

# St Ives Area Neighbourhood Development Plan

**2015 - 2030**



## Basic Conditions Statement

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

**Submission Date March 2015**

**St Ives Area Neighbourhood Development Plan Proposal**

by the  
St Ives Area Neighbourhood Plan Steering Group, on behalf of St Ives Town Council  
(Qualifying Body)

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## 1. Legal Framework

Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38(C)] sets out that Neighbourhood Development Plans must meet the following basic conditions:

7. Neighbourhood Development Plans must meet the following basic conditions:

(1) The examiner must consider the following—

- a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),
- b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L, as amended by s38C(5)(b).
- d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
- e) such other matters as may be prescribed.

(2) A draft neighbourhood development plan meets the basic conditions if—

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- b) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- c) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and prescribed conditions are met in relation to the neighbourhood development plan and

e) prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

(6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).

Whether the draft St Ives Area Neighbourhood Development Plan meets the basic condition as required by 1(a) and sub-paragraph 2 is set out in Sections of this basic conditions Statement. The remainder of the Section addresses the requirements under paragraphs 1(b), 1(d) and 1(e).

## **2. Legal Requirements**

### **2.1 St Ives Area NDP is being submitted by a Qualifying Body**

This Basic Conditions Statement is submitted by St Ives Town Council, the qualifying body under the 2011 Localism Act and the relevant body designated with the responsibility for the future development within the NDP area for the purposes of section 61G of the 1990 Town and Country Planning Act. This Basic Conditions Statement is submitted to Cornwall Council under s15(1) of the Neighbourhood Planning Regulations 2012.

### **2.2 The Neighbourhood Development Plan Proposal**

The St Ives Area NDP proposal relates to planning matters (the use and development of land) and has 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) and the Neighbourhood Planning Regulations 2012.

St Ives Area NDP specifies the time period up to and including 2030 for which it will be in force.

### **2.3 The policies do not relate to excluded development**

The neighbourhood plan proposal 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.

### **2.4 The Neighbourhood Area**

The neighbourhood plan proposal relates to the St Ives Neighbourhood Area, designated on 29 November 2013 in accordance with the Neighbourhood Planning (General) Regulations 2012, and to no other area – see Appendix 1. There are no other neighbourhood plans relating to that neighbourhood area.

### **2.5 Summary of Submission Documents and Supporting Evidence**

In addition to this Basic Conditions Statement, the following documents have been prepared to support the preparation of St Ives Area NDP:

- **The St Ives Area NDP Consultation Statement** – sets out the consultation and community engagement process from scoping meetings through to submission.
- **The St Ives Area NDP Evidence Base Review** – details all the evidence that has been used in drawing up the draft policies, including the Penwith Local Plan and local strategies from the past 20 years.
- **The St Ives Area NDP Sustainability Appraisal** – sets out the key sustainability issues for the designated area and tests the draft policies against sustainability objectives.

## **3. Basic Conditions**

### **3.1 Have Appropriate Regard to National Policy**

The National Planning Policy Framework (NPPF) was published in March 2012. The NPPF provides a framework within which local communities can produce neighbourhood development plans for their area and sets out how planning should help achieve sustainable development.

Paragraphs 18 to 219 of the NPPF express the government's view on what sustainable development means in practice for the planning system. St Ives Area NDP supports the following objectives of the NPPF with regard to achieving sustainable development:

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

The NPPF states that there are three principles to sustainable development – economic, social and environmental. This prompts the need for the planning system to perform a number of roles which are defined below. It is believed that the policies contained within the draft St Ives Area NDP also contribute to these three roles stated below.

***Table 1*** details how each St Ives Area NDP policy relates to the NPPF.

### **Economic Sustainability**

Contributing to building a resilient, responsive and collaborative economy by ensuring that sufficient land of the right type is available to support entrepreneurship and innovation in local industry; and coordinating development requirements in support of local supply chains and networks.

St Ives NDP supports this principle through:

- a) allocating land for housing, employment, services and amenity provision (AM1 – 4, AS1 – 6, LED1);
- b) protecting St Ives' town centre and encouraging continued retail provision (LED2, LED4);

- c) encouraging a diversity of retail provision in St Ives town centre, catering for and encouraging use by local residents as well as tourists (LED3);
- d) ensuring continued business provision at Penbeagle Industrial Estate (LED4);
- e) encouraging retail and service provision in the settlements of Carbis Bay and Lelant (LED5);
- f) providing for new proposals relating to agriculture (LED6);
- g) encouraging new proposals relating to fishing (LED7);
- h) providing for catered holiday accommodation and campsite and caravan parks (LED8, LED9).

### **Social Sustainability**

Supporting a strong, vibrant and healthy community, 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 needs and support its health, social and cultural wellbeing.

