

Basic Conditions Statement

Hayle Town Council

October 2017

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Introduction

The Hayle Neighbourhood Plan has been produced by Hayle 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 members of our community and town councillors.

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

The “Basic Conditions” are a set of conditions that the 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:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the plan contributes to the achievement of sustainable development;
- 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);
- the making of the plan does not breach, and is otherwise compatible with, EU obligations; and,
- 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 our draft Neighbourhood Plan. In submitting the Statement and, through its content, demonstrating how our 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 development plan proposal. These are submitted alongside this Statement.

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).

The Statement that follows sets out:

- where our Neighbourhood Area is and how this was established;
- a summary of why we need our Neighbourhood Plan;
- how we have complied with relevant legislation;
- a summary of the content of our Neighbourhood Plan proposal; and,
- an explanation of how our Neighbourhood Plan meets the Basic Conditions.

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 the Hayle Neighbourhood Plan was the confirmation of the 'Neighbourhood Area', or the area for which the Town Council, as the "qualifying body" for neighbourhood planning activity will have the right to produce a plan for. Our application to designate the Neighbourhood Area was submitted, as required by Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, to Cornwall District Council as the local planning authority on 8th January 2014. This application is reproduced in Appendix 1 to this Statement. Following a public consultation period of at least six weeks, our Neighbourhood Area was formally approved by Cornwall Council on 14th April 2014. The approval/decision notice is reproduced as Appendix 2 to this Statement. Our approved Neighbourhood Area is the same as the parish boundary and is shown below in Figure 1.

Figure 1 – Approved Neighbourhood Area



Why do we need a Neighbourhood Plan?

Our justification for producing the Plan is set out in the introductory sections of the Plan itself, on page 5 of the Submission Version, culminating in the vision, aims and objectives which have been developed and shaped from evidence and community consultation.

During the latter half of the 20th century, Hayle suffered post-industrial decline, which resulted in a lack of sensitive development. As a town of great historical significance set within a landscape of equal merit, Hayle needs to protect both its heritage and its environment. At the same time, it is essential to devise a framework for growth and for on-going regeneration and revitalisation, which can provide better employment opportunities and more housing for local people. This is the goal of our Neighbourhood Plan. Neighbourhood planning has provided us with an opportunity to develop and put relevant policies and projects in place and enabled the community to play a key part in realising its own vision for the future.

We decided to prepare a neighbourhood plan because:

- We wanted to ensure that the planning issues and opportunities important to the community were addressed within the strategic framework of the new Cornwall Local Plan
- We wanted influence over local planning matters and decisions to ensure that growth and development in Hayle occurs in a controlled and structured manner
- We wanted to influence the type, scale, design and form of development which may come forward in the parish area between now and 2030
- Take the opportunity to further strengthen community cohesion through sharing the issues and opportunities and developing a shared future

Having explored the issues and identified the key messages and things of importance to the community, the following development **themes** were adopted to realise our vision of a “*highly connected community*” under-pin the Hayle Neighbourhood Plan:

Sustainable Development and Housing - *We will grow the town in the most sustainable way we can whilst meeting the housing needs of the local community*

Natural Environment and Landscape Setting - *We will preserve and enhance the landscape setting of the town, coast and surrounding countryside*

Business, Enterprise and Economy - *We will encourage and stimulate business development and improve employment opportunities and prospects*

Traffic and Transport - *We will encourage non-car travel and reduce the impact of motor vehicles within the town*

Community Wellbeing - *We will sustain the vitality, health and safety of all groups of the community*

Heritage, Culture and Built Environment - *We will respect the town’s historic and cultural legacy whilst promoting a modern, enterprising and forward-looking outlook*

Sustainable Tourism - *We will support tourism growth if it benefits the economy of the area and does not harm our sensitive environment*

These topic themes were converted through dialogue and consultation into a set of aims and objectives for the Hayle Neighbourhood Plan from which we have been able to develop neighbourhood planning policies for the ‘parish area’ of Hayle where, we have concluded that they are necessary to complement and supplement the NPPF and Cornwall Local Plan.

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 or Parish 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 Hayle Town Council as the "qualifying body" for the purposes of Neighbourhood Planning.

Neighbourhood Area

The Neighbourhood Area (as shown in Figure 1 on page 3) 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 approval / decision notice 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,

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>

(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),
(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 Hayle Neighbourhood Plan:

- covers the period up to 2030, aligning with the plan period of the Local Plan
- is the only Neighbourhood Plan for the parished area of Hayle
- does not contain policies relating to “excluded development”
- relates only to the designated Neighbourhood Area in figure 1 above
- sets out policies in relation to the development and use of land

Given the importance of some of the issues and non-planning matters expressed by our community during consultation and the cross-cutting nature of some of these issues with planning and land-use matters, the Neighbourhood Plan also refers to a Community Action Plan in Section 3 which will address community issues outside of the remit of the Neighbourhood Plan. Importantly, these will join up and link the planning system with important other issues which relate to people, services, projects or how we live in our community.

