.

These priorities, determined by consultation with the community, can be summarised as follows:

- Recognise that the area is principally home to communities that want to live sustainably;
- There must be opportunities within the area for local people to continue to live in good quality homes and work in worthwhile and rewarding occupations;
- Travelling within the area must become less stressful and safer;
- Local community services and facilities should be commensurate with local needs and demands;
- The environment and natural setting of the area should be taken very good care of.

The Padstow Parish Neighbourhood Plan has been crafted with all these in mind.

The Neighbourhood Plan was developed with the full participation of the local people through a process of regular community consultation. This process is summarised in the introductory sections of the Neighbourhood Plan and set out in detail in the Consultation Statement that also accompanies the Submission Version of the Plan.

Having explored the issues and identified the key messages and things of importance to the community, our Plan has been framed around the following aims and objectives (see next page).

Padstow Neighbourhood Development Strategy – Aims and Objectives

Natural Environment
Aim 1. Protect the sensitive areas of natural environment
<i>Obj.1A Ensure coastlines, riverbanks & AONB are adequately protected</i>
<i>Obj.1B Protect and enhance biodiversity</i>
Aim 2. Safeguard the character of the local countryside
<i>Obj.2A Protect habitats and the key landscape characteristics</i>
<i>Obj.2B Facilitate responsible public access and tourism use of the countryside</i>
<i>Obj.2C Support local farming</i>
Built Environment and Heritage
Aim 3. Safeguard and enhance the historic built environment
<i>Obj.3A Protect historic building and structures from harm</i>
<i>Obj.3B Protect and enhance local green spaces and green infrastructure</i>
Aim 4. Establish the limits and preferred locations for development
<i>Obj.4A Set preferred development strategy</i>
<i>Obj.4B Define and describe the limits</i>
Aim 5. Establish high standards of design and layout for new development
<i>Obj.5A Establish sustainable design and layout standards</i>
<i>Obj.5B Ensure new development is well connected</i>
Housing
Aim 6. Maintain an appropriate mix of housing types and tenures
<i>Obj.6A Establish appropriate mix of dwellings on new developments</i>
<i>Obj.6B Encourage sustainable housing design and development</i>
<i>Obj.6C Restrict second-home development</i>
Aim 7. Understand and Prioritise Local Housing Need
<i>Obj.7A Ensure development contribute towards meeting local housing needs</i>
<i>Obj.7B Prioritise access to affordable housing</i>
Transport, Traffic and Parking
Aim 8. Reduce the impact of motor traffic in Padstow
<i>Obj.8A Support measures to reduce traffic congestion and improve road safety</i>
Aim 9. Support the increased use of sustainable transport modes
<i>Obj.9A Improve and extend the footpath network</i>
<i>Obj.9B Facilitate electric vehicle charging facilities</i>
<i>Obj.9C Support public and community transport initiatives</i>
Aim 10. Ensure parking provision serves the best interests of the area
<i>Obj.10A Support the provision of new car parking areas when and where appropriate</i>
<i>Obj.10B Ensure parking in residential areas is sufficient to meet residents' needs</i>
Local Economy and Tourism
Aim 11. Encourage a wider range of local employment opportunities
<i>Obj.11A Support business development that is appropriate in scale, type and location</i>
Aim 12. Improve business areas and support sustainable business practices
<i>Obj.12A Safeguard and enhance employment spaces at Treceus Industrial Estate</i>
<i>Obj.12B Support measures that reduce waste and minimise harm to the environment</i>
Aim 13. Ensure the Town Centre remains vibrant all-year round
<i>Obj.13A Control town centre uses</i>
Community Wellbeing
Aim 14. Ensure infrastructure is more than adequate to meet changing requirements
<i>Obj.14A Promote the timely provision of physical and community infrastructure</i>
<i>Obj.14B Encourage recycling and renewable energy use</i>
Aim 15. Maintain high-quality local facilities for the benefit of the community and visitors
<i>Obj.15A Support improvements and enhancements to existing community facilities</i>
<i>Obj.15B Support measures that make tourism more sustainable and beneficial to the local community</i>
Aim 16. Ensure we have a sufficient number and variety of recreational spaces
<i>Obj.16A Ensure recreational spaces are sufficient to meet local demands</i>
<i>Obj.16B Support initiatives that provide opportunities for young people</i>

Summary of Compliance with Legislation

This section sets out how our Neighbourhood Plan and process has complied with the requirements set out in the Neighbourhood Plan regulations.

Qualifying Body

A 'qualifying body' is defined by Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act³ as *"a Town Council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area..."*.

