



# **Linkinhorne Neighbourhood Development Plan**

## **Basic Conditions Statement**

Produced by the Linkinhorne Neighbourhood Development Plan Steering Group

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## Introduction

Only a neighbourhood plan that meets each of the 'basic conditions' and other legal tests can be put to a referendum and, if successful, be used as the basis for determining planning applications.

This document shows how Linkinhorne Neighbourhood Plan meets the requirements of each legal test.

There are five basic conditions that are relevant to a neighbourhood plan. These are:

1. The plan must have regard to **national policies** and **guidance** issued by the Secretary of State; this includes the NPPF, Ministerial Statements and other government guidance and legislation
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.

## Statement of General legal Compliance

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

The whole parish of Linkinhorne has been formally designated as a Neighbourhood Area through an application made on 22<sup>nd</sup> September 2014 under the Neighbourhood Planning Regulations 2012 (part2 S6) and approved by Cornwall Council on 17th November 2014. A copy of the formal notice of designation is included at Appendix 1.

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 to 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 Linkinhorne as shown on the map in Appendix 2. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

## **Contribution to the Achievement of Sustainable Development**

There are three elements to sustainable development: economic, social and environmental. These require the planning system to 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 Linkinhorne Neighbourhood Development Plan seeks to conserve the unspoiled nature of this beautiful rural Cornish parish, whilst satisfying the local affordable housing need and sustaining the community for residents and visitors alike.

The strategic goals of the Linkinhorne Neighbourhood Plan are to:

- Deliver housing for all (young, old and those with disabilities), to help maintain the social cohesion of the parish communities.
- Protect the landscape which includes *Area of Outstanding Natural Beauty (AONB)*, World Heritage sites and Areas of Great landscape Value (AoGLV).
- Ensure all future developments reflect the character of the Parish.
- Supporting local businesses to provide economic growth.
- Sustain tourism.
- Deliver a community we all want to live in.
- At the core of the Linkinhorne Plan is the desire to conserve and enhance Linkinhorne's character and distinctiveness for residents and visitors and also to ensure a vibrant and economically viable future for the parish.

To meet these strategic goals, 13 key policy areas have been identified.

- *Sensitive maintenance and development of the Conservation Area and the wider built environment; this incorporates housing policy and the provision of truly affordable housing for local people. Providing sustainable communities, looking at cradle to grave provisions.*
- *Encourage businesses to grow and support new businesses to create employment opportunities for the residents of the Parish to maintain and improve economic well-being.*
- *Support and enhance agricultural activities to sustain the essential character of the Parish.*
- *Sensitive sustainability of tourism; a significant provider of employment and prosperity for the Parish.*
- *Enhancement and Preservation of the landscape.*

*The intention of the Plan and the policies within is to ensure that our parish continues to thrive as a place to live and work and as a place to visit.*

This plan promotes sustainable development as detailed below.

### **An Economic Role**

The Linkinhorne Plan aims to support local businesses to provide economic growth. Within the Parish there is a significant presence of small and medium sized enterprises, including farming (and related services), tourism and hospitality, building services, professional service (including IT) and health and social care services. Almost all the proposed policies in some way aim to support economic growth of the parish. There are specific policies on Commercial development, Construction of new farm and works buildings and site redevelopments with the plan.

### **A Social Role**

At the core of the Plan is a desire to deliver housing for all (young and old), to help maintain the social cohesion of the community. The plan also indicates projects that the community feel the Community Infrastructure Levy (CIL) and other available funds should be used for in the future. Finally, the plan asks developers (housing and commercial) to consider how to design out crime and disorder to ensure community safety.

### **An Environmental Role**

The plan and the character study describe the environment that the parish is set within. The plan protects the landscape, design, character and the biodiversity of the parish. The plan has policies focused on open spaces, area of local significance, creation of village boundaries and Landscape and wildlife. The plan seeks to protect hedges and field boundaries, because of their significance to biodiversity and landscape. Also, it requires lighting impact assessment to be undertaken on all developments within and adjacent to the Dark Sky Designated area.