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 2011.¹⁰) have been met, as demonstrated in this Statement.

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

¹⁰ 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 2012¹¹, and to provide sufficient 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;
- A Strategic Environmental Assessment;
- Our Consultation Statement;
- Our Basic Conditions Statement (this document) and,
- A statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects.

¹¹ See <http://www.legislation.gov.uk/ukxi/2012/637/regulation/15/made>

How our Neighbourhood Plan meets the Basic Conditions

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

Neighbourhood Plan Paragraphs and / or Policies	National Planning Policy Framework and National Planning Practice Guidance	How has the Neighbourhood Plan had regard to national policies and advice?
Policy SD1 Development within Built-up Areas	<i>NPPF para. 109 - protecting and enhancing valued landscapes</i>	Policy SD1 defines relevant built-up area boundaries within which there is a presumption in favour of sustainable development. By focussing development within or on selected sites contiguous to this boundary, we are protecting the more sensitive areas and landscapes from development
Policy SD2 Design and Layout of Residential Development	<i>NPPF para. 57 - plan positively for the achievement of high quality and inclusive design for all development</i> <i>NPPG paras. 015-022 Design</i>	Policy SD2 establishes locally-based criteria to help ensure that the design of development is of high quality and appropriate to its location
Policy SD3 Community Housing	<i>NPPF para. 50 - plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community</i>	Policy SD3 recognises that there is a role for community-based development initiatives in broadening options, choice and meeting local housing needs.
Policy SD4 Parking Provision for New Housing and other Developments	<i>NPPF para. 39 – setting local parking standards for residential and non-residential development</i> <i>NPPG para. 040 Design</i>	Policy SD4 sets local standards based on local car ownership levels and the lack of space on or adjacent to our local road network. It should ensure the roads in the area are not further congested and obstructed by parked cars.
Policy SD5 Development in Private Gardens	<i>NPPF para. 53 - resist inappropriate development of residential gardens</i> <i>NPPG para. 027 Natural Environment</i>	Policy SD5 sets criteria that need to be met by development proposals to be considered appropriate for a private garden.
Policy SD6 Local Green Space	<i>NPPF para. 76 – Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them.</i> <i>NPPG paras. 005-022 - Local Green Space Designation</i>	Policy SD7 identifies those areas of green space that are of special significance to the community and meet the criteria laid down in the NPPF. By designating them as local green space it protects them from development other than in special circumstances.
Policy BE1 Employment Opportunities in Residential Areas	<i>NPPF para. 21 - facilitate flexible working practices</i> <i>NPPG para. 033 Methodology: Assessing Economic Development</i>	Policy BE1 supports the development of small-scale employment use within residential areas in the interests of expanding opportunities
Policy BE2 Rural Industrial Development	<i>NPPF para. 28 - promote the development and diversification of</i>	Policy BE2 supports farm diversification through the

Neighbourhood Plan Paragraphs and / or Policies	National Planning Policy Framework and National Planning Practice Guidance	How has the Neighbourhood Plan had regard to national policies and advice?
	<i>agricultural and other land-based rural businesses</i>	conversion of agricultural buildings in the interests of the continued viability of local farming businesses
Policy BE3 Catering and Food Outlets	<i>NPPF para. 23 - recognise town centres as the heart of their communities and pursue policies to support their viability and vitality</i> <i>NPPG para. 001 Ensuring the Vitality of Town Centres</i>	Policy BE3 supports the provision of catering and food outlets in the town centre areas where it does not adversely affect the viability of other town centre businesses.
Policy BE4 Out of Town Food Retail	<i>NPPF para. 26 - include assessment of the proposal on town centre vitality and viability</i> <i>NPPG para. 001 Ensuring the Vitality of Town Centres</i>	Policy BE4 seeks to limit the adverse impact of out-of-town food retail on the vitality and viability of the town centres.
Policy BE5 Financial and Professional Services	<i>NPPF para. 70 - plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments</i>	Policy BE5 supports the conversion of appropriate properties to provide community services.
Policy NE1 Local Gaps	<i>NPPF para. 109 - protecting and enhancing valued landscapes, geological conservation interests and soils</i>	Policy NE1 seeks to establish local green gaps in the interests of protecting valued landscapes and preventing settlement coalescence.
Policy NE2 Undeveloped Coastal Areas	<i>NPPF para. 106 - avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast</i> <i>NPPF para 109 - minimising impacts on biodiversity</i> <i>NPPF 114 - maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes</i> <i>NPPG para. 006 Landscape</i>	Policy NE2 seeks to prevent inappropriate development that could impact on the natural and undeveloped coastline and sets criteria to protect a very special and vulnerable environment.
Policy NE3 Development in Keeping with its Landscape Setting	<i>NPPF para. 109 - protecting and enhancing valued landscapes, geological conservation interests and soils.....</i> <i>minimising impacts on biodiversity and providing net gains in biodiversity where possible</i> <i>NPPG para. 001 Landscape</i>	Policy NE3 requires development proposals to avoid having an adverse impact on the natural environment.
Policy NE4 Improved Access to the Beach	<i>NPPF para. 75 - planning policies should protect and enhance public rights of way and access</i> <i>NPPF para. 114 - improve public access to and enjoyment of the coast</i> <i>NPPG para. 006 Landscape</i>	Policy NE4 support improvements to the public rights of way that provide access to the beach
Policy NE5 Riviere Towans Chalets	<i>NPPF para. 28 - support sustainable rural tourism and leisure developments</i> <i>.....which respect the character of the countryside</i> <i>NPPF para. 109 - protecting and enhancing valued landscapes</i> <i>NPPF para. 118 - aim to conserve and enhance biodiversity</i>	Policy NE5 sets relevant criteria to ensure development on the chalet site is appropriate; and has no adverse impact on the sensitive natural environment.
Policy NE6 Protection of Green Infrastructure	<i>NPPF para. 74 - Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</i>	Policy NE6 identifies and protects the most important open spaces that contribute to the area's green infrastructure.