Section 38A(1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁴ sets out the qualifying body's entitlement to prepare a Neighbourhood Plan. It states that: *"(1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan."*

We confirm that the Neighbourhood Plan has been prepared by Padstow Town Council as the 'qualifying body' for the purposes of Neighbourhood Planning.

Neighbourhood Area

The Neighbourhood Area (as shown in Figure 1) was applied for and approved through the process set out in the Neighbourhood Planning (General) Regulations 2012 (Regulations 5 to 7)⁵. Both the application and the decision minute of Cornwall Council are appended to this Statement (Appendices 1 and 2).

What a Neighbourhood Plan is and the Content of the Neighbourhood Plan

Section 38A(2) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁶ sets out the meaning of 'neighbourhood development plan'. It states that:

"(2) A "neighbourhood development plan" is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan."

Section 38B(1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁷ sets out what the Plan may include. It states that:

"(1) A neighbourhood development plan—
(a) must specify the period for which it is to have effect,
(b) may not include provision about development that is excluded development, and
(c) may not relate to more than one neighbourhood area."

'Excluded development' is defined in Section 68K of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁸ as:

"(a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1,
(b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description,
(c) development that falls within Annex 1 to Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (as amended from time to time),

³ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁴ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁵ See <http://www.legislation.gov.uk/uksi/2012/637/regulation/5/made>

⁶ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁷ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁸ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

(d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008),
(e) prescribed development or development of a prescribed description, and
(f) development in a prescribed area or an area of a prescribed description.”

Section 38B(2)⁹ states that:

“(2) Only one neighbourhood development plan may be made for each neighbourhood area.”

In response to these requirements, we confirm that the Padstow Parish Neighbourhood Plan:

- covers the period up until 2030, aligning with the plan period of the Cornwall Local Plan;
- is the only Neighbourhood Plan for the parish of Padstow;
- does not contain policies relating to ‘excluded development’¹⁰;
- relates only to the defined Neighbourhood Area set out in Figure 1 of this report;
- sets out policies in relation to the development and use of land.

Given the importance of some of the issues and non-planning matters raised by our community and the cross-cutting nature of some of these issues with planning and land-use matters, comments and suggestions received throughout the consultation process that were not related to land use matters. A wide range of matters were raised. Whilst they are not able to be dealt with by the Neighbourhood Plan, they are nevertheless important issues which relate to people, services, projects or how we live in our community. A report regarding these was submitted to the Town Council for its consideration and action, where necessary.

Submission Documents

As referred to earlier in this Statement, all the documents required for submission by Regulation 15(1) of the Neighbourhood Planning (General) Regulations are included in the submission package for the Neighbourhood Plan.

Basic Conditions

As referred to earlier in this Statement, we consider that all the Basic Conditions (set out in of paragraph 8(2) of Schedule 4B to the 1990 Act (as amended) by the Localism Act 2011.¹¹) have been met, as demonstrated in this Statement.

⁹ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

¹⁰ No policy in the Neighbourhood Plan relates to county matters (mineral extraction and waste development) or to any Nationally Significant Infrastructure Projects

¹¹ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

Content of Our Neighbourhood Plan Proposal

To comply with the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012¹², and to provide enough material to help demonstrate that the Basic Conditions have been met, the following documents have been submitted to the local planning authority:

- The Neighbourhood Plan (which includes a map and statement which identifies the area to which our Plan relates)
- Supporting Evidence Base Documents (and weblinks)
- Our Consultation Statement
- Our Basic Conditions Statement (this document)

How our Neighbourhood Plan meets the Basic Conditions

A. Having Regard to National Policies and Advice Contained in Guidance Issued by the Secretary of State

Neighbourhood Plan Policies	National Planning Policy Framework (July 2021)	How has the Neighbourhood Plan had regard to national policies and advice?
Policy PAD1 Protecting the Natural Environment	NPPF para.179 - <i>safeguard components of local wildlife-rich habitats and wider ecological networks</i> NPPF para.176 - <i>Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.</i>	Policy PAD1 seeks to ensure that development proposals have no significant adverse effect on the areas habitats and ecological networks.
Policy PAD2 Public Rights of Way	NPPF para.100 - <i>policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users</i>	Policy PAD2 protects existing public rights of way and supports appropriate improvements to the network.
Policy PAD3 Farm Diversification	NPPF para.84 - <i>planning policies and decisions should enable: the development and diversification of agricultural and other land-based rural businesses;</i>	Policy PAD3 supports appropriate development proposals that enable farm diversification in the interests of local agriculture.
Policy PAD4 Heritage Assets	NPPF para.190 - <i>set out a positive strategy for the conservation and enjoyment of the historic environment... should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.</i>	Policy PAD4 supports development proposals affecting designated and non-designated heritage assets only where the asset is conserved in an appropriate manner.
Policy PAD5 Local Green Space	NPPF para. 101 - <i>neighbourhood plans allow communities to identify and protect green areas of particular importance to them</i>	Policy PAD5 protects designated areas of local green space from development.
Policy PAD6 Settlement Area Boundaries	NPPF para. 120 - <i>give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs</i>	Policy PAD6 defines settlement boundaries within which development on brownfield sites will generally be supported.

