

Comments below also include minor typos that are spotted along the way to assist groups. It should be noted that this is the first opportunity that Cornwall Council's (CCs) Neighbourhood Plans Team have had to comment on the Luxulyan Draft Neighbourhood Development Plan (LNDP). Consequently these comments go into more detail than would be usually expected at this stage in the process.

It should be noted that its CCs view that, once the necessary review of and subsequent amendments are made to the LNDP, the revised LNDP will have altered significantly and therefore that the Regulation 14 pre-submission consultation should be re-run.

1. Cover Page – Date that the document runs should be clearly visible on the front of the NDP (2018-2030).
2. Consistency in terminology and use of abbreviations should be applied throughout the document. E.g. 1.1 and 1.2 use of both the term neighbourhood plan and neighbourhood development plans occurs. Best practice is at first instance to use Neighbourhood Development Plan (NDP), then use this abbreviation throughout the remainder of the document – a simple 'find and replace' on Word will assist in such instances. I note this approach is adopted further on in the document re LNDP.
3. 1.1 Development Plan
4. 2.1 – include a Sub Heading 'Plan Period', so that this stands out. I question structuring this so that this date is included under the section 'The Neighbourhood Development Plan Process'.
5. 2.1 – the use of a specific date is unusual. There is no guarantee of a specific start date, which will be when the NDP is 'made' and at this stage that date can't be determined. With regards to a specific date there is arguably merit in including this, however I would advise that the date is given as 31<sup>st</sup> March 2030 as a more standardised period end date used within the wider Development Plan.
6. 2.5 – whilst it is important to build your plan around consultation responses, this information should also be supplemented with other evidence where appropriate (presented separately in your evidence base).
7. 3.3, second bullet point, delete Cornwall Local Plan: ~~Strategic Policies 2010-2030~~ (CLP). The Strategic Policies is one document within the wider Local Plan, all of which the LNDP needs to be in general conformity with.
8. 3.2, delete November 2017.

9. 3.3 – you need to refer to the fact you have carried out the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion and the result of this. This Screening Opinion needs to be presented in your separate evidence base.
10. 3.3 – recommend you merge this content with that presented in 2.1.
11. Document is missing a map showing the designated area to which the policies of the LNDP apply. This needs to be included (it would be useful for the group to refer to CC's 'Neighbourhood Development Plan Document Template' which is available for groups to follow, available at the following link: <http://www.cornwall.gov.uk/environment-and-planning/planning/neighbourhood-planning/preparing-a-neighbourhood-plan/neighbourhood-planning-guide-notes-and-templates/#-tab-411873>). It may be that, in reviewing your NDP, you consider using this template document and this approach would be welcomed.
12. 4.3 add in brackets the year of the current census.
13. Description of the Parish section – the document needs to include references to where key settlements and designations are illustrated on maps (for designations, these maps are usually best presented in the separate evidence base; settlements are usually shown on a map within the main NDP).
14. 5.1 first bullet point isn't clear – what is the reason for requiring mitigation, mitigation is normally needed to limit negative impacts?
15. 5.1 second bullet point – whilst this view of the community is important, this is an example (related to comment 6 above) where additional evidence would be needed before such a policy could be proposed (e.g. landscape impact, heritage impact etc.).
16. 5.1 third bullet point is repeated and also highlighted, this bullet point being 'there were a significant minority of negative responses to further development'. Recommend that the repetition and highlighting is removed. Whilst this is a reality of your responses, it is hoped that the community consultation was a two way dialogue and the reasons for needing to plan for future development explained, also the requirement that NDPs need to plan positively for growth.
17. 6.1 - The Vision of your NDP isn't strictly a Vision but more a set of Objectives which are different (objectives seek to deliver a Vision). Reference to the 'Neighbourhood Development Plan Document Template', referred to in comment 11 should assist understanding in this regard. The Vision should be how a parish will 'look' in 2030 e.g., in 2030, xxx parish

will be a vibrant rural community, where residents enjoy a high quality of life and viable farms are scattered throughout the area.