Neighbourhood Plan Paragraphs and / or Policies	National Planning Policy Framework and National Planning Practice Guidance	How has the Neighbourhood Plan had regard to national policies and advice?
	<i>NPPG paras. 027-030 Green Infrastructure</i>	
Policy NE7 Protection of Trees	<i>NPPF para. 118 - permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees NPPG paras. 151-154 Replacing Protected Trees</i>	Policy NE7 recognises the value of trees and seeks to protect the number of trees in the area.
Policy NE8 Cornish Hedges	<i>NPPF para. 58 - respond to local character and history, and reflect the identity of local surroundings and materials NPPG para. 020 Design</i>	Policy NE8 recognises the heritage and character value of Cornish hedges and seeks to protect them from loss or irreparable damage
Policy NE9 Protection of Copperhouse Pool	<i>NPPF para. 118 - aim to conserve and enhance biodiversity NPPG para. 017 Bio-diversity and Ecosystems</i>	Policy NE9 recognises the special amenity and ecological value of Copperhouse Pool and protects it from inappropriate development.
Policy NE10 Wildlife	<i>NPPF para. 117 - minimise impacts on biodiversity and geodiversity NPPG para. 009 Biodiversity and Ecosystems</i>	Policy NE10 recognises the area's ecologically and geologically sensitive sites and protects them from harm.
Policy TR1 Pedestrian and Cycleway Links	<i>NPPF para. 35 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians NPPF para. 69 - create safe and accessible developments, containing clear and legible pedestrian routes NPPG para. 022 Design</i>	Policy TR1 requires pedestrian and cycling routes in new development which provide safe links to the key community facilities.
Policy TR2 Reducing Town Centre Traffic	<i>NPPF para. 30 - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. NPPG para. 003 Ensuring the Vitality of Town Centres</i>	Policy TR2 supports development proposals that help reduce congestion and pollution from motor vehicles in the town centres.
Policy TR3 Junction Safeguarding	<i>NPPF para. 41 - identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice NPPG para. 008 Transport Evidence Bases in Plan Making and Decision Taking</i>	Policy TR3 safeguards land that has been identified by Cornwall Council as the most appropriate for new road junctions that will help facilitate sustainable growth.
Policy TR4 Traffic Impact	<i>NPPF para. 32 - All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment NPPG paras. 001-008 Travel Plans, Transport Assessments and Statements in Decision-Taking</i>	Policy TR4 requires a locally relevant and realistic travel plan to be produced to support major development proposals.
Policy TR5 Public Parking Areas	<i>NPPF para. 40 - seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles NPPG para. 001 Ensuring the Vitality of Town Centres</i>	Policy TR5 identifies the parking area that are important for the wellbeing of the town centres and provide community access to local services and facilities.