¹² See <http://www.legislation.gov.uk/ukxi/2012/637/regulation/15/made>

Neighbourhood Plan Policies	National Planning Policy Framework (July 2021)	How has the Neighbourhood Plan had regard to national policies and advice?
Policy PAD7 Development Adjoining Padstow's Settlement Area Boundary	NPPF para. 85 - <i>recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements,</i>	Policy PAD7 sets essential criteria that small-scale development proposals on land adjacent to the settlement area boundaries must meet.
Policy PAD8 Sustainable Design and Development	NPPF para.73 - <i>set clear expectations for the quality of the development and how this can be maintained</i>	Policy PAD8 sets local standards in the interests of achieving a high standard of sustainable development.
Policy PAD9 Housing Development	NPPF para.130 <i>Planning policies and decisions should ensure that developments:</i> <i>a) will function well and add to the overall quality of the area,.....</i> <i>b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;</i> <i>c) are sympathetic to local character and history, including the surrounding built environment and landscape setting....</i> <i>d) establish or maintain a strong sense of place.....</i> <i>e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development....</i> <i>f) 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.</i>	Policy PAD9 sets criteria for the achievement of high quality residential development within the context of the local natural and built environment.
Policy PAD10 Housing Needs and Mix	NPPF para.62 - <i>the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies</i>	Policy PAD10 requires proposals for major housing schemes to meet identified local housing needs.
Policy PAD11 Principal Residence Requirement	NPPF para.9 - <i>Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.</i>	Policy PAD11 reflects the community's desire to ensure that new housing development provides for principal residency occupation so that local people get access to new homes and the sustainability of local communities is safeguarded or strengthened.
Policy PAD12 Local Travel and Safety	NPPF para.104 – <i>opportunities to promote walking, cycling and public transport use are identified and pursued</i> NPPF para.112 - <i>create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles</i>	Policy PAD12 requires new development to promote the use of sustainable transport modes for local travel.
Policy PAD13 Electric Vehicle Charging	NPPF para.107 - <i>ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles</i>	Policy PAD13 supports the provision of electric vehicle charging outlets on

Neighbourhood Plan Policies	National Planning Policy Framework (July 2021)	How has the Neighbourhood Plan had regard to national policies and advice?
		new developments and in public places.
Policy PAD14 Public Car Parking Areas	NPPF para.106 - <i>provide for any large-scale transport facilities that need to be located in the area</i>	Policy PAD14 supports the provision of new public car parks to meet needs and protect the environment.
Policy PAD15 Off-Road Parking	NPPF para.108 - <i>standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network</i>	Policy PAD15 seeks to ensure that adequate off-road car parking areas are provided on new developments to ensure local congestion and parking issues are not made worse.
Policy PAD16 Business Development	NPPF para.81 - <i>create the conditions in which businesses can invest, expand and adapt</i>	Policy PAD16 protects existing business locations and supports the development of new employment opportunities.
Policy PAD17 Trecerus Industrial Estate	NPPF para.84 - <i>enable the sustainable growth and expansion of all types of business and enterprise in rural areas</i>	Policy PAD17 supports improvements and an appropriate extension to the only Industrial Estate in the area.
Policy PAD18 Padstow Town Centre	NPPF para.86 - <i>define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations,</i>	Policy PAD18 defines the extent of the town centre, protects the loss of shops and commercial units and supports improvements to its appearance.
Policy PAD19 Tourism Development	NPPF para.84 <i>enable sustainable rural tourism and leisure developments which respect the character of the countryside</i>	Policy PAD19 supports sustainable tourist development.
Policy PAD20 Community Infrastructure	NPPF para.26 - <i>joint working should help to determine where additional infrastructure is necessary</i>	Policy PAD20 seeks to ensure infrastructure is in place to support new development.
Policy PAD21 Community-based Initiatives	NPPF para.92 - <i>Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:.... enable and support healthy lifestyles,</i>	Policy PAD21 seeks to facilitate community-based, recycling or renewable energy initiatives.
Policy PAD22 Community Facilities	NPPF para.93 - <i>ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community</i>	Policy PAD22 supports the provision of new and better local community facilities and protect exiting ones.
Policy PAD23 Recreation and Sports Facilities	NPPF para.98 - <i>access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities</i>	Policy PAD23 supports the provision of new or improved recreational and sports facilities.
Policy PAD24 Facilities for Young People	NPPF para.93 - <i>take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community</i>	Policy PAD24 encourages the provision of facilities that will benefit young people.

