



**NEIGHBOURHOOD  
DEVELOPMENT PLAN**

*For The Parish Of Portreath*

# Portreath Neighbourhood Development Plan

## Basic Conditions Statement

## **Table of Contents**

Introduction	3
Having regard for national policies and advice	3
Contribution to Sustainable Development	3
General Conformity with the Cornwall Local Plan	8
Compatibility with EU Regulations	8
Prescribed Conditions and Prescribed Matters	8
Comprehensive Impact Assessment Implications	8
Statement of General Legal Compliance	8

## **Appendices**

[Portreath NDP BCS Appendix 1 - NDP Policies Conformity](#)

[Portreath NDP BCS Appendix 2 - Designation Letter](#)

[Portreath NDP BCS Appendix 3 - Designation Decision Notice](#)

[Portreath NDP BCS Appendix 4 - SEA HRA Screening Decision](#)

## **Introduction**

A Neighbourhood Development Plan (NDP) must meet each of the five basic conditions, as set out in the Town and Country Planning Act 1990 before it can proceed to a referendum. The five basic conditions are:

1. Must have regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
2. The 'making' of the neighbourhood plan contributes to the achievement of sustainable development
3. The 'making' of the neighbourhood plan is in general conformity with the strategic policies contained in the Cornwall Local Plan Strategic Policies and its supporting documents
4. The 'making' of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

This document demonstrates how Portreath NDP meets the requirements of each legal test.

## **Having regard for national policies and advice**

All of the policies in the Portreath NDP have been drafted with consideration of the national planning policies set out in the NPPF and associated guidance. The detailed consideration of the Portreath NDP policies in [Appendix 1](#) demonstrates how each is in conformity with the national policy and guidance.

## **Contribution to Sustainable Development**

The three elements to sustainable development are: economic factors, environmental factors and social factors. Planning must ensure that development performs a number of roles:

- An economic role - contributing to building a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

The vision for Portreath NDP is: *“We will create a plan that supports the development of a vibrant and sustainable community for residents and businesses of Portreath. It will protect, sustain and enhance the Parish without compromising the environment for future generations.”* To achieve this vision, 18 NDP policies have been drafted to meet the aims of the NDP, structured into four themes; Housing, Environment, Community and Social Infrastructure and Business.

The plan promotes sustainable development as detailed below in Table 1.

*Table1 : NDP Policies Contributing to Sustainable Development*

<b>NDP Policy</b>	<b>Economic Implications</b>	<b>Social Implications</b>	<b>Environmental Implications</b>
1 Location and scale for new housing development	Defines the settlement areas to support small scale development in sustainable locations.	Promotes and supports sustainable communities within the defined settlements.	Seeks to protect the landscape by encouraging development in areas less susceptible to environmental pressures.
2 Housing type, size and layout	Supports affordable housing development to facilitate affordable accommodation or property ownership within the parish.	Encourages housing to be respondent to local needs to accommodate the local population and their needs.	
3 Principal residence	Supports the community by ensuring that new houses are lived in permanently, thus supporting the services, facilities and businesses in the Parish.	Fosters a sense of community by helping to ensure that the people buying property in the Parish will live there and not simply leave the property empty.	
4 Design standards		Considers the need to design out crime and anti-social behaviour to support ongoing community cohesion.	Requires development to respect the distinctive character of Portreath and reduce light pollution.
5 Heritage assets			Protects the identified heritage assets from inappropriate development, including those with local significance.
6 Portreath Harbour World Heritage Site			Requires development to accord with the WHS management plan to ensure ongoing protection of the harbour.
7 Conserving and enhancing village character			Encourages development to consider the important elements of Portreath village character