Neighbourhood Plan Paragraphs and / or Policies	National Planning Policy Framework and National Planning Practice Guidance	How has the Neighbourhood Plan had regard to national policies and advice?
Policy CW1 Community Facilities	<i>NPPF para. 70 - guard against the unnecessary loss of valued facilities</i> <i>NPPG para. 002 Health and Wellbeing</i>	Policy CW1 safeguards valued community facilities.
Policy CW2 Facilities for Young People	<i>NPPF para. 70 - plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments</i> <i>NPPG para. 002 Health and Wellbeing</i>	Policy CW2 supports the provision of additional facilities for young people that meet an identified need.
Policy CW3 New Recreation and Sports Facilities	<i>NPPF para. 73 - Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.</i> <i>NPPG paras. 001-003 Open Space, Sports and Recreation Facilities</i>	Policy CW3 supports the provision of new recreation and sports facilities in appropriate locations on the edge of the built-up area.
Policy HB1 Protection of Heritage Assets	<i>NPPF para. 126 - recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance</i> <i>NPPG paras. 028-037 Further Guidance on World Heritage Sites</i>	Policy HB1 recognises the importance of local heritage assets and puts appropriate protection in place.
Policy HB2 Traditional Shop Fronts	<i>NPPF para. 126 - opportunities to draw on the contribution made by the historic environment to the character of a place</i> <i>NPPG para. 007 Plan Making: Historic Environment</i>	Policy HB2 recognises the historical significance of local shop fronts and supports their restoration.
Policy HB3 Signs, Advertising and Illuminations	<i>NPPF para. 67 - Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.</i> <i>NPPG para. 032 Further Guidance on World Heritage Sites</i>	Policy HB3 places limits to minimise the impact that advertising developments could have on the Conservation Area and/or World Heritage site.
Policy HB4 Loggans Mill Protection Zone	<i>NPPF para. 137 - look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance</i> <i>NPPG paras. 008-020 Decision-taking: Historic Environment</i>	Policy HB4 protects an important heritage asset but supports development to bring about its sustainable re-use.
Policy ST1 Tourism Development	<i>NPPF para. 28 - support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside</i>	Policy ST1 support sustainable rural tourism and leisure developments that benefit businesses in the area and improves the local economy.
Policy ST2 Camping and Caravan Sites	<i>NPPF para. 114 - maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes</i> <i>NPPG para. 006 Landscape</i>	Policy ST2 places controls on camping and caravan park development protect the character of the local countryside.
Policy EX1 Exceptional Non-residential Development Sites	<i>NPPF para. 116 - exceptional circumstances and where it can be demonstrated they are in the public interest</i>	Policy EX1 supports major development in the countryside if the it can be demonstrated that it will bring substantial benefits to the local area and has the community's support.

2. 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. As regards ‘Sustainable Development’, our extensive community consultation established agreement that we should “grow the town in the most sustainable way we can and meet the housing needs of the local community”.

The tables below set out how we feel that our Neighbourhood Plan has dealt with the achievement of sustainable development against key relevant sustainability-focussed parts of, first the NPPF and then Cornwall Local Plan 2010-2030.

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<p><i>There are three dimensions to sustainable development: economic, social and environmental.</i></p> <p><i>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;</i></p> <p><i>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</i></p> <p><i>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.</i></p> <p>(Paragraph 7)</p>	<p>The Hayle 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:</p> <p>Policy BE1 Employment Opportunities in Residential Areas</p> <p>Policy BE2 Rural Industrial Development</p> <p>The following policies of our Plan address the social dimension of sustainable development:</p> <p>Policy CW1 Community Facilities</p> <p>Policy CW2 Facilities for Young People</p> <p>Policy CW3 New Recreation and Sports Facilities</p> <p>The following policies of our Plan address the environmental dimension of sustainable development:</p> <p>Policy NE1 Local Gaps</p> <p>Policy NE2 Undeveloped Coastal Areas</p> <p>Policy NE6 Protection of Green Infrastructure</p> <p>Policy NE7 Protection of Trees</p> <p>Policy NE8 Cornish Hedges</p> <p>Policy NE9 Protection of Copperhouse Pool</p> <p>Policy NE10 Wildlife</p>
<p><i>Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):</i></p> <ul style="list-style-type: none"> ● <i>making it easier for jobs to be created in cities, towns and villages;</i> ● <i>moving from a net loss of bio-diversity to achieving net gains for nature;</i> ● <i>replacing poor design with better design;</i> ● <i>improving the conditions in which people live, work, travel and take leisure; and</i> ● <i>widening the choice of high quality homes.</i> <p>(Paragraph 9)</p> 	<p>The following policies in our Plan are relevant to meeting the delivery of sustainable development as outlined in this NPPF paragraph:</p> <p>Policy BE1 Employment Opportunities in Residential Areas</p> <p>Policy BE2 Rural Industrial Development</p> <p>Policy NE7 Protection of Trees</p> <p>Policy NE8 Cornish Hedges</p> <p>Policy NE9 Protection of Copperhouse Pool</p> <p>Policy NE10 Wildlife</p> <p>Policy CW1 Community Facilities</p> <p>Policy CW2 Facilities for Young People</p> <p>Policy CW3 New Recreation and Sports Facilities</p> <p>Policy SD3 Community Housing</p>
<p><i>Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.</i></p> <p>(Paragraph 10)</p>	<p>As our Consultation Statement demonstrates we have carried out consultations with our community to ensure that the emerging Plan reflects their priorities and considered the options to deliver the development we need in a sustainable manner.</p>
<p><i>The application of the presumption (in favour of sustainable development) will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:</i></p>	<p>We have developed the Neighbourhood Plan taking into account the strategic policies of the new Local Plan to ensure that our Plan conforms to the overall development strategy for Cornwall.</p> <p>We have ensured that officers at Cornwall Council have seen key outputs and drafts of the Plan and the process,</p>