## Achieving Sustainability

This plan contributes to the achievement of sustainable development by:

- *Planning positively for affordable housing growth within a rural setting, with a consideration for cradle to grave objective;*
- *Planning for good settlement area design and the creation of safe and well-connected places;*
- *Prioritising development using infill and use of redevelopment opportunities.*
- *Protecting locally important open spaces and landscape features;*
- *Protecting and enhancing the natural, built and historic environment of Linkinhorne.*
- *Constructively supports the commercial development activities within the parish;*

The table below indicates how each of the policies in the Plan help to achieve sustainable development.

Policy	Economic implications	Social implications	Environmental implications
1)GP1. Sustainable development	Ensuring parishioners can to stay in the parish, thus supporting the services, facilities and businesses in the parish.	Providing sustainable communities, that integrate and enhance the community we live in.	Ensures that the types and location of property being developed are created for people to live in, whilst protecting the landscape and environment.
2. GP2 Settlement Boundaries	Encouraging small developments by local builders / developers to support local employment.	Ensuring that each village has its own identity.	
3. GP3 Redevelopment	Enabling development using infill and use of redevelopment opportunities.	Safeguarding that all building within the rural exception locations are affordable housing lead.	
4. H1 Integration of new housing	Ensures the people who live and work in the parish can find somewhere affordable to live.	Local people can continue to live in their home parish.	By ensuring that there are choices of homes within the parish.
5. H2 Rural exception housing for local people	Continued	Provision of lifetime dwellings for all age groups and abilities.	

Policy	Economic implications	Social implications	Environmental implications
6. H3 Lifetime housing for the local elderly and those with significant health issues	support for the services, facilities and businesses in the parish.		
7. LW1 Construction Farm builds and Works	Enabling existing business and farms to expand and diversify into other activities supports the local economy.	Supports the viability of traditional farms and small and medium businesses.  Provide opportunities for increased employment.	Policy requires that new buildings must respect the landscape and reflect existing built design.  Identifies the importance of the Cornish hedges to biodiversity and landscape character and appearance of the parish.
8. LW2 Field and Parcel Boundaries			
9. CD1 Commercial Development	Supports the commercial development/ opportunity activities within the parish.	Supports the viability of businesses within the parish.	Policy requires that new buildings must respect the landscape and reflect existing built design.
10. CF1 Sustainable Transport	The AONB and open space is a key part of the parish's attraction to visitors. Protection means that this will continue to be so.	Maintenance of vibrant commercial centre with a range of facilities  Protection for recreational space.	Protection for valued landscapes and local spaces.  Preservation of the appearance of the historic core.  Protect the facilities of the Parish.
11. CF2 Open Areas of Local Significances			
12. CF3 Open Space			
13. CF4 Upton Cross Cemetery			

### **Having regard to national policies and guidance**

All of the policies in this neighbourhood plan have been drafted with consideration of the national planning policies set out in the NPPF and associated guidance.

The detailed consideration of the Linkinhorne Neighbourhood Plan policies in Appendix 4 demonstrates how each is in conformity with National Planning Policy and guidance.

### **General conformity with the strategic policies of the development plan(s) for the area**

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 detailed consideration of all policies in the Linkinhorne Neighbourhood Plan demonstrates how each is in conformity with Local Planning Policy and guidance.

### **Compatibility with EU Regulations**

The Linkinhorne NDP Steering Group requested that Cornwall Council screen the Neighbourhood Plan for Strategic Environmental Assessment and Habitat Regulations Assessment on 5 March 2019. Natural England, the Environment Agency and Historic England were consulted as part of the screening process. The screening opinion concluded that, Cornwall Council is of the opinion that the Linkinhorne Parish NDP is unlikely to have significant effects on the environment and that SEA is therefore not required. This view has been confirmed by the consultation bodies. A copy of the screening opinion is included at Appendix 3.

### **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 and Belief, Sex, Sexual Orientation and in Cornwall an additional characteristic, Cornish Status.

