

:

INDEPENDENT EXAMINER'S REPORT ON THE TORPOINT NEIGHBOURHOOD DEVELOPMENT PLAN

Deborah McCann

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SECTION 2

Summary

As the Independent Examiner appointed by Cornwall Council to examine the Torpoint Neighbourhood Development Plan, I can summarise my findings as follows:

1. I find the Torpoint Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.
2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Torpoint Neighbourhood Development Plan go to Referendum.
3. I have read the Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.
4. I find that the Torpoint Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.
5. At the time of my examination the adopted local plan was the Cornwall Local Plan 2016.
6. National Policy guidance is in the National Planning Policy Framework (NPPF). In December 2024 the Government issued a new NPPF which made changes to National Policy in a number of areas, most significantly policy relating to housing. Annex1 of the NPPF 2024 deals with implementation and whilst paragraph 231 states:

"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made."

Paragraph 239 states:

"For neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025."

Therefore, at the time of my examination of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) December 2023.

The NPPF was last updated in December 2024 and references in the plan should be

updated to reflect that.

7. Whilst the Torpoint NDP has been examined under the NPPF 2023, the Housing Statement in the Plan (Page 33) should be updated to reflect the NPPF 2024 (amended February 2025) revised standard method for calculating housing need resulting the requirement for Cornwall to deliver significantly more homes. Because of the revisions to the Standard Method¹, Cornwall can no longer demonstrate a 5-year land supply and so the housing policies have been found out of date. This has implications for NDPs and will require them to demonstrate that their plans will address identified housing need. Cornwall Council have provided the following statement:

"New Standard Methodology

Revised housing numbers – application to Torpoint

The new standard methodology calculates housing targets based on the number of dwellings in an area and adjusts the number based on the affordability of homes in that area. Given the relative affordability of Torpoint within Cornwall, we do not anticipate a significantly higher housing requirement for Torpoint for the period 2025-2030.

If we calculated housing need for Torpoint based on that approach, the calculation for Torpoint would be:

Number of dwellings * 0.8% 3584 * 0.8% = 28.7 homes per year (144 homes over 5 years)

Adjusted for affordability – the affordability adjustment has been calculated based on median house prices in the parish over the last 5 years and median Cornish wages:

Affordability Ratio 1.1

Affordability adjustment = $((5.7-5) \times 0.95) + 1 = 1.1$

Housing Target for the period 2025-2030 = $144 \times 1.1 = 158$

Reference to this calculation should be included in the housing statement.

Implications for the Torpoint NDP

The Torpoint Plan was submitted in summer 2024, before the introduction of the new standard method. Under the new method, Torpoint would need to deliver a minimum of 158 homes over the period 2025 – 30. As the plan includes site

allocations for around 270 homes, we consider that the Torpoint NDP has policies in place to meet its identified housing need. Policies in the NDP, including housing policies are therefore supported by Cornwall Council and we do not require the Torpoint NDP to increase its housing target as a result of changes to the way in which housing targets are calculated.

However, because of the increased housing requirement for Cornwall, housing supply policies of the Local Plan and Site Allocations DPD are considered out of date; in addition, there are 61 households on the affordable housing register with a local connection to Torpoint. Therefore, whilst the principal of the development boundary may be supported, refusal of applications solely on the basis that a site is outside the development boundary is unlikely to be sufficient and will need to be supported by other reasons for refusal. We will keep this position under review and each application will be decided on its merits."

SECTION 3

3.Introduction

3.1. Neighbourhood Plan Examination.

My name is Deborah McCann, and I am the Independent Examiner appointed to examine the Torpoint Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Torpoint Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Torpoint Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did not require clarification. This additional information is publicly available on the Cornwall Council website and covered in my report within the relevant policy.

3.2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to
 - i)* specify the period to which it has effect;
 - ii)* not include provision about excluded development; and
 - iii)* not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum.
2. The Plan with recommended modifications can proceed to a Referendum.

Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance

with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications. Policies in a plan which have elements which either seek to control things or which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

3.The Plan does not meet the legal requirements and cannot proceed to Referendum.

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Torpoint Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

1. Has regard to national policies and advice.
2. Contributes to sustainable development.
3. Is in general conformity with the strategic policies in the appropriate

Development Plan

4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.
5. Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Cornwall Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e., greater than 50%), voting in favour of the plan, then the Unitary Authority must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

4.The Report

4.1. Appointment of the Independent examiner

Cornwall Council has appointed me as the Independent Examiner for the Torpoint Neighbourhood Development Plan with the agreement of Torpoint Town Council.

4.2. Qualifying body

I am satisfied that Torpoint Town Council is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP).

4.3. Neighbourhood Plan Area

Application for designation as a Neighbourhood Plan Area under the Neighbourhood Planning Regulations 2012 (part 2, S6) was submitted on 21 November 2013 and it was formally designated by Cornwall Council on 28 March 2014.

The designated Torpoint Neighbourhood Area covers the covers the whole of the Parish of Torpoint and the Basic Conditions Statement submitted confirms there are no other Neighbourhood Plans covering the area.

4.4. Plan Period

It is intended that the Torpoint Neighbourhood Development Plan will cover the period to 2030, chosen to align with the Cornwall Local Plan.