B. The Making of the Plan Contributes to the Achievement of Sustainable Development

The Neighbourhood Plan has been developed within the context of the definition of sustainable development in the National Planning Policy Framework and that in the Cornwall Local Plan. The tables below set out how we feel that our Neighbourhood Plan has dealt with the achievement of sustainable development against the key relevant parts of the NPPF and Cornwall Local Plan.

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<p>NPPF para. 8</p> <p><i>Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):</i></p> <p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p> <p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</i></p> <p><i>c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>The Neighbourhood Plan has embraced all three dimensions to sustainable development.</p> <p>The following policies of our Plan address the economic dimension of sustainable development by supporting employment development in the appropriate locations:</p> <p>Policy PAD16 Business Development Policy PAD17 Treceus Industrial Estate Policy PAD18 Padstow Town Centre Policy PAD19 Tourism Development</p> <p>The following policies of our Plan address the social dimension of sustainable development:</p> <p>Policy PAD10 Housing Needs and Mix Policy Policy PAD11 Principal Residence Requirement Policy PAD20 Community Infrastructure Policy PAD21 Community-based Initiatives Policy PAD22 Community Facilities Policy PAD23 Recreation and Sports Facilities Policy PAD24 Facilities for Young People</p> <p>The following policies of our Plan address the environmental dimension of sustainable development:</p> <p>Policy PAD1 Protecting the Natural Environment Policy PAD2 Public Rights of Way Policy PAD3 Farm Diversification Policy PAD4 Heritage Assets Policy PAD5 Local Green Space</p>
<p>NPPF para. 11</p> <p><i>Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:</i></p> <p><i>a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;</i></p> <p><i>b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:</i></p> <p><i>i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for</i></p>	<p>The Padstow Parish Neighbourhood Plan has been mindful of the need to promote sustainable development within the context of a sensitive and characterful rural environment.</p> <p>Plan-making has attempted to achieve a balance between achieving the strategic requirements and targets of the Local Plan whilst safeguarding local assets and ensuring interests are taken fully into account.</p>

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<p><i>restricting the overall scale, type or distribution of development in the plan area; or</i></p> <p><i>ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.</i></p>	
<p>NPPF para. 29</p> <p><i>Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies</i></p>	<p>The neighbourhood planning process has engaged the community in a dialogue to take place about what development is required and how it can be best accommodated and facilitated. Part of the process has been to agree what is important to us and how this can be protected and enhanced by development to realise our vision for a sustainable future.</p>
<p>NPPF para.73</p> <p><i>identify suitable locations for such development where this can help to meet identified needs in a sustainable way</i></p>	<p>The Neighbourhood Plan promotes sustainable development in locations where it will help maintain or enhance the vitality of local communities. Policies in the Plan identify preferred locations when appropriate to do so:</p> <p>Policy PAD6 establishes settlement area boundaries, within which sustainable development will be supported.</p> <p>Policy PAD7 is permissive of small-scale development that adjoining Padstow's settlement area boundary, subject to it meeting approved criteria.</p> <p>Policy PAD8 sets the criteria for sustainable design and development in the area.</p> <p>Policy PAD9 Housing Development establishes sustainable development criteria for housing developments.</p>
<p>NPPF para. 82</p> <p><i>Planning policies should: set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration</i></p>	<p>The Neighbourhood Plan recognises the need for local economic growth and includes policies in support of the local economic strategy:</p> <p>Policy PAD3 supports farm diversification in the interests of economic sustainability.</p> <p>Policy PAD16 promotes new business development.</p> <p>Policy PAD17 facilitates improvements and an extension of the Treceus Industrial Estate.</p> <p>Policy PAD18 seeks to protect and promote the commercial heart of Padstow.</p> <p>Policy PAD19 promotes sustainable tourism development.</p>
<p>NPPF para. 84</p> <p><i>Planning policies and decisions should enable: sustainable rural tourism and leisure developments which respect the character of the countryside;</i></p>	<p>Policy PAD3 supports farm diversification in the interests of economic sustainability.</p> <p>Policy PAD19 promotes sustainable tourism development.</p> <p>Policy PAD14 supports the provision of infrastructure to accommodate tourism.</p>
<p>NPPF para. 85</p> <p><i>.... ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).</i></p>	<p>Policies PAD8 and PAD9 set standards for sustainable design and development in the interests of minimising impact on the environment and its surroundings.</p> <p>Policies PAD12 and PAD13 facilitate the use of sustainable transport modes for local travel.</p>