This NDP has been developed to be in general conformity with the Cornwall Local Plan, which was subject to Examination in Public and found to be sound. The Cornwall Local Plan provides for objectively assessed need, to meet the needs of all groups in the community.

The Cornwall Local Plan has been subject to Comprehensive Impact Assessment. This concluded that the current and future businesses and residents of, and visitors to, Cornwall will be affected by the land use policies in terms of provision of jobs, homes, infrastructure, access to services and the protection of the environment. The strategic policy objectives to 2030 are to plan for the needs of the whole community now and in the future. In addition, where evidence demonstrates a need, a number of protected characteristic groups are positively

planned for with specific provision made for older people and those with disabilities.

In particular the economic strategy, overall housing target and affordable housing targets aim to ensure appropriate jobs and housing is available to meet local needs. Failing to provide sufficient housing will impact most on disadvantaged groups.

*The Linkinhorne NDP provides a strategy for the development of the neighbourhood area, and a range of policies, which will result in benefits for the entire community of Linkinhorne Parish. The key positive impacts are promoting sustainable development, protecting the built and natural environment, providing employment and housing to meet local need and promoting community engagement and involvement in planning. The policies contained within the plan do not disadvantage any minority group or group with protected characteristics.*

## **Conclusion**

The Linkinhorne Neighbourhood Development Plan has regard to National Planning Policy and is in general conformity with the strategic policies of the Cornwall Local Plan. This Plan is compatible with EU obligations and promotes sustainable development.

It is considered that the Basic Conditions as set out in Schedule 4B to the Town and County Planning Act 1990 (as amended) have been met. The Plan complies with Paragraph 8(1)(a) of Schedule 4B to the Act and should proceed to Referendum.

## Appendix 1 – Designation of Neighbourhood Area

Include a copy of the confirmation of designation letter received from Cornwall Council, confirming that the area has been designated.

### Cornwall Council

Dolcoath Avenue Camborne Cornwall TR14 8SX

Email: [planning@cornwall.gov.uk](mailto:planning@cornwall.gov.uk)

Tel: 0300 1234151

Web: [www.cornwall.gov.uk](http://www.cornwall.gov.uk)



Application number: PA14/00017/NDP

**Applicant:**

Mrs J Todd  
Linkinhorne Parish Council  
Pennilla House  
Rilla Mill  
Callington  
Cornwall  
PL17 7NT

**Town And Country Planning Act 1990 (As Amended)  
The Neighbourhood Planning (General) Regulations 2012**

### Designation of a Neighbourhood Area

**CORNWALL COUNCIL**, being the Local Planning Authority, **HEREBY APPROVES**, the designation of a Neighbourhood Area to be used for the creation of a Neighbourhood Development Plan as set out in the following application received on 24<sup>th</sup> September 2014 and accompanying plan(s):