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<ul style="list-style-type: none"> • <i>develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;</i> • <i>plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and</i> • <i>identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.</i> (Paragraph 16)	<p>with general conformity with strategic policies in mind. (A table later in this statement sets out how we feel our policies and plan are in general conformity with the Local Plan.)</p> <p>We have planned positively to support local development, within the context of national and strategic policies which provide the planning policy framework for our Plan, and which also fits with the aspirations of our community (as understood through our various local consultation).</p> <p>There has been no local desire or need to identify Neighbourhood Development Orders in the neighbourhood area at this stage.</p>
<p><i>Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.</i></p> (paragraph 35)	<p>We have several policies that reflect our ambition to reduce the impact of the motor vehicle and encourage the use of sustainable transport modes:</p> <p>Policy TR1 Pedestrian and Cycleway Links</p> <p>Policy TR2 Reducing Town Centre Traffic</p> <p>Policy TR3 Junction Safeguarding</p> <p>Policy TR4 Traffic Impact</p>
<p><i>Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.</i></p> (Paragraph 56)	<p>Policy SD2 Design and Layout of Residential Development</p> <p>Policy NE3 Development in Keeping with its Landscape Setting</p> <p>Policy NE5 Riviere Towans Chalets</p> <p>Emphasise that we are seeking high quality of design and a high standard of amenity in a local context.</p>
<p><i>To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</i></p> <ul style="list-style-type: none"> • <i>plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</i> (Paragraph 70)	<p>The Neighbourhood Plan aims to ensure that we maintain a range of local community facilities that are flexible enough to meet a range of community needs and ensure our community remains sustainable. This includes protecting what we have, as long as it is needed, and adding to facilities and services in a flexible and sustainable way.</p> <p>Policy CW1 Community Facilities</p> <p>Identifies those community facilities that contribute to the sustainability of the area.</p> <p>Policy TR1 Pedestrian and Cycleway Links</p> <p>This policy seeks to ensure that new development is properly linked to the local community facilities and services.</p>
<p><i>Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.</i></p> (Paragraph 183)	<p>The neighbourhood planning process has brought the community closer together and enabled a positive 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 the future.</p>

Cornwall Council Local Plan Policy	How our Plan contributes towards this
<i>Policy 1: Presumption in favour of sustainable development</i>	The Hayle Neighbourhood Plan (NP) provides additional policies to ensure that development proposals are sustainable in local terms Policy SD1 Development within the Built-up Area Policy SD2 Design and Layout of Residential Development Policy NE7 Protection of Trees Policy TR1 Pedestrian and Cycleway Links
<i>Policy 2 – Spatial Strategy</i>	The NP takes a sustainable approach to growth which embraces the regeneration of Hayle focussing on the harbour area Policy SD1 Development within Built-up Areas Policy BE1 Employment Opportunities in Residential Areas
<i>Policy 2a: Key targets</i>	The NP facilitates the strategic growth targets for Hayle Policy SD1 Development within the Built-up Area Policy BE2 Rural Industrial Development Policy TR3 Junction Safeguarding
<i>Policy 3: Role and function of places</i>	The NP recognises that Hayle is a first-tier town and includes policies to accommodate an appropriate level of housing, community, cultural, leisure, retail, utility and employment provision Policy SD1 Development within Built-up Areas Policy BE1 Employment Opportunities in Residential Areas Policy BE3 Catering and Food Outlets Policy CW1 Community Facilities Policy CW3 New Recreation and Sports Facilities Policy ST1 Tourism Development Policy EX1 Exceptional Non-residential Development Sites
<i>Policy 4: Shopping, Services and Community Facilities</i>	The NP has policies to support and enhance the vitality and viability of town centres to serve expanding local needs and demands Policy BE4 Out of Town Food Retail Policy BE5 Financial and Professional Services Policy TR5 Public Parking Areas
<i>Policy 5: Business and Tourism</i>	The NP supports the expansion of business opportunities in the town and the growth of sustainable tourism facilities Policy BE1 Employment Opportunities in Residential Areas Policy ST1 Tourism Development
<i>Policy 12: Design</i>	The NP's policies provide local detail to increase the relevance of the Local Plan's comprehensive place-shaping approach Policy SD2 Design and Layout of Residential Development Policy SD4 Parking Provision for New Housing and other Developments Policy SD5 Development in Private Gardens
<i>Policy 16: Health and wellbeing</i>	The NP recognises the value of high quality open space in providing for healthy lifestyles Policy SD5 Development in Private Gardens Policy SD6 Local Green Space Policy NE7 Protection of Green Infrastructure
<i>Policy 21: Best use of land and existing buildings</i>	The NP identifies existing land and buildings in the area that should be safeguarded or enhanced Policy HB1 Protection of Heritage Assets Policy HB4 Loggans Mill Protection Zone
<i>Policy 22: European Protected Sites – mitigation of recreational impacts from development</i>	The NP recognises the European Protected sites in the area and has policy to protect them from development Policy NE1 Local Gaps Policy NE2 Undeveloped Coastal Areas Policy NE3 Development in Keeping with its Landscape Setting
<i>Policy 23: Natural Environment</i>	The NP has policies to ensure that the quality and vulnerability of the natural environment is recognised and conserved Policy NE1 Local Gaps Policy NE2 Undeveloped Coastal Areas Policy NE3 Development in Keeping with its Landscape Setting Policy NE4 Improved Access to the Beach Policy NE6 Protection of Green Infrastructure Policy NE7 Protection of Trees