National Planning Policy Framework Paragraph	How our Plan contributes towards this
NPPF para. 105 <i>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</i>	The following policies in our Plan are relevant to encouraging the greater use of sustainable transport modes as outlined in this NPPF paragraph: Policy PAD12 Local Travel and Safety Policy PAD13 Electric Vehicle Charging Policy PAD14 Public Car Parking Areas
NPPF para. 126 <i>Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities</i>	Policy PAD8 focusses on sustainable design and development in new developments.
NPPF para. 197 <i>take account of...</i> <i>b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality</i>	Policies PAD4 and PAD18 protect the historic environment of the area.

Cornwall Local Plan Policy	How our Plan contributes towards this
Policy 1: Presumption in favour of sustainable development	The Padstow Parish Neighbourhood Plan (NP) provides additional policies to ensure that development proposals are sustainable in local terms particularly: Policy PAD8 Sustainable Design and Development Policy PAD9 Housing Development
Policy 2: Spatial Strategy	The NP accords with the spatial strategy by maintaining the dispersed development pattern of Cornwall and supporting the provision of homes and jobs based on the role and function of each place. See policies: Policy PAD6 Settlement Area Boundaries Policy PAD7 Development Adjoining Padstow's Settlement Area Boundary
Policy 3: Role and function of places	The NP provides policies to guide development on previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role; promote appropriate infill scheme; and seek to ensure important gaps are not diminished. The NP seeks to limit development within the AONB and its setting. Policy PAD6 Settlement Area Boundaries Policy PAD7 Development Adjoining Padstow's Settlement Area Boundary
Policy 4: Shopping, Services and Community Facilities	The NP has policies to support and protect shopping, services and community facilities. Specifically: Policy PAD18 Padstow Town Centre Policy PAD20 Community Infrastructure Policy PAD22 Community Facilities
Policy 5: Business and Tourism	The NP supports the expansion of business opportunities and the further development of business activity. See policies: Policy PAD16 Business Development Policy PAD17 Treceus Industrial Estate Policy PAD18 Padstow Town Centre Policy PAD19 Tourism Development

Cornwall Local Plan Policy	How our Plan contributes towards this
Policy 6: Housing Mix	The NP seeks to ensure that an appropriate mix of house size, type, price and tenure is provided by new developments to address identified needs and market demand and to support mixed communities. See policies: Policy PAD9 Housing Development Policy PAD10 Housing Needs and Mix Policy PAD11 Principal Residence Requirement
Policy 7: Housing in the Countryside	The NP establishes locally relevant criteria to control housing development in the countryside. See policies: Policy PAD1 Protecting the Natural Environment Policy PAD2 Public Rights of Way Policy PAD3 Farm Diversification Policy PAD6 Settlement Area Boundaries Policy PAD7 Development Adjoining Padstow's Settlement Area Boundary
Policy 8: Affordable Housing	The NP supports the provision of a locally relevant level of affordable dwellings on major new developments. Policy PAD9 Housing Development Policy PAD10 Housing Needs and Mix Policy PAD11 Principal Residence Requirement
Policy 12: Design	The NP's policies provide local detail to increase the relevance of the Local Plan's comprehensive place-shaping approach. Policy PAD8 Sustainable Design and Development
Policy 13: Development Standards	The NP provides locally relevant criteria in the interests of ensuring high quality design and layout for new development. Policy PAD9 Housing Development Policy PAD15 Off-Road Parking
Policy 16: Health and wellbeing	The NP recognises the value of high-quality open space in providing for healthy lifestyles. Policy PAD5 Local Green Space Policy PAD23 Recreation and Sports Facilities
Policy 21: Best use of land and existing buildings	The NP encourages development that makes use of previously developed land and buildings. Policy PAD6 Settlement Area Boundaries
Policy 23: Natural Environment	The NP has policies to ensure that the quality and vulnerability of the natural environment is recognised, conserved and enhanced. Policy PAD1 Protecting the Natural Environment
Policy 24: Historic Environment	The NP has policies to protect heritage assets and safeguard the historic character of the area. Policy PAD4 Heritage Assets
Policy 25: Green Infrastructure	The NP has policies that recognise the importance of the local green infrastructure. Policy PAD5 Local Green Space
Policy 26: Flood risk management and coastal change	The NP acknowledges in relevant policies the need to ensure that the flood risk is not increased. Policy PAD6 Settlement Area Boundaries Policy PAD9 Housing Development
Policy 27: Transport and accessibility	The NP supports measures to reduce congestion and improve safety on the road network and encourage travel by means other than the private motor car. Policy PAD12 Local Travel and Safety Policy PAD13 Electric Vehicle Charging

The Padstow Parish Neighbourhood Plan has not been required to undertake a Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA). The explanation is set out in greater detail in Section D of this Report.