**Proposal:** The designation of the Parish of Linkinhorne as a Neighbourhood Area

**Relevant Body:** Linkinhorne Parish Council

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

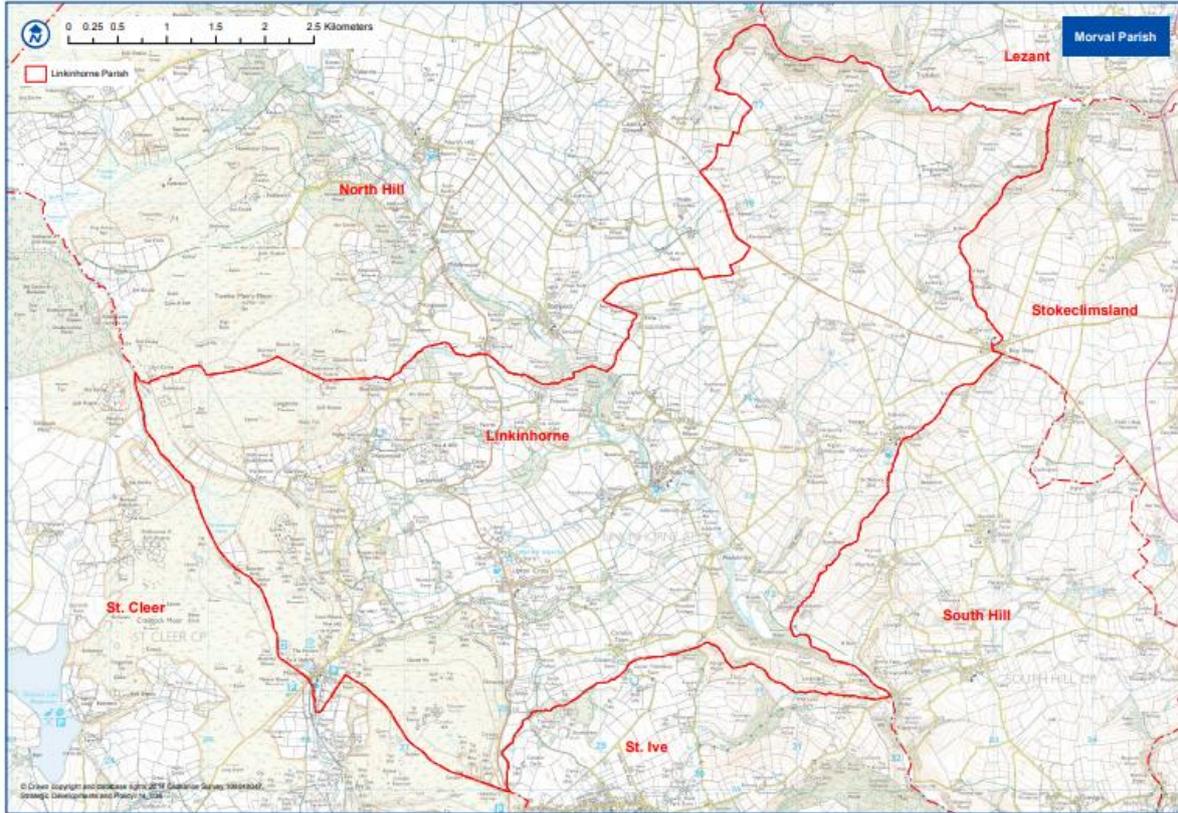
**DATED: 17 November 2014**

**Phil Mason  
Head of Planning, Housing and  
Regeneration**

Please click here for the:

- [Linkinhorne Designation Letter](#)
- [Linkinhorne Designation Map](#)
- [Linkinhorne Designation Officers Report](#)
- [Linkinhorne Decision Notice](#)

## Appendix 2 – Parish Map



## Appendix 3 – Screening Opinion

Mr Andrew Ward  
Linkinhorne Parish Neighbourhood Plan

By email: andy.ward007@yahoo.co.uk

Dear Andrew,



COLLED

5 March 2019

### **Linkinhorne Parish Neighbourhood Development Plan – SEA and HRA Screening**

As requested Cornwall Council has screened the Linkinhorne 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 we produced a screening opinion report for the NDP and consulted the statutory bodies: Natural England, Historic England and the Environment Agency. We also asked Natural England to confirm whether or not HRA was required under the HRA directive.

The NDP could not be screened out for impacts on the Plymouth Sound SAC or the Tamar Estuaries Complex SPA. Appropriate Assessment has therefore been carried out and concludes that, due to strategic mitigation measures in the Cornwall Local Plan to deal with recreational impacts, it can be concluded that there will be no adverse impacts on the features of these European sites arising from the NDP. Natural England has confirmed that they are satisfied with this conclusion.

Based on the scale and location of development proposed in the draft plan, and the strategic and local policy framework, Cornwall Council is of the opinion that the Linkinhorne Parish NDP is unlikely to have significant effects on the environment and that SEA is therefore not required. This view has been confirmed by the consultation bodies.

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 724294  
Email: [sarah.furley@cornwall.gov.uk](mailto:sarah.furley@cornwall.gov.uk)

Cc: [clerk@linkinhorneparish.co.uk](mailto:clerk@linkinhorneparish.co.uk)

Please click here for the:

- [Screening decision Linkinhorne NDP](#)
- [HRA and SEA Screening opinion Linkinhorne 03\\_01\\_2020](#)

## Appendix 4 – Policy analysis

### DETAILED CONSIDERATION OF LINKINHORNE NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

This table sets out how each policy reflects the aims of local and national policy and supports the achievement of sustainable development.