18. 6.1, the objectives for the parish set out in 6.1 can't all be directly addressed by future development and planning decisions. This should be acknowledged so that the community are reminded of the limitations of the NDP (e.g. bullets 3 and 4).
19. The document doesn't contain a clear 'Housing Statement'. Clear housing statements must be included within NDPs (please see the two part Housing Statement guidance available at <http://www.cornwall.gov.uk/environment-and-planning/planning/neighbourhood-planning/preparing-a-neighbourhood-plan/neighbourhood-planning-guide-notes-and-templates/#-tab-359262>. - these set out an housing statement template for groups; this is also reflected in the 'Neighbourhood Development Plan Document Template', referred to in comment 11).
20. 7.3-7.4 its recommended that statistics are presented in tabular format.
21. 7.4 – "Cornwall Council advises the CLP calculated disbursement for the CNA provided a housing target for the Parish of 68 houses, of which 46 have been built, or have planning permission. This leaves a further 22 to be developed by 2030." – this will be the *minimum* for your Parish to plan for in order to demonstrate the NDP is in conformity with the Local Plan, however this is the minimum figure. Is this figure the actual figure the Parish wants to plan for and why (see the two part Housing Statement guidance referred to in comment 19), a greater explanation is recommended?
22. 7.5 – "...prioritising affordable homes for local people through small scale windfall opportunities...". Small scale windfall development is not a productive way to plan for delivery of affordable houses (refer to minimum thresholds in CLP Policy 8, which sets out that where proposals are for 5 or less dwellings then this is below the threshold for affordable housing delivery/contributions).
23. 7.5 – With regard to Infill development it would be better to refer to policy provisions set out as part of CLP Policy 3. Your NDP need not repeat content of higher level policies although it is acknowledged that many groups want to refer to the cover provided in the CLP in order to reassure communities.
24. 7.6 – this sounds in part like it is intended to be policy wording rather than justification text. The reference to "the LNDP will support infill development

and exceptionally 'rounding off' if it is in the identified LNDP Housing Zones..." is confusing:

- a. Infill and rounding off are addressed under CLP Policy 3, this suggests the LNDP has the option of not supporting infill development which is not the case;
  - b. Rounding off cannot be supported as an exception, rounding off will be permitted as standard through CLP Policy 3 provision;
  - c. Housing Zones are referred to as being 'rounding off' and I have several concerns around this:
    - i. do the zones conform to the definition of 'rounding off' (see CLP, Section 1.68) where rounding off is defined as applying to development on land that is substantially enclosed but outside of the urban form of a settlement and where its edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road). It should not visually extend into the open countryside. An evidence base behind these Housing Zones is required which should, in part, address how why these zones are considered suitable for rounding off.
    - ii. Is it the case that the housing zones are intended as a suitable area of search for CLP, Policy 9 Rural Exception Sites? If this is the case, this I not what this section sets out. It is recommended that the content of 7.6 is reviewed to avoid any confusion; this would be helped by using terminology consistent with the CLP.
    - iii. At the first reference in the text to Housing Zones, it would be good practice to include a reference to the associated section and figure where further detail can be found, i.e., (please see Section 7.15 and Figure 2).
  - d. Housing Zones are not referred to or included in policy wording and consequently will not be taken into consideration or hold any strong weight in the planning decision making process.
  - e. Minor observation – consider saying 'Luxulyan Parish will support...'
25. 7.7 – it's important to be clear what policy provision is required *in addition* to that already set out under the NPPF and CLP; what extra will the LNDP do to protect this rural character, what will the NDP do that these higher level policies don't? It's important that this is understood.
26. 7.8 - 7.12 – suggest content is better placed in the description of parish section or preferably in a separate evidence base document, rather than in the Housing Policy Justification Section (this section should focus on summarising supporting evidence and giving a narrative for your policy). Please refer to our 'Writing Policy' guidance available at <http://www.cornwall.gov.uk/environment-and-planning/planning/neighbourhood-planning/preparing-a-neighbourhood-plan/neighbourhood-planning-guide-notes-and-templates/#-tab-359264> .