C. The Making of the 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)

Neighbourhood Plan Paragraphs and/or Policies	Cornwall Local Plan Strategic Policies	How does the Neighbourhood Plan demonstrate that it is in general conformity with the strategic policies?
Policy PAD1 Protecting the Natural Environment	Local Plan Policy 23 Natural Environment	Policy PAD1 seeks to sustain local distinctiveness and character and protect and where possible enhance the natural environment and assets.
Policy PAD2 Public Rights of Way	Local Plan Policy 16 Health and Wellbeing	Policy PAD2 protects rights of way and provides for improved access if the importance of habitats and designated sites and their value as wildlife corridors are taken into account.
Policy PAD3 Farm Diversification	LP Policy 21 Best use of land and existing buildings	Policy PAD3 supports the better use of existing farm buildings in the interests of viability.
Policy PAD4 Heritage Assets	Local Plan Policy 24 Historic Environment	Policy PAD4 establishes protection for local heritage assets and their setting.
Policy PAD5 Local Green Space	Local Plan Policy 25 Green Infrastructure	Policy PAD5 protects an important facet of the green infrastructure network in Cornwall, which may be locally significant because of its importance to recreation, leisure, community use, townscape or landscape quality.
Policy PAD6 Settlement Area Boundaries	Local Plan Policy 2 Spatial Strategy Local Plan Policy 3 Role and function of places	Policy PAD6 seeks to maintain the dispersed development pattern of Cornwall and provide homes and jobs based on the role and function of each place and establishes where new development can be provided in a sustainable manner.
Policy PAD7 Development Adjoining Padstow's Settlement Area Boundary	Local Plan Policy 3 Role and function of places	Policy PAD7 restricts development at smaller settlements outside of the settlement area boundaries to rounding-off and infill development.
Policy PAD8 Sustainable Design and Development	Local Plan Policy 12 Design	Policy PAD8 seeks to ensure that a high quality safe, sustainable and inclusive design is achieved in all developments.
Policy PAD9 Housing Development	Local Plan Policy 13 Development Standards	Policy PAD9 sets standards aimed to achieve a high quality and sustainable design and layout on new housing developments.
Policy PAD10 Housing Needs and Mix	Local Plan Policy 10 Housing Mix	Policy PAD10 requires major housing developments to include an appropriate mix of house size, type, price and tenure to address identified needs and market demand and to support mixed communities.
Policy PAD11 Principal Residence Requirement	Local Plan Policy 2 Spatial Strategy	Policy PAD11 seeks to ensure that new development realises sustainable communities and contributes towards a well-balanced mix of economic, social and environmental benefits.
Policy PAD12 Local Travel and Safety	Local Plan Policy 16 Health and Wellbeing Local Plan Policy 27 Transport and Accessibility	Policy PAD12 advocates the provision and enhancement of active travel networks that support and encourage walking, riding and cycling.