Cornwall Council Local Plan Policy	How our Plan contributes towards this
	Policy NE8 Cornish Hedges
<i>Policy 24: Historic Environment</i>	The NP endorses the approach to management of the World Heritage site and has policies to protect local heritage assets Policy HB1 Protection of Heritage Assets Policy HB2 Traditional Shop Fronts Policy HB3 Signs, Advertising and Illuminations Policy HB4 Luggans Mill Protection Zone
<i>Policy 25: Green Infrastructure</i>	The NP has policies that recognise the importance of the local green infrastructure and seek enhancements to it Policy SD6 Local Green Space Policy NE6 Protection of Green Infrastructure
<i>Policy 27: Transport and Accessibility</i>	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 TR1 Pedestrian and Cycleway Links Policy TR2 Reducing Town Centre Traffic Policy TR3 Junction Safeguarding Policy TR4 Traffic Impact

Our Plan has been required to undertake a Strategic Environmental Assessment (SEA). The explanation for this is set out in greater detail later in Section 4 of this report.

3. 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 SD1 Development within Built-up Areas	Policy 2 Spatial Strategy	Policy SD1 supports the presumption of sustainable development in areas where the benefits of development are likely to outweigh any adverse impacts
Policy SD2 Design and Layout of Residential Development	Policy 12 Design	Policy SD2 requires development proposals to be of high quality and take account of the location and character in which it would take place
Policy SD3 Community Housing	Policy 6 Housing Mix	Policy SD3 supports community housing initiatives as a way of contributing to the diversity of housing in the local area
Policy SD4 Parking Provision for New Housing and other Developments	Policy 13 Development Standards	Policy SD4 sets an appropriate level of off street parking taking into account the local situation, the accessibility of the location in terms of public transport and proximity to facilities and services
Policy SD5 Development in Private Gardens	Policy 12 Design	Policy SD5 limits the loss of private open space
Policy SD6 Local Green Space	Policy 25: Green infrastructure	Policy SD6 protects local green space as an important part of the area's green infrastructure
Policy BE1 Employment Opportunities in Residential Areas	Policy 5 Business and Tourism	Policy BE1 supports new employment development that is well integrated within the town, particularly, and if appropriate, in residential areas
Policy BE2 Rural Industrial Development	Policy 5 Business and Tourism	Policy BE2 supports farm diversification if there is an overriding business need
Policy BE3 Catering and Food Outlets	Policy 4 Shopping, Services and Community Facilities	Policy BE3 supports A3 uses in the town centres where they do not undermine vitality or the viability of existing businesses
Policy BE4 Out of Town Food Retail	Policy 4 Shopping, Services and Community Facilities	Policy BE4 supports major retail development outside the town centres only if it would not undermine the retail function of the town centre
Policy BE5 Financial and Professional Services	Policy 4 Shopping, Services and Community Facilities	Policy BE5 supports proposals for financial and professional services in suitable locations to serve to local community
Policy NE1 Local Gaps	Policy 3 Role and Function of Places	Policy NE1 reinforces the sustainable growth strategy for Hayle by ensuring development does not result in the coalescence of settlements
Policy NE2 Undeveloped Coastal Areas	Policy 23 Natural Environment	Policy NE2 restricts development in areas of undeveloped coast, outside main settlements, to only that which is necessary