4.5. Cornwall Council initial assessment of the Plan (Regulation 15).

Torpoint Parish Council submitted the draft Torpoint Neighbourhood Development Plan to Cornwall Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations. Cornwall Council made an initial assessment of the Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

Site Visit

I carried out an unaccompanied site visit on the 6 May 2025 to familiarise myself with

the Neighbourhood Plan Area.

4.7. The Consultation Process

The Torpoint Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

- (a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and
- (d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

I am satisfied that the consultation process was carried out robustly, that the community were aware of the process and had the opportunity to comment at the appropriate stages and that the Consultation Statement as submitted meets the required standard.

4.8. Regulation 16 consultation by Cornwall Council and record of responses.

Cornwall Council placed the Torpoint Neighbourhood Development Plan out for an initial consultation period under Regulation 16 from 8 August 2024 – 20 September

2024.

A number of representations were received in relation to the initial Regulation 16 Consultation, raising issues relating to the allocation of the Northern Fringe site:

- Sport England raised concern over the loss of rugby provision at Defiance Field
- The proximity of the proposed allocation to the Thanckes Oil Fuel Depot

As a result of these representations, it was decided that a further period of consultation should be undertaken focused on proposed modifications to Policy TOR 3 and Tor SS1 which ran from 29 January 2025 – 12 March 2025.

A number of representations were received during the consultation period, and these were made available by Cornwall Council as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.

4.9. Compliance with the Basic Conditions

A Basic Conditions Statement was produced for the Torpoint Neighbourhood Development Plan. The purpose of this statement is to set out in detail how the Neighbourhood Development Plan, as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Torpoint Neighbourhood Development Plan:

1. Has regard to national policies and advice.
2. Contributes to sustainable development.
3. Is in general conformity with the strategic policies in the appropriate Development Plan.
4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.
5. Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. (Prescribed Conditions)

Documents brought to my attention by Cornwall Council for my examination included:

(a) The Torpoint Neighbourhood Development Plan:

This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement:

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Torpoint Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

(c) Basic Conditions Statement.

This is a statement setting out how Torpoint Neighbourhood Development Plan Steering Group considers that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitats Regulations Assessment and addresses how the plan contributes to the achievement of sustainable development.

Comment on Documents submitted.

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Torpoint Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

4.10 Planning Policy

4.10.1. National Planning Policy

7. National Policy guidance is in the National Planning Policy Framework (NPPF). National Policy guidance is in the National Planning Policy Framework (NPPF). In December 2024 the Government issued a new NPPF which made changes to National Policy in a number of areas, most significantly policy relating to housing.

Annex1 of the NPPF 2024 deals with implementation and whilst paragraph 231 states:

"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made."

Paragraph 239 states:

"For neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025."

Therefore, at the time of my examination of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) December 2023.

To meet the Basic Conditions, the Plan must have "regard to national policy and advice". In addition, the NPPF requires that a Neighbourhood Plan "must be in general conformity with the strategic policies of the local plan".

Paragraph 29 states:

"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 strategic policies."

The Torpoint Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Torpoint Neighbourhood Development Plan and consider that, subject to modification, the plan does have "regard for National Policy and Advice" and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

4.10.2. Local Planning Policy- The Development Plan

Torpoint lies within the area covered by Cornwall Council. The relevant development plan is the Cornwall Local Plan 2016.

4.10.3 To meet the Basic Conditions, the Torpoint Neighbourhood Development Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF December 2024 states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.10.4 Neighbourhood Plans should only contain non-strategic policies. The NPPF December 2023 states:

“Non-strategic policies

28. non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. 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 strategic policies.”

4.10.5 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.10.6 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.10.7 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan

•whether the Local Plan identifies the policy as being strategic”

I have considered the Strategic policies of the Development Plan and the Policies of the Torpoint Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Cornwall Local Plan 2016.

4.11. Other Relevant Policy Considerations

4.11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

In July 2022 the draft Torpoint Neighbourhood Development Plan was screened by Cornwall Council to determine whether or not a Strategic Environmental Assessment was required. Regulation 5(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”) provides that an environmental assessment (an SEA) must be carried out in a number of circumstances, including where the plan or programme, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (i.e. appropriate assessment by way of an HRA).

The plan proposes: a net increase of at least 350 dwellings; at least 2,000 m² of office floorspace (B1 a and B1b) and 4,000 m² of other B uses; Convenience floorspace of approximately 2,000 m² to 2,500 m² which is in-keeping with the Cornwall Local Plan. In addition, the plan seeks to deliver new sports facilities, regenerate the high street/waterfront, a new community building and enhance the tourist offer. This is not covered by the Cornwall Local Plan or associated environmental assessments. Given the sensitivity of the receiving environment it is considered that an SEA will be required as the site- specific policies (TOR/SS1 – TOR/SS5) could affect the following environmentally sensitive areas:

- Plymouth Sound and Estuaries SAC
- Tamar Estuaries Complex SPA
- St Johns Lake SSSI (Unfavourable declining condition due to agricultural run off)
- Lynher Estuary SSSI (favourable condition)
- Biodiversity Action Plan Woodland Habitat in relation to TOR/SS1
- Biodiversity Action Plan mudflats in relation to TOR/SS5
- Antony Registered Park and Gardens in relation to TOR/SS1
- Ballast Pond Scheduled Monument in relation to TOR/SS5
- AONB in relation to TOR/SS1
- High quality agricultural land in relation to TOR/SS1
- Flooding and drainage in relation to TOR/SS1
- MOD Land/oil depot in relation to TOR/SS1

Natural England, the Environment Agency and Historic England were consulted as part of the screening process and agreed with CC's conclusion.