NDP Policy	Promoting Sustainable Development				NPPF	Cornwall Local Plan
	Social	Economic	Environmental	Commentary		
GP1 – Sustainable Development	++	+	+	Ensures that the types and location of property being developed are created for people to live in, whilst protecting the landscape and environment. Encouraging small developments by local builders / developers to support local employment.	Promoting healthy communities	Supports policy 6 which requires that local evidence is used in determining housing mix and addressing imbalances. Complements policy 14 – renewable and low carbon energy.  Supports policies 6, 14, 23 and 24
GP2 – Settlement Boundary	+	+	+	Protects the most valued landscape. Safeguarding that all building within the rural exception locations are affordable housing lead.	Conserving and enhancing the natural environment.	Policy 7 allows settlements to define development boundaries. Policy 23 protects the natural environment.  Supports policies 7, 9, and 23

NDP Policy	Promoting Sustainable Development				NPPF	Cornwall Local Plan
	Social	Economic	Environmental	Commentary		
G3 – Redevelopment	++	+	+	Enabling development using infill and use of redevelopment opportunities.		Supports policies 7, 21, and 24
H1 – Integration of new Housing	++	+	+	Ensuring that local people can continue to live in the village is key to ensuring a sustainable future.	Promoting healthy communities	Supports policy 6 which requires that local evidence is used in determining housing mix and addressing imbalances.  Supports policies 7, 9, 12 and 14
H2 Rural exception housing for local people	++	+	+	Ensuring that local people can continue to live in the village is key to ensuring a sustainable future.	Promoting healthy communities Delivering a wide choice of high-quality homes	Supports policies 6, 8, 7 and 9
H3 Lifetime housing for the local elderly and those with significant health issues	++	+	+	Provision of lifetime dwellings for all age groups and abilities.	Requiring good design Promoting healthy communities	Complements Policy 12  Complements policy 13 which requires accessible homes.

NDP Policy	Promoting Sustainable Development				NPPF	Cornwall Local Plan
	Social	Economic	Environmental	Commentary		
LW1 – Construction of new Farm and Works buildings	+	+	+	Ensures that commercial activities do not detract from residential amenity. These policies aim to protect and conserve the landscape and reduce flooding.	Requiring good design whilst conserving and enhancing the historic environment	Complements Policy 12 These policies support the aims of Policy 5 which confirms that employment land should be well-related to existing settlements or as an extension to an existing employment site.
LW2 – Field and Parcel boundaries	+	-	+	Identifies the importance of the hedges to biodiversity, whilst conserving and enhancing the historic environment and landscape character of Linkinhorne parish.	Conserving and enhancing the historic environment	Policy 24 protects the historic environment Policy 23 Natural Environment

NDP Policy	Promoting Sustainable Development			Commentary	NPPF	Cornwall Local Plan
	Social	Economic	Environmental			
CD1 –Commercial Development	+	+	+	<p>Enabling existing business and farms to expand and diversify into other activities supports the local economy.</p> <p>Whilst ensures that commercial activities do not detract from residential amenity.</p>	<p>Building a strong, competitive economy Ensuring the vitality of our villages</p> <p>Supporting a prosperous rural economy</p>	Supports policy 5
CF1 – Sustainable Transport	+	-	+	<p>By seeking to preserve the historic environment, [parish] will remain attractive to residents and visitors Protection community green spaces.</p>	<p>Promoting sustainable transport Conserving and enhancing the historic environment Promoting healthy communities</p>	<p>Reflects the aims of policy 27 Policy 16 health and well-being Policy 23 Natural Environment Policy 24 protects the historic environment</p>
CF2 – Open Areas of Local Significance	+	-	+			
CF3 – Open Spaces	+	-	+			
CF3 – Upton Cross Burial Ground	+	-	+			