Policy PAD13 Electric Vehicle Charging	Local Plan Policy 2 Spatial Strategy	Policy PAD13 assists the delivery of renewable and low carbon energies, by providing facilities in support of the use of renewable and low carbon technologies.
Policy PAD14 Public Car Parking Areas	Local Plan Policy 27 Transport and Accessibility	Policy PAD14 supports the provision of parking areas including park and ride which will remove traffic from the highway network.
Policy PAD15 Off-Road Parking	Local Plan Policy 13 Development Standards	Policy PAD15 seeks to ensure that new development provides an appropriate level of off-street parking and cycle parking.
Policy PAD16 Business Development	Local Plan Policy 5 Business and Tourism	Policy PAD16 protects local employment or business space from loss unless it can be fully justified and supports the provision of employment space for long-term business and commercial use.
Policy PAD17 Trecerus Industrial Estate	Local Plan Policy 5 Business and Tourism	Policy PAD17 safeguards a key industrial area and supports its enhancement in the interests of the local economy.
Policy PAD18 Padstow Town Centre	Local Plan Policy 4 Shopping, Services and Community Facilities	Policy PAD18 protects the role of the town centre and promotes development that will support the vitality and viability of the centre.
Policy PAD19 Tourism Development	Local Plan Policy 5 Business and Tourism	Policy PAD19 supports the development of new sustainable tourism facilities.
Policy PAD20 Community Infrastructure	Local Plan Policy 28 Infrastructure	Policy PAD20 seeks to ensure the provision of appropriate infrastructure is provided in a timely manner to facilitate sustainable development.
Policy PAD21 Community-based Initiatives	Local Plan Policy 20 Managing the provision of waste management facilities	Policy PAD21 promotes community-based recycling.
Policy PAD22 Community Facilities	Local Plan Policy 4 Shopping, Services and Community Facilities	Policy PAD22 seeks to retain existing community facilities and supports the provision of new ones in response to community needs.
Policy PAD23 Recreation and Sports Facilities	Local Plan Policy 16 Health and Wellbeing	Policy PAD23 supports the provision of flexible community open spaces that can be adapted to the health needs of the community and encourage social interaction.
Policy PAD24 Facilities for Young People	Local Plan Policy 16 Health and Wellbeing	Policy PAD24 supports the provision of opportunities for physical activity through the use of open space, indoor and outdoor sports and leisure facilities that meet the needs of young people.

D. The Making of the Plan Does Not Breach, and is Otherwise Compatible with, EU Obligations

A screening process was carried out by Cornwall Council to determine whether a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and / or a Habitats Regulation Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). Following consultation with the statutory environmental agencies, Cornwall Council has advised that the Padstow Parish Neighbourhood Plan *“As a result of the assessment, it is unlikely there will be any significant environmental effects on European Sites arising from the Padstow Parish NDP and HRA is therefore not required. The assessment in section 4 does not reveal any significant effects in the environment resulting from the Padstow Parish NDP. The plan does not propose a housing target, nor allocate sites for new development. Furthermore, the policy framework exists in Cornwall Local Plan policies 23 and 24 and in the emerging NDP to ensure protection of the environment. SEA is therefore not required.”*

Therefore, neither a SEA nor HRA was required for our Neighbourhood Plan and the basic conditions concerning Habitats and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for. A letter from Cornwall Council sent to the Town Council on 29th October 2020 regarding the Strategic Environmental Assessment / Habitats Regulation Assessment Screening Opinion is appended to this Statement as Appendix 3. The Opinion was based on the Pre-submission Version of the Plan.

This opinion was re-affirmed for the Submission Version of the Padstow Parish Neighbourhood Plan by email from Cornwall Council on 5th July 2021.

Neighbourhood Plans are also required to take account of **European Human Rights** requirements. The Padstow Parish Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

The principal parts of the European Convention on Human Rights that can be relevant to neighbourhood plans are: Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). In preparing the draft Neighbourhood Plan, Padstow Town Council, through its Steering Group, has acted in an open way, but always respecting the privacy of those participating. The interests of all sectors of the community have been considered, especially in ensuring that the Plan would take account of the needs and aspirations of the more vulnerable members of our community including the elderly and disabled, and younger people – thus ensuring no unfair discrimination.

The consultation process sought to include all locally resident people in these groups as well as some organisations outside the plan area but with responsibilities or interests extending over some or all of the area of the draft Plan. The Town Council also believes that its policies will not affect property rights beyond the legitimate role of the town and country planning system in operation where policies are properly explained and justified.

E. The Prescribed Conditions Are Met in relation to the Plan and Prescribed Matters Complied with in connection with the Proposal for the Plan.

Section 38A (12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act¹³ sets out the definition of ‘prescribed’. It means conditions prescribed by regulations made by the Secretary of State.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out one basic condition for neighbourhood plans in addition to those set out in the primary legislation. This is: *“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)”*

The following European Designated Sites are within 10km of Padstow neighbourhood area:

- River Camel Special Areas of Conservation
- Bristol Channel Special Areas of Conservation

The HRA Screening undertaken by Cornwall Council (see Appendix 4), in consultation with the environment agencies, concluded *“the Padstow Parish NDP does not propose any additional development over and above the Local Plan quantum, nor are any activities proposed by the plan which could cause underwater noise and trigger disturbance. The NDP is therefore screened out.”*

¹³ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

Appendix 1.

Neighbourhood Area Application – October 2012

PADSTOW TOWN COUNCIL

Council Offices	Sue Lee
Station House	Town Clerk
Station Road	Email: theclerk@padstow-tc.gov.uk
PADSTOW	Website: www.padstow-tc.gov.uk
Cornwall	Tel: 01841 532296
PL28 8DA	Fax: 01841 532171



Application under Part 2 (5) (1) of The Neighbourhood Planning (General) Regulations 2012 for the designation of a Neighbourhood Area.