AECOM carried out a SEA in August 2023. The conclusions were as follows:

" The assessment has concluded that the Torpoint Neighbourhood Development Plan is likely to have significant long terms positive effects in terms of community wellbeing, due to the plan bringing forward sites for housing development that will meet the identified local need, and in sustainable locations with respect to community infrastructure. Furthermore, the policies have a strong design focus which should help to encourage the delivery of high-quality living environments within the neighbourhood area. Additionally, the plan sets out policies that will work to ensure community wellbeing is maintained and enhanced through development by safeguarding areas of employment and green space provision and includes stipulations that will improve the public realm to the benefit of the community.

Minor long term positive effects are considered likely in relation to biodiversity and geodiversity. Policies encourage proposals to ensure development is sensitive to the surrounding natural environment and local character, taking into consideration ways in which the environment and biodiversity can be enhanced, and development can avoid impacts. This will help to improve the ecological value of the neighbourhood area. Furthermore, in recognition of the potential recreational pressures and water quality impact pathways with regards to the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA, the HRA recommends that the wording of Policy TOR5 is strengthened to appropriately address these potential pressures. Providing these recommendations are incorporated into the final version of the Neighbourhood Development Plan, it can be concluded that the Plan would not cause adverse effects to the integrity of these sites, either alone or in- combination with other plans and projects.

Minor long term positive effects are also considered likely in relation to the historic environment. The site allocation policies include provisions that will help screen development from surrounding historic environment features and include design stipulations which will ensure development is in keeping with the surrounding historic environment by using similar design choices, features and layouts. The recommendations have been informed by the findings of detailed Built Heritage Assessments for The Northern Fringe and town centre environment. Furthermore, the wider plan policies work to protect features contributing to the environment, encouraging proposals to respect the relationship between the natural and built environment and facilitating public realm improvements. As such, the Torpoint Neighbourhood Development Plan policies work well to help maintain and enhance the setting of the historic environment of the neighbourhood area.

It is expected the Torpoint Neighbourhood Development Plan will bring forward minor long term positive effects for land, soil, and water resources in the neighbourhood area. This is through the design stipulations included in the site allocation policies, and the allocation of a brownfield site that offers regeneration opportunities. However, it is acknowledged that The Northern Fringe site allocation could potentially result in the permanent loss of productive agricultural land, which cannot be mitigated. Nonetheless, wider plan policies will indirectly safeguard and

protect the integrity of land, soil, and water resources, primarily through encouraging green and blue infrastructure enhancements.

It is also expected the Torpoint Neighbourhood Development Plan will bring forward minor long term positive effects for landscape and townscape through design stipulations included in the site allocation policies that help to ensure important features within and in proximity to the sites are fully considered, maintained and enhanced through development. Additionally, the site allocation policies work to bring forward new features that will contribute to landscape and townscape quality. The wider plan policies outline the need to improve the public realm across the neighbourhood area, protect views and regenerate areas – which will all benefit landscape and townscape by ensuring character is maintained and enhanced.

The plan also makes provision for transportation; encouraging proposals which would deliver new and enhanced public rights of way, appropriately designed and constructed parking infrastructure, and improvements to the local transport network. This will allow for safe and active transportation around the neighbourhood area and better access to locations further afield. As such, minor long term positive effects are anticipated for transportation through the implementation of the Torpoint Neighbourhood Development Plan.

Uncertain effects are considered likely in respect to climate change and flood risk. The Neighbourhood Development Plan has the potential to lead to positive effects through supporting proposals that promote the inclusion of low carbon technologies and the use of local and traditional building materials, encourage sustainable and active travel, and proactively responding to the potential impacts of climate change through the implementation of appropriate drainage solutions. However, it is recognised that new development would lead to inevitable increases in greenhouse gas emissions due to an increase in the built footprint of the neighbourhood area.

I am satisfied with the conclusions of the SEA.

In 2022, Cornwall Council carried out HRA screening of the policies and proposals in the draft NDP against each of the European Sites within 10km of the NDP boundary to establish any Likely Significant Effects. The NDP allocates sites for development and is in close proximity to designated sites, therefore, were unable to confidently

conclude that there was no risk of significant effects in combination with other plans and projects on European Sites.

AECOM were commissioned by Torpoint Town Council to produce a HRA Report to assess the potential impact of the NDP policies upon the European sites. For the full details of the Assessment, please refer to the HRA report.

Where NDPs do not exceed the growth proposed by the Cornwall Local Plan, strategic mitigation is in place through Policy 22 of the Cornwall Local Plan. This is by means of a financial contribution taken from new residential development and the contributions will be used for mitigation measures agreed with the conservation bodies, such as signs, notices, education and awareness raising.

The HRA report makes the following recommendations:

- It is recommended that the Policy TOR5: Green Infrastructure policy should be updated to include adherence to Policy 22 of the Cornwall Local Plan with regard to the necessity to provide developer contributions for all developments within the Torpoint Neighbourhood Plan area for recreational mitigation on Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA; and,
- It is recommended that the Policy is also updated to include that developers are required to be engaging with SSW and Cornwall Council at the earliest stages to ensure that sewerage and waste water infrastructure is provided in line with development proposals as required by Policy 28: Infrastructure and adhering to Policy 23: Natural Environment where no development would be approved unless it could be demonstrated that there would be no adverse effects on the integrity of European sites either alone or in combination with other plans and projects.