St Ives NDP supports this principle through:

- a) providing for affordable housing for local people (H1, H4, AM1-4, AS1-6);
- b) providing for principal residence housing, to ensure that social infrastructure remains viable (H2);
- c) providing for open space provision to accompany new developments (H5);
- d) encouraging high quality where buildings are subdivided, to ensure acceptable standards of living (H6);
- e) providing for new residential care and nursing homes (H7);
- f) encouraging high quality design, particularly in conservation areas which are important to the continued success of St Ives tourism economy, on which a high proportion of local residents depend (BE1 – 17);
- g) encouraging service provision in Carbis Bay and Lelant (LED5);
- h) identifying and protecting existing community facilities (CF1);
- i) providing for new community facilities and informal recreational activities in the countryside surrounding the settlements (CF2, CF3);
- j) encouraging safe, accessible and attractive cycle and pedestrian routes through new development sites, particularly to local amenities (T1);

- k) protecting public rights of way (OS7);
- l) identifying and protecting culturally significant buildings, particularly encouraging their continued use as community spaces (and/or places of employment) where currently used as such (CH1).

### **Environmental Sustainability**

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. This is a crucial principle for resident communities and visitors alike.

St Ives Area NDP supports this principle through:

- a) reinforcing designated landscape areas and important open/green spaces (OS1);
- b) protecting open/green spaces of particular importance to the local community (OS6);
- c) protecting flora and fauna, trees, woodland, hedgerows and Cornish hedges (OS2, OS3);
- d) mitigating disturbance and pollution from new developments (OS4);
- e) protecting open/green spaces within settlements as well as between (OS5);
- f) protecting the best and most versatile agricultural land (OS8);
- g) protecting panoramas and vistas – coastal and countryside (OS9);
- h) encouraging sustainable transport provision (T1);
- i) encouraging high quality design, particularly in conservation areas (BE1 – 17);
- j) identifying and protecting historically significant buildings (CH1).

### **3.2 Contribute to the Achievement of Sustainable Development**

The St Ives Area NDP has been prepared with a clear understanding of the three key areas of sustainable development – economic, social and environmental – and the interplay between them. The policies aim to protect what is valuable to the community, both in the natural and built environment, whilst allowing for developments that will contribute to social infrastructure and economic resilience. Increased self-reliance is central to resilience and forms a key part of St Ives Area NDP.



St Ives Area NDP policies that contribute to sustainable development have been listed in the section above and in more detail in **Table 1**.

### **3.3 Be in General Conformity with Strategic Local Policy**

St Ives Area NDP has been prepared in consultation with planning officers from Cornwall Council. This has ensured that the process of developing draft policies has been scrutinised in terms of conformity with the strategic policies of the Proposed Submission Cornwall Local Plan – this includes the saved policies from the Penwith Local Plan 2004.

Cornwall Council have been mindful of the preparation of the pre-submission Local Plan 2010-2030 and any potential bearing this may have on St Ives Area NDP. It is considered that if the examination and referendum are successful, St Ives Area NDP will be brought into force prior to the adoption of the Local Plan under the new Town and Country (Local Planning) (England) Regulations 2012.

Detail is given in **Table 1** as to how each St Ives Area NDP policy relates to the emerging Cornwall Local Plan and saved policies from the Penwith Local Plan.

### **3.4 Be Compatible with EU Obligations**

A screening opinion was obtained from Cornwall Council in terms of the need for Strategic Environmental Assessment (SEA) and the Habitats Regulations Assessment (HRA). It was concluded that a SEA was required, but a HRA was not (see Appendix 2).

A Sustainability Appraisal (SA) Scoping report was completed and consulted on in May 2014 alongside the preferred policy options for St Ives Area NDP. Natural England, English Heritage and the Environment Agency were all consulted. Their responses can be found in the Sustainability Appraisal accompanying St Ives Area NDP.

The responses were used in drawing up an independent Sustainability Appraisal, in line with the procedures prescribed in the Environmental Assessment of Plans

and Programmes Regulations 2004 (the SEA Regulations) which transpose into national law the EU Strategic Environmental Assessment (SEA) Directive<sup>1</sup>.

The SEA Regulations require that a report is published for consultation alongside the draft NDP that 'identifies, describes and evaluates the likely significant effects of implementing the plan and reasonable alternatives'. The report must then be taken into account, alongside consultation responses, when finalising the plan.

The SA was consulted on as part of the pre-submission formal consultation (Regulation 14) for St Ives Area NDP. Natural England, English Heritage and the Environment Agency were all consulted, alongside other statutory consultees for the NDP itself. Responses are detailed in the Consultation Statement accompanying St Ives Area NDP.

It is considered that St Ives Area NDP is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998.

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<sup>1</sup> Directive 2001/42/EC