Padstow Town Council give notice that they wish to make an application under Part 2 (5) (1) of The Neighbourhood Planning (General) Regulations 2012 for the designation of a Neighbourhood Area for The Padstow Parish Neighbourhood Plan.

The application is accompanied in the appendix by a map identifying the area to which the application relates, being the entire parish area of Padstow.

This area is considered appropriate to be designated as a neighbourhood area for the following reasons:

- The parish of Padstow is a distinct area surrounded by sea and has it's own needs in relation to facilities, services and employment.
- The parish will work closely with the neighbouring parish of St Merryn but it was felt the needs of each were diverse and not suited for joint working.

Padstow Town Council is a relevant body for the purposes of section 61G of the 1990 Town and Country Planning Act being the parish councils for the entire area applied for.

Yours sincerely

Sue Lee
Town Clerk
Padstow Town Council

Appendix 2.

Neighbourhood Area Designation – Approval Notice 11th January 2013

DECISION OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

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

Dated: 11 January 2013

Subject Matter: Designation of Neighbourhood Plan Area for the Padstow
Neighbourhood Plan

Decision:

The Padstow 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
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 11-1-2013.....

Appendix 3.

Strategic Environmental Assessment / Habitats Regulation Assessment Screening Opinion 29th October 2020



Kathy Pemberton
Padstow Town Clerk
enquiries@padstow-tc.gov.uk
by email

Dear Kathy,

28 October 2020

Padstow Parish Neighbourhood Development Plan – SEA and HRA Screening

As requested I have screened the Padstow Parish Neighbourhood Development Plan (NDP) to see whether the plan requires Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA.)

As required by the SEA regulations I produced a screening opinion report for the NDP (Pre Strategic Environmental Assessment draft) and consulted the statutory bodies: Natural England, Historic England and the Environment Agency. I also asked Natural England to confirm whether or not HRA was required under the HRA directive.

Based on the scale and location of development proposed in the draft plan, Cornwall Council is of the opinion that the Padstow Parish NDP is unlikely to have significant effects on the environment or on European Sites and therefore that neither SEA nor HRA is required.

Initially Natural England queried what they saw as undeveloped sites included within the settlement boundary – these were confirmed as sites with extant and implemented planning consent and this, along with reference to the River Camel SAC in the screening report, satisfied their concerns. The screening opinion is now confirmed by the consultation bodies and the full screening report and the responses from the Environment Agency, Natural England and Historic England are attached.

If significant changes or additions are made to your plan I would advise you to have it rescreened.

Yours sincerely,



Sarah Furley
Group Leader
Neighbourhood Plans
Tel: 01872 224294
Email: sarah.furley@cornwall.gov.uk

cc: S. Daly: ndp@padstow-tc.gov.uk

Appendix 4.

Habitats Regulation Assessment, Cornwall Council October 2020 (extract)

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.).

5.2 HRA focuses on maintaining the 'integrity' of the European Sites, namely their conservation objectives. Table 5.1 lists the European Sites within 10km of the neighbourhood plan; their designated features/habitats; conservation objectives; and vulnerabilities.

5.3 HRA screening must address the question: 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 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 policies which have a spatial element are:

PAD 6: Settlement area boundaries PAD17: Treceus Industrial Estate PAD18: Padstow Town Centre
However there is no allocation or additional growth associated with these sites – they identify and safeguard areas that are already developed.

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
River Camel SAC	Qualifying Habitats Alluvial Forests European Dry Heaths Old Sessile Oak Woods Qualifying Species: Atlantic Salmon Bullhead Otter	Water Pollution Invasive Species Woodland management Water Abstraction Deer	None The NDP area is downstream of the SAC. Woodland management, water abstraction and deer control are not within the remit of the NDP, nor does the development within it add to these pressures. The distance between the NDP Area and the Sac (minimum 8.5 km and downstream) rules out the threat of invasive species. Water pollution was considered in the HRA of the Cornwall Local Plan, specifically from sewage treatment. The areas identified as pressures to the SAC were Bodmin and Camelford CNAs, not Wadebridge and Padstow. The Padstow NDP does not propose additional development to the Local Plan apportionment and is therefore screened out.	None	Out
Bristol Channel Approaches SAC	Harbour porpoise	Disturbance from underwater noise Collision with recreational boats Commercial Shipping Tidal installations	None arising from the NDP. The Bristol Channel Approaches SAC was screened out at Local Plan level.	None	Out