In addition to this, Cornwall Council have requested that Torpoint Town Council add similar text to Policy TOR1 and policy TORSS1 as reproduced below:

Any proposal for residential development will need to provide a HRA and mitigation in accordance with Policy 22 of the Cornwall Local Plan and the Cornwall European Sites SPD.

Developers should engage with South West Water and Cornwall Council at the earliest stages to ensure that sewerage and waste water infrastructure is provided in line with development proposals.

Conclusion

Cornwall Council confirms, having reviewed the content of the Torpoint NDP, SEA and HRA report, the Local Plan HRA and the SADPD HRA, and subject to the policy

amendments outlined, that we are satisfied that the policy implications of the Torpoint NDP will not lead to additional adverse impacts on the integrity of any European sites in Cornwall.

Prescribed Matters

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- 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). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

I am satisfied with the HRA conclusion that there are no likely significant effects on any European site resulting from the policies in the Plan and therefore the Prescribed Matters in this connection are met.

4.11.2 Sustainable development

The Basic Conditions Statement sets out how the plan addresses achieving sustainable development and includes a sustainability matrix.

I am satisfied having regard to this document and other relevant documents, policies and legislation that the Torpoint Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions in this regard.

European Convention of Human Rights and compliance with the Human Rights Act 1998.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998. The Basic Conditions Statement states:

"The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights¹⁸ and complies with the Human Rights Act 1998"

The Basic Conditions Statement also includes a Neighbourhood Plan Policies and Protected Characteristics Matrix.

I am satisfied that the Torpoint Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.

4.11.3 Excluded development

I am satisfied that the Torpoint Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

4.11.4 Development and use of land

I am satisfied that the Torpoint Neighbourhood Development Plan covers development and land use matters.

4.12 Torpoint Neighbourhood Development Plan Policies

General comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider

community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

To provide clarity and to ensure that the policies in the Torpoint Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:

- Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.
- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

The details of these modifications are set out within my comments on the related policies. My comments on policies are in blue with the modified policies in red.

Please note that references to the AONB within the Plan should be replaced with the new name " Cornwall National Landscape(s)".

4.12.1 The Neighbourhood Plan Vision, Aims, Objectives and Policies

A Regeneration Vision for Torpoint is set out on page 28 and The Vision for Torpoint Parish in 2030 is set out on page 29 of the Plan.

COMMENT

I am satisfied that the Torpoint NDP Visions, were developed from the consultation process and the policies within the plan reflect those Visions.

NEIGHBOURHOOD PLAN POLICIES

Policy TOR 1 Housing Development inside the Development Boundary

This plan designates a development boundary for Torpoint as shown on Figure 5 Page 40 and Appendix 3 Page 91.

Proposals for new housing development will be supported within this boundary where they:

- a) are appropriate to the setting in terms of scale, height, density, design and choice of materials;
- b) would not have an adverse impact on adjoining uses or infrastructure.

Any proposal for residential development will need to provide a HRA and mitigation in accordance with Policy 22 of the Cornwall Local Plan and the Cornwall European Sites SPD.

Developers should engage with South West Water and Cornwall Council at the earliest stages to ensure that sewerage and waste water infrastructure is provided in line with development proposals.

COMMENT

I have no comment on this policy.

Policy TOR 2 Housing Development outside the Development Boundary

This plan designates a development boundary for Torpoint as shown on Figure 6 Page 44 and Appendix 3 Page 91.

Outside of the development boundary, proposals for housing development will be supported where they conserve and enhance the special landscape character of the Area of Outstanding Natural Beauty (AONB) and where the proposal:

1. Is in accordance with policy 7 of the Cornwall Local Plan, or policy AL1 of the Climate Emergency DPD; or
2. Will deliver affordable housing in accordance with Policy 8 of the Cornwall Local Plan and is not an isolated development in the countryside; and
 - a. It is appropriate to its setting in terms of scale, height, density, design and choice of materials; and

- b. Provides a mix of dwelling types that is reflective of the most up to date assessment of housing needs for Torpoint; and
- c. It would not have an adverse impact on adjoining uses or infrastructure.

COMMENT

Cornwall Council have made a request that there should be minor changes to the policy to refer to other Cornwall Local Plan policies.

This policy refers to development boundary for Torpoint as being shown on Figure 6 Page 44 and Appendix 3 Page 91 whereas Policy Tor 1 refers to the development boundary being shown on Figure 5 Page 40 and Appendix 3 Page 91. I consider it to be confusing to have reference to two different maps showing the development boundary. In addition, the development boundary map for Policy Tor 2 shown the growth area allocation without any reference to it in the policy itself.

For clarity, Figure 6 Page 44 and Appendix 3 Page 91 should be deleted and the policy should be modified as follows:

Policy TOR 2 Housing Development outside the Development Boundary

This plan designates a development boundary for Torpoint as shown on Figure 5 Page 40 and Appendix 3 Page 91.