27. 7.9 – reference to Luxulyan Churchtown – a map somewhere in the document would assist understanding (don't assume all document users know your parish).
28. 7.13 – there are no settlement (development) boundaries in the CLP and therefore there are no longer any development boundaries within your parish. If your parish want these it is up to the NDP to set these out, along with a supporting evidence base setting out how the development boundary has been arrived at. Please see our guidance sheet 'Development Boundary Guidance' at <http://www.cornwall.gov.uk/environment-and-planning/planning/neighbourhood-planning/preparing-a-neighbourhood-plan/neighbourhood-planning-guide-notes-and-templates/#-tab-359262>
29. 7.13 – what areas of land are you specifically seeking to protect? If these are known it may be clearer to use a safeguarding policy and accompanying map to protect these areas (supported by appropriate evidence setting out why they warrant protection). You could consider linking such a policy to CLP Policy 3, in that it is adding additional local level detail, aiding document users when they are considering what larger gaps would be unsuitable for infill/rounding off. Or, perhaps a more straight forward alternative would be the proposal of development boundaries.
30. 7.15 where is the evidence base setting out why these zones are appropriate and the assessments that have been carried out in determining these? In effect the NDP is indicating that development in these acceptable and so this conclusion must be informed by evidence such as heritage impact assessments, landscape assessments, flood risk assessments etc. (zones can't be solely based upon what the community want there are other planning considerations that need to be taken into account). This information is required, in part, in order to inform the Strategic Environmental assessment (SEA)/Habitat Regulations Assessment (HRA) Screening Opinion. Without it, the SEA/HRA Screening Opinion will likely conclude that an SEA and HRA is required (it will always take a cautious approach). As the SEA and HRA entails a separate work stream it's not recommended that this is carried out unnecessarily and so presenting thorough information at the SEA/HRA is key.
31. Housing Zone Figure
  - a. Missing Figure Reference;
  - b. No indication of the settlement name where the zones are located;
  - c. The full settlement should be included in the map to give context, this may mean that further maps zoomed in on the zones are required;

- d. Consider whether the detail on this map is sufficient to be clearly understood by a document user that doesn't know your parish; also,
  - e. Consider whether the detail on this map is sufficiently visible to document users, particularly if printed out in black and white?
32. LH1 (a) it's recommended that this is deleted as this is not adding anything to higher level policies.
33. LH1 (b) – Its recommended that the wording 'Proposals for housing development must *not impact* on...' is reviewed (perhaps 'not negatively impact').
34. LH (bi) – see previous comment. I think there's a missed opportunity for you to communicate the areas you're referring to.
35. LH (bii) – this wording is not very helpful, what prominent local features are you referring to? how will a planning officer be able to apply this? Prominent local features should be clearly referenced and the evidence base should set out why protection is warranted.
36. Figure references (i.e. Figure 1. Map of...) need adding throughout.
37. Page numbers need adding throughout the document.
38. 7.16 – What is the need? What did the results of your survey say? – the results should be summarised/highlighted with a signpost to where in depth evidence can be found (please refer to our 'Writing Policy' guidance available at <http://www.cornwall.gov.uk/environment-and-planning/planning/neighbourhood-planning/preparing-a-neighbourhood-plan/neighbourhood-planning-guide-notes-and-templates/#-tab-359264> ).
39. 7.16, what evidence is there that suggests this policy will deliver 22 homes by 2030?
40. 7.16 – there is an assumption that costs of houses will be low because its limited in size but this may not e a reality.
41. 7.17 refers to policies (plural) there is only one policy; you may be better to refer to the criteria of Policy LH2.
42. 7.17 – 'Further evidence of house prices as a multiple of earnings suggests that many emerging households are (and will be) unable to buy or rent housing, particularly if they wish to stay local to the Parish, family or community links.' –, what is the house price as a multiple of earnings? where is this evidence available (precise signpost needed)? – the results

- should be summarised/highlighted with a signpost to where in depth evidence can be found.
43. 7.17 – Recommend you remind the document user what the communities concerns are and a signpost to where evidence of these views can be found.
  44. 7.17 – ‘...relaxes the existing constraints and those in the Cornwall Local Plan on providing rural housing’. NDPs have to be in general conformity with the CLP and attempts to relax policy provision in this should not be included in your NDP.
  45. 7.18 – the definition of a low-cost dwelling, what evidence is there to demonstrate that this definition is satisfactory? It doesn't seem to allow for young families who may need a larger dwelling? Minor point - is there a need to say, bungalow, flat or house (dwelling should suffice)? Restricted in size – in what way? What size? What evidence is this restriction based upon?
  46. 7.19 – this should be enhanced (what proportion of residents is this result based on, what were the results and where can detailed evidence be accessed?). Also this content should be placed in the Policy Justification section.
  47. Surprised to see that CLP Policies 8 (Affordable Housing) and 9 (Rural Exception Sites) haven't informed the building of this housing policy.
  48. Policy LH2 – ‘Rural exceptions sites for single plot affordable housing will be permitted to meet a local need where this need is evidenced’ – this doesn't seem to add anything to higher level policies (CLP, Policy 9) and so, as this doesn't add anything to higher level policies (and NDP's should not repeat these), its recommended that this is deleted.
  49. Policy LH2 – ‘where the development does not have an unacceptable impact on the visual and landscape amenity of the area..... In each case ancillary works such as access, outbuildings, curtilage boundaries also should not have an unacceptable impact on the visual and landscape amenity of the area.’ – this doesn't seem to add anything to higher level policies (CLP, Policy 23) and so, as this doesn't add anything to higher level policies (and NDP's should not repeat these), its recommended that this is deleted.
  50. Policy LH2 – ‘These developments will need to consider how the balance of benefits such as any social, economic, environmental or community benefits for the intended occupier or wider local community justifies the proposal.’ - What does this mean?

