

Morval

Neighbourhood Development Plan 2020 – 2030

Basic Conditions Statement

December 2021

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Submission Documents Accompanying Basic Conditions Statement

Morval Neighbourhood Development Plan

Consultation Statement

1 INTRODUCTION

This Basic Conditions Statement has been produced to explain how the proposed Morval Neighbourhood Development Plan 2020 – 2030 (MNDP) has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B to the Town and County Planning Act 1990 have been met.

2 BACKGROUND TO THE MORVAL NEIGHBOURHOOD DEVELOPMENT PLAN

Production of the MNDP was undertaken by the Morval Neighbourhood Plan Steering Group in association with the Parish Council, and working in partnership with Cornwall Council (CC). The MNDP is based on consultation with local people, businesses and others with an interest in the area over a four year period.

3 SUPPORTING DOCUMENTS AND EVIDENCE

The MNDP is supported by the following documents: Consultation Statement and a statement from CC on whether there is a need for Strategic Environmental Assessment or Habitat Regulation Assessment of the plan.

4 BASIC CONDITIONS TO BE MET

Schedule 4B to the Town and County Planning Act (Para 8) sets out the following basic conditions that Neighbourhood Development Plans (NDPs) must meet: 8(1)

- 8(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,*
 - (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,
(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
(e) 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),
(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
(g) prescribed conditions are met in relation to the neighbourhood development plan and 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).*

5 HOW THE MNDP MEETS THE BASIC CONDITIONS.

5.1 Para 1a. Does the draft MNDP meet the basic conditions?

How the draft MNDP meets the basic conditions (as required by 1(a) and sub-paragraph 2) is set out in Sections 5 – 11 of this Basic Conditions Statement.

5.2 The provision of 61E(2), 61J and 61L as amended by s38C(5)(b) is a reference to the provision of 38A and 38B.

The following is submitted in respect of 38A and 38B.

38A

- 1) Morval Parish Council is a qualifying body and entitled to submit a Neighbourhood Development Plan for its own parish.
- 2) The MNDP expresses policies relating to the development and use of land solely within the neighbourhood area.

3) to 12) are essentially post examination procedures.

38B

- 1) a) The MNDP covers the period up to and including 2030, some 10 years. This period has been chosen to align with the Cornwall Local Plan (CLP), prepared by Cornwall Council.
- 1) b) The MNDP does not include any provision for excluded development such as national Infrastructure.
- 1) c) The MNDP does not relate to more than one neighbourhood area. It relates only to the Morval Neighbourhood Area as designated by Cornwall Council on 20th August 2014. A copy of the decision notice confirming designation of the Morval Neighbourhood Area is attached in Appendix 1.
- 2) There are no other NDPs in place in the 20th August 2014 neighbourhood area.
- 3) Refers to conflicts within the NDP and clarifies that in the event of conflict between a NDP Policy and any other statement or information in the plan, the conflict must be resolved in favour of the policy.
- 4) Refers to regulations made by the Secretary of State relating to NDPs in the Neighbourhood Planning (General) Regulations 2012 which have been used to inform the process of making the MNDP. These regulations set out:
 - the process by which neighbourhood plans are to be made and set out the consultation bodies for NDPs (referred to in the Consultation Statement accompanying this plan)
 - that NDPs which are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment.

The MNDP has been subject to Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment. Cornwall Council confirmed on the 11th October 2021 that based on the scale and location of development proposed, they are of the opinion that the Morval Neighbourhood Plan is unlikely to have significant effects on the environment or on European Sites and that SEA and HRA is therefore not required.

- 5) Refers to the publication of NDPs once made by a local planning authority in accordance with the regulations.
- 6) Clarifies what is excluded development

5.3 **Para 1(d) Whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates,**

It is not considered that there is any benefit or reason for extending the area for the referendum beyond the Designated Neighbourhood Plan Area.