Outside of the development boundary, proposals for housing development will be supported where they conserve and enhance the special landscape character of the Cornwall National Landscape and where the proposal:

- 1. Is in accordance with Policy 3, Policy 7 or Policy 21 of the Cornwall Local Plan, or policy AL1 of the Climate Emergency DPD; or**
 - 2. Will deliver affordable housing in accordance with Policy 8 of the Cornwall Local Plan and is not an isolated development in the countryside; and**
- a. It is appropriate to its setting in terms of scale, height, density, design and**

choice of materials; and

b. Provides a mix of dwelling types that is reflective of the most up to date assessment of housing needs for Torpoint; and

c. It would not have an adverse impact on adjoining uses or infrastructure.

Policy TOR 3 Community and Leisure Proposals

Development that will deliver or enhance community and leisure facilities which will be easily accessible and well related to the built area of Torpoint will be supported. In particular, the following improvements are supported;

- a) Delivery of two new boules pitches on land adjacent to the tennis courts at Thanckes Park
- b) Improvements to the football facilities at Horson Field (Site A in Figure 7 page 48), to include 2 full-size grass football pitches, 1 junior pitch, a pavilion and changing facilities.
- c) Improvements to facilities at Torpoint Community College to include 1 all- weather, floodlit pitch.
- d) Delivery of replacement rugby facilities if required, as detailed on the map on page 96.

Where new development is proposed, developers are encouraged to enhance the sports provision within the town through contributions or direct provision.

COMMENT

Sport England made representation in connection with the loss of the Defiance Field for provision of rugby pitches both at the initial Regulation 16 Consultation and the second period of consultation focused on Policy Tor 3 and Policy Tor SS1. Sport England confirm their support for the inclusion of Clause d) but request the removal of "if required" as they maintain that there is an evidenced need for the replacement rugby provision. I am however satisfied

that the requirement to replace the rugby provision is adequate and safeguarded by the paragraph 104 of the NPPF and that the removal of this reference is not necessary.

Policy Tor 4 Non-Residential Development

Trevol Business Park and Enterprise court as shown on Figure 8 Page 50 and Appendix 3 Page 92 are identified as a locally significant employment sites.

Proposals for new employment development will be supported on existing employment sites and within the development boundary where:

- a. they are compatible with adjacent users and nearby residential property; or
- b. they support the regeneration of key town centre sites within the town centre area and in accordance with policy TOR SS2; or
- c. they support economic regeneration through an enhanced tourism offer.

COMMENT

I have no comment on this policy.

Policy TOR 5 Transport

Map shown on Figure 9 Page 54 and Appendix 3 Page 93 highlights the transport connections within the Neighbourhood Boundary.

Major development proposals will be supported where they improve connectivity, linking in to existing walking and cycling routes wherever possible. New development should be developed in line with the principals of healthy streets as set out in the streets for people design guide - Streets for People Design Guide (cornwall.gov.uk).

Where appropriate, major development proposals should provide either as part of the development or through a financial contribution, facilities to encourage the use of public transport, including access points closer to bus stops and provision of bus stops or shelters.

Development proposals that would have a significant negative impact on the operational requirements of the Torpoint Ferry will not be supported.

Proposals that support the delivery of transport improvements identified on the Transport Strategy for Torpoint (2021) will be supported.

COMMENT

I have no comment on this policy.

Policy TOR 6 Local Green Space

The following sites, as identified on Figure 10 Page 56 and Appendix 3 Page 94, are designated as Local Green Spaces:

- A) Horson Field
- B) Trevithick Avenue Woodland
- C) Thanckes Park Top Field
- D) Thanckes Park Green
- E) Cambridge Field
- F) Torpoint AFC
- G) Torpoint Woodland – top of Trevol Road
- H) Torpoint Woodland – bottom of Trevol Road
- I) Cremyll Road Green
- J) North and South Chapeldown Road Greens
- K) Recreational space including Borough Park Play Park

Development which supports the continued function of these spaces as local green spaces will be supported.

COMMENT

Local Green Space designation is a “restrictive and significant policy designation” equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.

The NPPF 2024 states:

“107. 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. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

108. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

109. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to

demonstrate that any such allocation meets national policy requirements.

In addition, Neighbourhood planning guidance states:

" Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space."

Importantly, sites which are already subject to a statutory designation such as Historic Parks and Gardens or Scheduled Ancient Monuments are already subject to high levels of protection and would not benefit from an additional local designation. Likewise, sites which fall within the curtilage of a listed building or Conservation Area do not necessarily need additional protection under this policy as their importance and contribution to a settlement must already be considered if any application falls within or in the vicinity of these sites.

I have carefully considered the evidence put before me for all the designations proposed. The decision to designate a particular site is a matter of planning balance and I have made my decision based on whether I consider the proposed designations meet the NPPF tests.

The following areas should be identified as areas of open space and recreation under paragraphs 103 and 104 of the NPPF December 2024 rather than proposed as LGSs:

A) Horson Field

C) Thanckes Park Top Field

F) Torpoint AFC

The map for policy TOR 7 should be modified to include these sites.