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 NE3 Development in Keeping with its Landscape Setting	Policy 23 Natural Environment	Policy NE3 recognises the value of landscape character and ensuring that development proposals acknowledge this
Policy NE4 Improved Access to the Beach	Policy 23 Natural Environment	Policy NE4 supports improved accessibility to coastal areas where necessary and appropriate
Policy NE5 Riviere Towans Chalets	Policy 23 – Natural Environment	Policy NE5 seeks to ensure that any necessary development protects landscape quality and visual amenity
Policy NE6 Protection of Green Infrastructure	Policy 25 Green Infrastructure	Policy NE6 identifies green infrastructure that should be protected and enhanced if possible
Policy NE7 Protection of Trees	Policy 23 Natural Environment Policy 25 Green Infrastructure	Policy NE7 seeks to ensure that local trees are recognised as an important part of the functional environmental infrastructure and suitably protected
Policy NE8 Cornish Hedges	Policy 12 Design	Policy NE8 the purpose of the policy is to ensure that development proposals show respect and work with the natural and historic environment
Policy NE9 Protection of Copperhouse Pool	Policy 23 Natural Environment	Policy NE9 supports appropriate development that ensures that the importance of habitats and designated sites are taken into account
Policy NE10 Wildlife	Policy 23 Natural Environment Policy 25 Green Infrastructure	Policy NE10 identifies the ecologically sensitive areas to ensure that development takes into account and respects the sensitivity of the landscape and where possible conserve, protect and enhance its biodiversity and geodiversity.
Policy TR1 Pedestrian and Cycleway Links	Policy 27 Transport and Accessibility	Policy TR1 emphasises that new development should be designed to provide convenient accessible and appropriate cycle and pedestrian routes
Policy TR2 Reducing Town Centre Traffic	Policy 16 Health and Wellbeing	Policy TR2 seeks to reduce the adverse impact of traffic
Policy TR3 Junction Safeguarding	Policy 27 Transport and Accessibility	Policy TR3 safeguards land for the delivery of strategic transport opportunities
Policy TR4 Traffic Impact	Policy 27 Transport and Accessibility	Policy TR4 requires an effective and realistic travel plan to accompany major development proposals
Policy TR5 Public Parking Areas	Policy 13 Development Standards	Policy TR5 seeks to ensure that there is an appropriate level of off street parking to serve local facilities and services
Policy CW1 Community Facilities	Policy 4 Shopping, Services and Community Facilities	Policy CW1 seeks to protect and retain existing community facilities as long as they are needed
Policy CW2 Facilities for Young People	Policy 16 Health and Wellbeing	Policy CW2 supports new community facilities that are needed
Policy CW3 New Recreation and Sports Facilities	Policy 16 Health and Wellbeing	Policy CW3 supports new recreation and sports facilities in appropriate locations

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 HB1 Protection of Heritage Assets	Policy 24 Historic Environment	Policy HB1 seeks to maintain the special character and setting of the World Heritage
Policy HB2 Traditional Shop Fronts	Policy 12 Design	Policy HB2 identifies the heritage value and character of local shop fronts and supports their conservation or reinstatement
Policy HB3 Signs, Advertising and Illuminations	Policy 24 Historic Environment	Policy HB3 aims to minimise the impact of advertising on the historic environment
Policy HB4 Loggans Mill Protection Zone	Policy 24 Historic Environment	Policy HB4 seeks to sustain a designated heritage asset through development
Policy ST1 Tourism Development	Policy 5 Business and Tourism	Policy ST1 supports new or up-grading of tourism facilities if the development is sustainable
Policy ST2 Camping and Caravan Sites	Policy 23 Natural Environment	Policy ST2 seeks to maintain the character and distinctive landscape qualities of the natural environment
Policy EX1 Exceptional Non-residential Development Sites	Policy 2 Spatial Strategy	Policy EX1 supports exceptional development that brings substantial economic benefits to the area

4. 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 Environment Assessment (SEA) or a Habitats Regulation Assessment (HRA) would be required as the Neighbourhood Plan was developed.

Through consultation with the statutory environmental agencies, it was determined by Cornwall Council that for the Hayle Neighbourhood Plan that an SEA is required, but that HRA is not required.