5.4 **Para 1(e) such other matters as may be prescribed**

There are no other prescribed matters

5.5 To comply with the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012, and to provide enough material to help demonstrate that the Basic Conditions have been met, the following documents have been submitted to the local planning authority:

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

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

Neighbourhood Plan Policies	National Planning Policy Framework (July 21) and National Planning Practice Guidance	How has the Neighbourhood Plan had regard to national policies and advice?
<p>Policy 1</p> <p>Sustainable Development and Climate Change</p>	<p>NPPF paragraphs 7-14 and 152-158</p> <p>Achieving sustainable development and meeting the challenge of climate change.</p>	<p>Policy 1 seeks to deliver social, economic and environmental sustainable development.</p> <p>In addition it supports energy reduction/carbon reduction and energy production technologies that are of a scale and design that do not erode the character of the landscape of the Parish</p> <p>The policy helps to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.</p>
<p>Policy 2</p> <p>Local Green Spaces</p>	<p>NPPF paragraphs 92-103</p> <p>The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.</p>	<p>Policy 2 identifies areas of significant local green space that are important to the community and should be protected from development.</p>
<p>Policy 3</p> <p>Community Facilities</p>	<p>NPPF Paragraphs 84 and 130</p> <p>Supporting a prosperous</p>	<p>Policy 3 looks to recognise and safeguard the valued community facilities and encourage</p>

	<p>rural economy through the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.</p> <p>Developments should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks</p>	<p>improvements. This in turn will help to contribute to a vibrant cohesive community.</p>
<p>Policy 4</p> <p>Protection and Enhancement of Biodiversity</p>	<p>NPPF paragraphs 174-188</p> <p>Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species</p>	<p>Policy 4 supports development only if it protects habitats and priority species and encourages enhancements wherever possible.</p>
<p>Policy 5</p> <p>Employment Development</p>	<p>NPPF paragraphs 81-85</p> <p>Building a strong, competitive economy through the sustainable growth and expansion of all types of business in rural areas</p>	<p>Policy 5 seeks to maintain and encourage this predominantly rural Parish's local economy ensuring that people will have good opportunities and access to local employment. The policy also seeks to retain existing businesses, which are valued to the community.</p>
<p>Policy 6</p> <p>Small scale 'infill and rounding off' housing development</p>	<p>NPPF Paragraphs 60 and 62</p> <p>Delivering a sufficient supply of homes</p> <p>To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is</p>	<p>Policy 6 sets out the approach to housing, which will provide opportunities for appropriate sustainable development within the villages and hamlets of the Parish which is reflective of the housing aspirations of the community.</p>

	<p>needed.</p> <p>The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.</p>	
<p>Policy 7</p> <p>Rural Exceptions for Local People</p>	<p>NPPF Paragraph 72.</p> <p>Delivering a sufficient supply of homes</p> <p>Support the development of entry-level exception sites, these sites should be on land, which is not already allocated for housing.</p>	<p>Policy 7 supports entry-level homes that offer one or more types of affordable housing; and that are adjacent to existing settlements, proportionate in size to them, whilst not compromising the protection given to areas or assets of particular importance in the NPPF.</p>
<p>Policy 8</p> <p>Design Requirements</p>	<p>NPPF paragraphs 126-136</p> <p>Achieving well-designed places</p>	<p>Policy 8 has been developed with local communities so they reflect local aspirations. They are grounded in an understanding and evaluation of the Parish's defining characteristics.</p>
<p>Policy 9</p> <p>Transport, Accessibility and Parking</p>	<p>NPPF paragraphs 104-113.</p> <p>Promoting sustainable transport Policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.</p>	<p>Policy 9 seeks to prevent further pressure on the roads with good access around the village and to promote safer cycle links.</p> <p>Aims to provide safe footpaths and cycle links around and between the villages to encourage cycling and pedestrian use reducing carbon emissions.</p> <p>It also seeks to ensure adequate parking provision is made for all new developments and valuable off-road parking spaces are not lost through development.</p> <p>This policy is consistent with paragraph 108 of the NPPF as no maximum parking standards have been set.</p>
<p>Policy 10</p> <p>Flood Risk and Mitigation</p>	<p>NPPF Paragraphs 159-169</p> <p>Inappropriate development</p>	<p>Policy 10 seeks to ensure that any new developments built in the parish are not at risk from flooding or</p>

	<p>in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.</p>	<p>exacerbate the flood risk to any other part of the parish or adjacent parishes, whether to housing or other land. It is particularly important that any run off arising from development can be dealt with without increasing the risk of pollution to groundwater, watercourses and ditches, or land.</p>
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7. The Making of the Plan Contributes to the Achievement of Sustainable Development