Paragraph 108 of the NPPF states that the policies for managing development

within a Local Green Space should be consistent with those for Green Belts. Chapter 13 of the NPPF details the policy framework for development affecting the Green Belt. Paragraph 153, in particular states;

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

It should be noted that designation as a LGS does not preclude all development. It protects a designated site from inappropriate development except in very special circumstances. Paragraph 154 of the NPPF 2024 sets out what types of development would not (my emphasis) be considered inappropriate:

" 154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously

developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

For Clarity, the policy should be modified to reflect the requirements of the NPPF 2024 and caselaw (see Court of Appeal Judgement in the Case of The Queen (On the Application of Lochailort Investments Limited) and Mendip District Council Norton St Philip Parish Council 2nd October 2020) which clearly states that Local Green Space policies in neighbourhood plans should not deviate from the policy requirements of the NPPF. For clarity and to meet the Basic Conditions the maps showing the green space should be amended and the policy should be modified as follows: (the green spaces will have to be renumbered but I have left them with their original numbering to avoid confusion whilst this work is undertaken)

Policy TOR 6 Local Green Space

The following sites, as identified on Figure 10 Page 56 and Appendix 3 Page 94, are designated as Local Green Spaces:

B) Trevithick Avenue Woodland

D) Thanckes Park Green

E) Cambridge Field

G) Torpoint Woodland – top of Trevol Road

H) Torpoint Woodland – bottom of Trevol Road

I) Cremyll Road Green

J) North and South Chapeldown Road Greens

K) Recreational space including Borough Park Play Park

Inappropriate development* on any of the areas listed above will not be supported except in very special circumstances.

*** Ref paragraphs 108 and 152 of the NPPF 2024**

Policy TOR 7 Green Infrastructure

Figure 10 Page 56 and Appendix 3 Page 94 identifies existing and planned open spaces and outdoor sports fields that make a significant contribution to public amenity by virtue of their landscape character, appearance and/or function.

Development proposals that would involve the loss of these open spaces will only be supported where:

1. The development is for the replacement or extension of an existing building currently set in open space or for a new building which supports a recreational or sports use; or
2. Development is necessary for the continuation or enhancement of established uses for recreation, leisure or nature conservation which would result in community benefits; or
3. Development is minor in nature and includes the provision of an appropriate equivalent or improved replacement facility in the locality, of at least quantitative and qualitative equal value to compensate for the open space loss. Any alternative space should be highly accessible to the community by a variety of means for travel, and it can be demonstrated that the character and appearance of the area to be lost is not critical to the setting of the area.

In all cases, the proposal should maintain or enhance visual amenity and the open character of the area and should not prejudice any established function.

Where it can be clearly evidenced that there is no longer any need or demand for the relevant provision, alternative proposals for development may be considered.

Development proposals must demonstrate that they will not have any adverse effects on the integrity of nearby designated European sites.

COMMENT

This policy relates to open spaces and outdoor sports facilities but is titled as Green Infrastructure, this could be confusing as green infrastructure is usually a term used to describe the network of natural spaces and corridors in a given area. Green infrastructure assets include open spaces such as parks and gardens, allotments, woodlands, fields, hedges, lakes, ponds, playing fields, coastal habitats, as well as footpaths, cycleways or rivers.

Whilst this policy does refer to some of the elements of "Green Infrastructure" it more particularly relates to spaces already protected under paragraph 104 of the NPPF 2024.

In addition, the Policy can only relate to existing open space rather than proposed open space.

I have also received representation from the Ministry of Defence (MOD) raising concerns that Figure 10 Page 56 and Appendix 3 Page 94, includes land that is owned and controlled by the MOD with no public access. Figure 10 Page 56 and Appendix 3 Page 94 should be revised either to remove any reference to MOD land or annotate it in such a way that it is clear that the land in question is owned by the MOD and that there is no public access.

For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy TOR 7 Open Space and Recreation

Figure 10 Page 56 and Appendix 3 Page 94 identifies open spaces and outdoor sports fields that make a significant contribution to public amenity by virtue of

their landscape character, appearance and/or function and should be protected in accordance with Paragraph 104 of the NPPF (2024).

Development proposals that would involve the loss of these open spaces will only be supported where:

- 1. The development is for the replacement or extension of an existing building currently set in open space or for a new building which supports a recreational or sports use; or**
- 2. Development is necessary for the continuation or enhancement of established uses for recreation, leisure or nature conservation which would result in community benefits; or**
- 3. Development is minor in nature and includes the provision of an appropriate equivalent or improved replacement facility in the locality, of at least quantitative and qualitative equal value to compensate for the open space loss. Any alternative space should be highly accessible to the community by a variety of means for travel, and it can be demonstrated that the character and appearance of the area to be lost is not critical to the setting of the area.**

In all cases, the proposal should maintain or enhance visual amenity and the open character of the area and should not prejudice any established function.

Where it can be clearly evidenced that there is no longer any need or demand for the relevant provision, alternative proposals for development may be considered.

Development proposals must demonstrate that they will not have any adverse effects on the integrity of nearby designated European sites.

Policy TOR 8 Historic Core, Design and Local Distinctiveness

Proposals within the historic core as defined on Figure 11 Page 60 should demonstrate how the proposed development will help to conserve and enhance the historic fabric of the area with regard to the scale, massing, design and choice of

materials in line with the Built Heritage Assessment (2022).

All development should complement the culture of the community and the local historic and architectural character and distinctiveness of Torpoint town centre, responding to, enhancing and where possible restoring the features, spaces and layout of the historic built environment, including the quality of the public realm, street grid pattern and interactions with green infrastructure and open spaces.

COMMENT

I have no comment on this policy.

Policy TOR 9 Torpoint Town Centre

Development, redevelopment and diversification in Torpoint town centre shown at Figure 12 Page 62 should support and / or enhance the continuing vitality and viability of the town centre. Proposals should follow the principles of policies TC1, TC2, TC3 and TC4 in the Climate Emergency DPD.