8	Provision of energy efficient buildings and places			Encourages targets of zero carbon emissions in development through building techniques and renewable energy with minimal impact on the landscape character.
9	Safeguarding and enhancing our valued and designated landscapes and seascapes	As a rural and coastal parish the landscapes and seascapes provide employment and recreational opportunity with the associated economic benefits.		Requires development to respond to the LLCA to ensure the landscape is not adversely impacted.
10	Conserving and enhancing Godrevy to Portreath section of the AONB			Requires development to maintain the character of the AONB by complying with the AONB management plan.
11	Conserving, enhancing and restoring biodiversity and the natural environment			Encourages up to 10% biodiversity net gain for development as well as avoiding harm to green infrastructure connections and spaces.
12	Informal recreational activities and access	Supports a vibrant community with employment opportunities	Enhances the health and social wellbeing of the community for socialising and living.	Promotes countryside activities that can make use of PRoW and not adversely affect other land uses within its' vicinity.
13	Flood and tidal vulnerability and coastal erosion			Encouragement for SuDS use in development and flood prevention methods for development. Support for sea defences and stabilisation works.
14	Local Green Space designations		Provides protection to spaces that are of particular importance to local communities.	Provides protection to spaces that are of particular importance to local communities.

<p>15 Supporting and safeguarding existing and new community facilities</p>		<p>These are the day to day spaces and places that improve the lives of our residents and enhance our senses of community. Making sure that these spaces are protected and easily accessible to as many local residents as possible and improving them to make them work for more people.</p>	
<p>16 Community scale renewable energy</p>	<p>Reduce cost of fuel for local households, helping to tackle fuel poverty.</p>	<p>Community led projects bringing people together and raising awareness of the benefits of renewable energy.</p>	<p>Reduce overall carbon emissions for the benefit of the wider community and the environment.</p>
<p>17 Business and Employment</p>	<p>Supports the community with increased quality and diversity of employment opportunities</p>	<p>Promotes local jobs and shared spaces, contributing to the wellbeing and vitality of the community.</p>	<p>Requires traffic management to be considered for new developments.</p>
<p>18 Visitor Experience and the Leisure Economy</p>	<p>Recognises the importance of visitors to the local economy.</p>	<p>Supports access to new leisure facilities for the wider community.</p>	<p>Prioritises sustainable tourism based on the natural features and assets of the Parish.</p>

### **General Conformity with the Cornwall Local Plan**

The NDP was drafted based upon the existing strategic policy framework, to inform policy intentions of the NDP with localised detail for the parish of Portreath. Therefore, all of the policies in this neighbourhood plan have been drafted with consideration of the local planning policies set out in the Cornwall Local Plan and associated guidance.

The consideration of all policies in the Portreath NDP policies in [Appendix 1](#) demonstrates how each is in conformity with Local Planning Policy and guidance.

### **Compatibility with EU Regulations**

The Portreath NDP Steering Group requested that Cornwall Council screen the NDP for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) on 31<sup>st</sup> March 2020. Natural England, the Environment Agency and Historic England were consulted as part of the screening process. The screening opinion concluded that SEA and HRA were not required. A copy of the screening opinion is included in [Appendix 4](#).

### **Prescribed Conditions and Prescribed Matters**

There are no relevant prescribed matters that this Plan needs to consider.

### **Comprehensive Impact Assessment Implications**

The Equality Act 2010 places a duty on all public authorities to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons with a “protected characteristic” and those who do not. The protected characteristics are Age, Disability, Gender Re-assignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.

This NDP has been drafted to be in conformity with the CLP (conformity detailed in [Appendix 1](#)) and the CLP was successful in providing for objectively assessed need to meet all members of the community at examination. The NDP is not planning for additional housing or employment sites other than what is apportioned as part of the CLP, and therefore, the Comprehensive Impact Assessment for the CLP negates the need for a separate assessment for this NDP.

### **Statement of General Legal Compliance**

This NDP is submitted by Portreath Parish Council, which, as a qualifying body, is entitled to submit an NDP for its own parish. The Plan has been prepared by the Portreath NDP) Steering Group, with the support of Portreath Parish Council.



Portreath Parish was formally designated as a Neighbourhood Area through an application made on 18<sup>th</sup> December 2017 under the Neighbourhood Planning Regulations 2012 and approved by Cornwall Council on 18<sup>th</sup> December 2017. See [Appendix 2](#) & [Appendix 3](#).

The draft Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), the Neighbourhood Planning Regulations 2012 and the Neighbourhood Planning Act 2017.

The draft plan identifies the period to which it relates as 2020-2030. The draft plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

The draft plan relates only to the parish of Portreath as shown on the map below. It does not relate to more than one neighbourhood area. There are no other NDPs in place within the neighbourhood area.



Portreath Parish Boundary Map