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

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<p>NPPF para. 8 <i>Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):</i></p> <p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p> <p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and</i></p>	<p>The Neighbourhood Plan has embraced all three dimensions to sustainable development and includes a statement within the Plan about Sustainable Development within the Parish.</p> <p>The intention of Policy 1 Sustainable Development and Climate Change is to deliver sustainable development within Morval Parish and reduce dependency on fossil fuels and fuel transportation, while stimulating, supporting and facilitating renewable energy and to ensure that all new builds and refurbishments embrace renewable energy potential at the planning stage.</p> <p>In addition the following policies of our Plan address the economic dimension of sustainable development by supporting employment development in the appropriate locations: Policy 5 Employment Development</p> <p>The following policies of our Plan address the</p>

<p><i>safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and</i></p> <p><i>c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>social dimension of sustainable development:</p> <p>Policy 2 Local Green Spaces Policy 6 Small scale 'infill and rounding off' housing development Policy 7 Rural Exceptions for Local People Policy 8 Design Requirements</p> <p>The following policies of our Plan address the environmental dimension of sustainable development:</p> <p>Policy 2 Local Green Spaces Policy 6 Protection and Enhancement of Biodiversity Policy 8 Design Requirements Policy 10 Flood Risk and Mitigation</p>
<p>NPPF para. 11 <i>Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:</i></p> <p><i>a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;</i></p> <p><i>b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:</i></p> <p><i>i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or</i></p> <p><i>ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.</i></p>	<p>The Neighbourhood Plan has been mindful of the need to promote sustainable development within the context of a sensitive and characterful rural environment.</p> <p>Plan-making has attempted to achieve a balance between achieving the strategic requirements and targets of the Local Plan whilst safeguarding local assets and ensuring interests are taken fully into account.</p>
<p>NPPF para. 29 <i>Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those</i></p>	<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 a sustainable future.</p>

<p><i>strategic policies</i></p>	<p>Full details of the community engagement are set out in the Consultation Statement.</p>
<p>NPPF para.79 <i>To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.</i></p>	<p>The Neighbourhood Plan promotes sustainable development in locations where it will help maintain or enhance the vitality of local communities. Policies in the Plan identify preferred locations when appropriate to do so:</p> <p>Policy 3 Community Facilities Policy 5 Employment Development Policy 6 Small scale ‘infill and rounding off’ housing development Policy 7 Rural Exceptions for Local People</p>
<p>NPPF para. 84 <i>Planning policies should enable:</i> <i>a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;</i> <i>b) the development and diversification of agricultural and other land-based rural businesses;</i> <i>c) sustainable rural tourism and leisure developments which respect the character of the countryside; and</i> <i>d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.</i></p>	<p>The Neighbourhood Plan recognises the need for local economic growth and includes policies in support of the local economic strategy:</p> <p>Policy 3 Community Facilities Policy 5 Employment Development</p>
<p>NPPF para. 126 The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.</p>	<p>Policy 8 places emphasis on all proposals for new development to be sited and designed so as to recognise, support and enhance the distinctive character of the Parish.</p>

The Morval Neighbourhood Plan has not been required to undertake a Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA).

8. 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)

Cornwall Local Plan Policy	How does the Neighbourhood Plan demonstrate that it is in general conformity with the strategic policies?
Policy 1: Presumption in favour of sustainable development	The Neighbourhood Plan (NDP) provides additional policies to ensure that development proposals are sustainable in local terms. Policy 1: Sustainable Development and Climate Change
Policy 2: Spatial Strategy	The NDP accords with the spatial strategy by maintaining the dispersed development pattern of Cornwall and supporting the provision of homes and jobs based on the role and function of each place. Policy 5 Employment Development Policy 6 Small scale 'infill and rounding off' housing development Policy 7 Rural Exceptions for Local People Policy 8 Design Requirements
Policy 2a Key targets	The NDP accords with the objectives and targets regarding the local economy Policy 5: Employment Development Policy 6 Small-scale "infill and rounding off" housing development
Policy 3: Role and function of places	The NDP sets further guidance on infill, rounding off and exception sites for housing. Policy 6 Small-scale "infill and rounding off" housing development
Policy 4: Shopping, services and community facilities	The NDP accords with the objectives and targets regarding community facilities Policy 3 Community Facilities
Policy 5: Business and Tourism	The NDP seeks to maintain and encourage the Parish's local economy ensuring that people will have good opportunities and access to local employment in accordance with the Local Plan. Policy 5: Employment Development
Policy 6: Housing Mix	The NDP seeks to ensure that an appropriate mix of house size, type, price and tenure is provided by new developments to address identified needs and market demand and to support mixed communities. Policy 6 Small-scale "infill and rounding off" housing development
Policy 8: Affordable Housing	The NDP supports the provision of a locally