Development proposals should provide improvements to the public realm and should consider the impact of any development on views from the estuary and the river.

COMMENT

This policy reads as more of a statement than a policy. For clarity, the policy should be modified as follows:

Policy TOR 9 Torpoint Town Centre

Development, redevelopment and diversification in Torpoint town centre shown at Figure 12 Page 62 should support and / or enhance the continuing vitality and viability of the town centre. Proposals will be supported where they follow the principles of policies TC1, TC2, TC3 and TC4 in the Climate Emergency DPD, provide improvements to the public realm and demonstrate how the impact of any development on views from the estuary and the river have been taken into consideration.

Policy TOR SS1The Northern Fringe (initial Regulation 16 Consultation version)

Figure 13 Page 66 and Appendix 3 Page 96 identifies land at the Northern Fringe, which is allocated for around 255 homes as part of a sustainable community, comprising of a mix high quality housing, public and private spaces and supporting infrastructure and facilities.

Proposals should demonstrate through the development of a binding masterplan for the site how the following requirements will be delivered:

1. Convenience retail floorspace of up to 2500m², subject to the sequential test;
2. A multi-use community building adjacent to the retail store, or a financial contribution that will enable the delivery of such a facility;
3. Land set aside for an expansion to the existing cemetery;
4. A protected and enhanced network of green infrastructure that delivers biodiversity net gain, naturalised sustainable drainage systems, natural space, tree planting and public open space, including appropriate play space (or a contribution towards the improvement of a nearby play space that would be easily accessible to the development);
5. The development and enhancement of walking and cycling networks across the site that connect with existing footpath links to the south, east and west of the site;
6. Offsite highway, pedestrian and cycle improvements required to enable the development of the site and connect to the town centre and facilities;
7. Measures to address the recommendations of the Historic Environment Desk Based assessment and any further Heritage Impact Assessment undertaken as part of the emerging masterplan for the site as well as a scheme for additional archaeological investigation required.

The detailed masterplan shall cover design and materials parameters, layout,

phasing and access arrangements.

Proposals coming forward should be for the whole site but where any land parcel comes forward separately within the allocated site (either before or after the completion of the masterplan for the whole allocated site), the design and layout for those land parcels must deliver the principles set out in this policy, including demonstration that the development does not compromise the ability to deliver required infrastructure (including, where appropriate, financial contributions to enable delivery), the wider movement network (including to areas beyond the site boundary) and green infrastructure linkages through that area of the overall site.

Any proposal for residential development will need to provide a HRA and mitigation in accordance with Policy 22 of the Cornwall Local Plan and the Cornwall European Sites SPD.

Developers should engage with South West Water and Cornwall Council at the earliest stages to ensure that sewerage and waste water infrastructure is provided in line with development proposals.

Policy TOR SS1The Northern Fringe

Figure 13 Page 66 and Appendix 3 Page 96 identifies land at the Northern Fringe that is allocated for up to 240 homes as part of a sustainable community of mixed high-quality housing, public and private spaces, commercial space and supporting infrastructure and facilities.

Proposals should demonstrate through the development of a binding masterplan for the site how the following requirements will be delivered:

1. Convenience retail floorspace in the region of 2500m², subject to the sequential test;
2. A multi-use community building in area A, or a proportionate financial contribution that will help to enable the delivery of such a facility elsewhere in Torpoint;
3. A protected and enhanced network of green infrastructure that delivers

biodiversity net gain, naturalised sustainable drainage systems, natural space, tree planting and public open space, including appropriate play space (or a contribution towards the improvement of a nearby play space that would be easily accessible to the development);

4. The development and enhancement of walking and cycling networks across the site that connect with existing footpath links to the south, east and west of the site;

5. Offsite highway, pedestrian and cycle improvements required to enable the development of the site and connect to the town centre and facilities;

6. Vehicle access to the site should be from the A374 and located in the south-east corner of the development;

7. Residential development is supported in Area A, as indicated in Figure 13 Page 66; area B should be used to deliver commercial space and associated parking and open space; residential development will not be supported in Area B. Areas A and B should be screened and separated by a Cornish hedge planted with trees, or other suitable green separation.

8. An appropriate site for alternative rugby provision has been identified in Policy TOR3. The Northern Fringe development must allocate sufficient funds to secure the allocated land and for the development of that site to provide like for like replacement rugby facilities, including changing facilities and a clubhouse, should demand for a new rugby club in Torpoint arise over the plan period.

9. Measures to address the recommendations of the Historic Environment Desk Based assessment and any further Heritage Impact Assessment undertaken as part of the emerging masterplan for the site as well as a scheme for additional archaeological investigation required.

The detailed masterplan shall cover design and materials parameters, layout, phasing and access arrangements.

Proposals coming forward should be for the whole site but where any land parcel comes forward separately within the allocated site (either before or after the

completion of the masterplan for the whole allocated site), the design and layout for those land parcels must deliver the principles set out in this policy, including demonstration that the development does not compromise the ability to deliver required infrastructure (including, where appropriate, financial contributions to enable delivery), the wider movement network (including to areas beyond the site boundary) and green infrastructure linkages through that area of the overall site.