The screening report stated: *“The Hayle NDP area does contain sensitive natural and heritage assets, however the proposals in the plan are generally focussed away from these areas, and there are no obvious pathways to the assets in these cases. In general, the Plan is protective and the level of proposed development is not significant; however, the Plan does contain 3 policies that relate to land within the Gwithian to Mexico Sands SSSI (NE2, 4 and 6, the alternatives to which should be considered. An additional policy (EX1) proposes exceptions to policy within the plan, although it does require proposals to be outside of statutory environmental, ecological and geological designations. It is not possible to discount the possibility of any significant environmental effects arising from the Neighbourhood Development Plan. As a consequence, it is concluded that SEA is required, but that HRA is not required.”*¹²

An SEA was carried out on the draft Plan by AECOM, which reported in June 2017 *“The assessment has concluded that the current version of the HNP is likely to lead to significant positive effects in relation to the ‘population and community’ and ‘health and wellbeing’ SEA themes. These benefits largely relate to the focus on enhancing community provision in the Neighbourhood Plan area and the HNP’s impetus on protecting and enhancing open space and green infrastructure networks. In addition, the Neighbourhood Plan has a strong focus on protecting and enhancing landscape and townscape character and the setting of the historic environment, leading to significant positive effects in relation to the ‘historic environment and landscape’ theme.*

*The current version of the HNP will initiate a number of beneficial approaches regarding the ‘biodiversity’, ‘transportation’, ‘land, soil and water resources’ and ‘climate change’ sustainability themes. However, these are not considered to be significant in the context of the SEA process given the scope of the Neighbourhood Plan and the scale of proposals.”*¹³ Two recommendations were made in for improving the sustainability performance of the current version of the HNP. These are summarised as follows:

- *“There is potential for additional provisions to be included in Policy NE5 (Riviere Towans Chalets) for supporting the status of the Gwithian Towans to Mexico Towans SSSI and Hayle Dune County Wildlife Site.*
- *There is potential for the policy for Copperhouse Pool (Policy NE12) to be enhanced to further support the rich biodiversity interest of the location and the status of the Hayle Estuary and Carrick Gladden SSSI.”*

These amendments were made to the draft Plan before it was subject to Regulation 14 consultation. The SEA report (the ‘Environmental Report’) was published for consultation alongside the Pre-submission Version of the Neighbourhood Plan.

Add feedback from next SEA

¹² <http://np.hayle.net/documents/>

¹³ http://np.hayle.net/wp-content/uploads/2013/10/Hayle-NP-SEA-Environmental-Report_v0.2_260517.pdf

5. 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 Act¹⁴ 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 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)

Whilst no European designated sites are located within the Neighbourhood Plan area, the four Sites of Special Scientific Interest (SSSIs) (Gwithian to Mexico Towans SSSI, Hayle Estuary & Carrick Gladden SSSI, Loggans Moor SSSI and Wheal Alfred SSSI) contain habitats and species listed in the annexes of the European Habitats Directive (92/43/EEC) and European Birds Directive (79/409/EEC).

The SEA recognised that the *“Hayle Neighbourhood Plan has a close focus on protecting and enhancing the biodiversity value of the coast and estuary.... the policies offer a proactive approach to protecting and enhancing habitats and species and ecological networks in the Neighbourhood Plan area”*.

¹⁴ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

Neighbourhood Area Application

Town Mayor
Councillor Jayne Ninnies



rec'd 21.1.14

Clerk to the Council
Eleanor Giggall

8 January 2014

Our ref: 7.31

Ms Sarah Arden
Local Planning Team
Cornwall Council
Top Floor, Circuit House
St Clement Street
Truro, Cornwall
TR1 1DT

Dear Ms Arden

Designation of Neighbourhood Plan Area

Hayle Town Council gives notice that it wishes 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 Hayle Town Council Neighbourhood Development Plan.

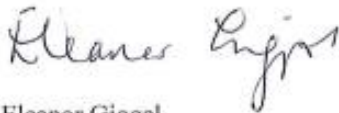
The application is accompanied by two maps – one of Hayle North Ward and one of Hayle South Ward – which together identify the area to which the application relates, being the entire Town Council area of Hayle.

This area is considered appropriate to be designated as a Neighbourhood Area because:

- i) The area forms the existing Hayle parish boundary that is served by Hayle Town Council; and
- ii) The area already has legal and administrative status.

Hayle Town Council is the relevant body for the purposes of Section 61G of the 1990 Town and Country Planning Act being the Town Council for the entire area applied.

Yours sincerely



Eleanor Giggall
Town Clerk

Neighbourhood Area Decision Notice

**DECISION OF THE PORTFOLIO HOLDER FOR ENVIRONMENT,
HERITAGE AND PLANNING**

In respect of attached report for and on behalf of Chloe Pitt

Subject Matter:

Decision regarding designation of Neighbourhood Plan Area for Hayle Neighbourhood Plan.

Decision:

That the Hayle Neighbourhood Area is 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 be submitted to, publicly advertised and consulted on for prescribed period and approved by Cornwall Council.

Alternative options considered:

None other than that contained in the report.

Conflicts of interest declared:

None

Dispensations granted in respect of a conflict of interest:

N/A

Dated 14th April 2014

Signed Edna Hannaford

Portfolio Holder for Environment, Heritage and Planning

Implementation Date 25 April 2014