	<p>relevant level of affordable dwellings on new developments.</p> <p>Policy 6 Small-scale “infill and rounding off” housing development</p>
Policy 9 Rural exception sites	<p>The NDP accords by allowing local people to access housing which is achievable and affordable to them in the Parish</p> <p>Policy 7 - Rural Exceptions Housing for Local People</p>
Policy 12: Design	<p>The NDP’s policies provide local detail to increase the relevance of the Local Plan’s comprehensive place-shaping approach</p> <p>Policy 2: Local Green Spaces</p> <p>Policy 8 Design Requirements</p>
Policy 13: Development Standards	<p>The NDP provides locally relevant criteria in the interests of ensuring high quality design and layout for new development.</p> <p>Policy 2: Local Green Spaces</p> <p>Policy 8 Design Requirements</p> <p>Policy 9 Transport, Accessibility and Parking</p>
Policy 14: Renewable and low-carbon energy	<p>The NDP provides strong and clear guidance on the installation of energy-saving and carbon reduction measures.</p> <p>Policy 1 Sustainable Development and Climate Change</p> <p>Policy 8 Design Requirements</p>
Policy 16: Health and wellbeing	<p>The NDP recognises the value of high-quality open space in providing for healthy lifestyles</p> <p>Policy 2: Local Green Spaces</p>
Policy 21: Best use of land and existing buildings	<p>The NDP encourages development that makes use of previously developed land and buildings.</p> <p>Policy 6 Small-scale “infill and rounding off” housing development</p>
Policy 23: Natural Environment	<p>The NDP has policy to ensure that the quality and vulnerability of the natural environment is recognised, conserved and enhanced. It also has measures to protect the night sky from light pollution.</p> <p>Policy 4 Protection and Enhancement of Biodiversity</p> <p>Policy 8 Design Requirements</p>
Policy 25: Green Infrastructure	<p>The NDP has policies that recognise the importance of the local green infrastructure and seek enhancements to it.</p> <p>Policy 2: Local Green Spaces</p> <p>Policy 4: Protection and Enhancement of Biodiversity</p>

Policy 26: Flood risk management and coastal change	The NDP compliments the CLP in ensuring that any new developments built in the parish are not at risk from flooding or exacerbate the flood risk to any other part of the parish or adjacent parishes. Policy 10: Flood Risk and Mitigation
Policy 27: Transport and accessibility	The NDP includes policy which seeks to encourage measures to reduce the volume of traffic, encourage driving more slowly, enable pedestrians and cyclists to travel off-road and improve the provision of parking. Policy 9: Transport, Accessibility and Parking

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

A screening process was carried out by Cornwall Council to determine whether a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and / or a Habitats Regulation Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). Through consultation with the statutory environmental agencies, Cornwall Council has advised that the Morval Neighbourhood Plan “as a result of the assessment in Table 4.2, it is unlikely there will be any significant environmental effects on European Sites arising from the Morval NDP and HRA is therefore not required”.

Therefore, neither a SEA nor HRA was required for our Neighbourhood Plan and the basic conditions concerning Habitats and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for.

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

The principal parts of the European Convention on Human Rights that can be relevant to neighbourhood plans are: Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). In preparing the draft Neighbourhood Plan, Morval Parish Council, through its Steering Group, has acted in an open way, but always respecting the privacy of those participating. The interests of all sectors of the community have been taken into account, especially in ensuring that the Plan would take account of the

needs and aspirations of the more vulnerable members of our community including the elderly and disabled, and younger people – thus ensuring no unfair discrimination.

The consultation process included all locally resident people in these groups. The Parish Council also believes that its policies will not affect property rights beyond the legitimate role of the town and country planning system in operation where policies are properly explained and justified.

10 CONCLUSION

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 by the Morval NDP. It is therefore respectfully suggested to the Examiner that the Morval NDP complies with Paragraph 8(1)(a) of Schedule 4B of the Act and should proceed to Referendum.

Cornwall Council

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Application number: PA14/00016/NDP

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**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 20th August 2014 and accompanying plan(s):

Proposal: The designation of the Parish of Morval as a Neighbourhood Area

Relevant Body: Morval Parish Council

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

Phil Mason
Head of Planning, Housing and
Regeneration

DATED: 17 November 2014

Appendix 2 Area designation map