Any proposal for residential development will need to provide a HRA and mitigation in accordance with Policy 22 of the Cornwall Local Plan and the Cornwall European Sites SPD due to the proximity to the Plymouth Sound & Estuaries SAC and the Tamar Estuaries Complex SPA. The site is also in close proximity to Lynher Estuary and St. John's Lane SSSI.

Developers should engage with South West Water and Cornwall Council at the earliest stages to ensure that sewerage and waste water infrastructure is provided in line with development proposals.

COMMENT

A number of representations were received in relation to the initial Regulation 16 Consultation, raising issues relating to the allocation of the Northern Fringe site:

- **Sport England raised concern over the loss of rugby provision at Defiance Field.**
- **The proximity of the proposed allocation to the Thanckes Oil Depot (nationally significant infrastructure).**

As a result of these representations, it was decided that a further period of consultation should be undertaken focused on modifications to Policy TOR 3 and Tor SS1.

The proposed modification to Policy Tor SS1 has addressed the issues raised in representations by:

- **Including a requirement to provide replacement rugby provision.**

- Providing a buffer between the proposed residential development and the Thanckes oil depot.

Sport England maintain that there is an evidenced need for the replacement rugby provision and as such the reference in the modified policy to:

"should demand for a new rugby club in Torpoint arise over the plan period."

should be removed. I am however satisfied that the requirement to replace the rugby provision is adequate and safeguarded by the paragraph 104 of the NPPF and that the removal of this reference is not necessary.

The initial Policy Tor SS1 did not address significant concerns raised in relation to the introduction of new, sensitive residential uses adjacent to such critical infrastructure, which stores diesel, aviation fuel, hazardous oily waste (known as sillage) and firefighting water, and contains an extensive network of pipelines, pumps, filtration equipment and containment moats. The modified policy introduces a buffer zone between the proposed residential development and the depot. This zone does not need to be kept free from all development, and would be acceptable for other, less sensitive uses, which could include, for example a retail unit. This provision of non-sensitive non-residential built form is supported by the operators of the site who state it would actually provide additional benefit in providing enhanced acoustic screening and visually separate the residential uses from the operations of Thanckes Oil Fuel Depot. This would improve safety and amenity for newly introduced residential development, whilst also providing visual screening which would improve security and privacy of this nationally critical military infrastructure.

I am therefore satisfied that the current Policy Tor SS1 meets the Basic Conditions.

Policy TOR SS2 Lower Fore Street

Comprehensive regeneration of the land and buildings around Torpoint Library and Community Hub, as shown on Figure 14 Page 70 and Appendix 3 Page 97, is supported.

A detailed masterplan should be submitted by the developer, showing how the following requirements will be delivered:

1. Around 30 residential dwellings;
2. Space for a new Community Hub and Library;
3. Retail and commercial (E use classes) space at ground floor level;
4. Improvements to the public realm, including the provision of a new market square;
5. An appropriate balance of public car parking;
6. Parameters for design and materials, layout, phasing and access arrangements;
7. An appropriate response to the historic grid layout of the town centre, open spaces and maximising views to the river Tamar.

If proposals come forward for part of the site only, they must be in accordance with the agreed masterplan and should demonstrate how development of the remainder of the site can be achieved.

COMMENT

I have no comment on this policy.

Policy TOR SS3 Harvey Street

Development proposals for the area around St. James Church as shown on Figure 15 Page 74 and Appendix 3 Page 97 will be supported where they demonstrate an ability to improve the public realm and surrounding built environment.

Proposals to visually narrow Harvey Street to reduce the dominance of traffic and impression of width, including tree planting and improvements to the public realm will be supported where the safe passage of vehicles to and from the ferry is maintained.

Proposals for infill development along either side Harvey Street to create a more defined and attractive frontage for shopping, recreation and employment (E class)

uses and/ or residential use will be supported.

Proposals for on-street car parking along Harvey Street and the removal of car parking in front of St. James Church to create a pedestrian square will be supported.

COMMENT

I have no comment on this policy.

Policy TOR SS4 The Waterfront

Proposals for development or redevelopment within the waterfront area identified on Figure 16 Page 76 and Appendix 3 Page 97, will be required to demonstrate how they will help to deliver the Torpoint Waterfront masterplan.

In particular, proposals should show how they will help to;

1. Improve the public realm;
2. Improve connections from the waterfront to the wider town centre area.

Proposals made prior to the masterplan being adopted should demonstrate how the development supports the Vision in the Torpoint NDP to make the waterfront more attractive, accessible and better connected to the town centre, including:

1. TOR/10 Appearance of railings at ferry landing;
2. TOR/12 Artwork on the waterfront;
3. TOR/14 Art on the waterfront;
4. TOR/24 Ferry landing jetty;
5. TOR/32 Torpoint waterfront marina;
6. TOR/33 Torpoint transport and tourist information hub;
7. TOR/34 Boardwalk park on the waterfront

8. TOR/35 Facelift to the former Rowing Club;

9. TOR/37 Hidden hut for Torpoint

10. TOR/38 Bird hide.

COMMENT

I have no comment on this policy.

SECTION 5

Conclusion and Recommendations

1. I find that the Torpoint Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.
(As amended)
2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.
3. The Torpoint Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.
4. The Strategic Environmental Assessment and Appropriate Assessment meet the EU Obligation.
5. The policies and plans in the Torpoint Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Cornwall Local Plan 2016.
6. I therefore consider that the Torpoint Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator

1 July 2025