51. Policy LH2 – 'This policy operates throughout the plan area' – unnecessary text; all of your NDP policies will apply to your designated parish area, unless a policy is site specific or its indicated otherwise.
52. Policy LH2 – 'Affordable housing for local people will be secured as such for its longevity through a Section 106 Agreement.' – this should be deleted as it adds nothing to existing policies and procedures (NDPs should not repeat these).
53. Policy LH2 – Permitted Development rights will be removed – NDP cannot remove permitted development rights so this needs deleting.
54. Comments below on the remainder of this draft policy:

**The following criteria apply** (recommend improved wording here, such as 'New dwellings will be supported where...') :

- 1. The proposal is to deliver a small, lower cost home** (see comment 45 above, further evidence, justification is needed to support this definition/assumption).
- 2. The proposal should be well-related to existing hamlets and houses** (this should be deleted as it doesn't add anything to higher level policies).
- 3. The property has a maximum of 2 bedrooms although up to 3 bedrooms may be considered in exceptional circumstances** (see comment 45 above, further evidence, justification is needed to support this requirement).
- 4. The property must be used as a principal residence.** (what evidence supports this requirement? What is principal residence? How will any stipulations be enforced? Would be useful for you to refer to another successful NDP (e.g. Rame Peninsula NDP) which contains a Principal Residence Policy and which has been successful at examination; consider the wording of the policy and the evidence behind this.)
- 5. The house has a maximum size of 60sqm for a one-bedroom property or 90 sqm for a 2-bedroom property. Any garden area must be less than 300sqm.** (on what basis have these sizes been arrived at, again there is a lack of a clear evidence base supporting this? When you go to public consultation it would be useful for the community to be given an idea of the size of rooms that such measurements would allow as measurements in sqm are difficult for most people to envisage).
- 6. All Part 1 permitted development rights from the TCPA (GPDO) 2015 will be removed by planning condition.** (NDPs can't do this, they must be in general conformity with higher level policies).
- 7. Applications to extend or otherwise enlarge these properties will not normally be supported.**
- 8. Self-build, modular and other innovative low-cost housing models are encouraged under this policy.**

**This policy applies to new build properties and to the conversion or re-use of existing buildings, including where appropriate the change of use of holiday units to permanent residential accommodation where the above criteria are met.**

55. In conclusion, Policy LH2, its supporting text and evidence base need a thorough review before the NDP proceeds any further.
56. Policy LH3 – this section is copied from Upper Eden's NDP. Whilst this may be a suitable policy there, what and where is the evidence to say it's required in the parish of Luxulyan? In addition this policy is not in general conformity with LP:SP Policy 7. LP:SP Policy 7 aims to address the needs of rural areas whilst protecting the open countryside. In doing so the focus is on the efficient use of existing properties and buildings, not on new build properties. Recommend that Policy LH3 is deleted.
57. 7.22 – where is the evidence setting out what this section says (signpost to the evidence base is required).
58. 7.23 – 'The policy seeks to balance the need for more general low-cost housing; these will be restricted to one and two-bedroom housing which is the priority for the Luxulyan area for younger and older people in housing need'. - This intention was relevant to policy LH2 and as such shouldn't be repeated (policies shouldn't duplicate each other).
59. 7.23 – 'In the Parish as an addition to exception sites for the delivery of low cost housing this can be augmented by the provision of an older person's household.' – what does this mean? Use of plain English should be used throughout the document.
60. 7.23 - 'To qualify for consideration older persons housing should be restricted in price to no more than the mean local housing price and be available only to those local households that are unsuitably housed and whose household income is no more than the mean local household income.' – how will this happen in reality (there is no mechanism to restrict the cost of open market housing or who purchases these)?
61. 7.23 – 'These homes could be available to rent as well as buy' – planning policy can't influence tenure of future open market homes.
62. 7.23 – 'New homes under this policy should be located in the centre of the village for easy access and community inclusion, and in existing settlements close to family support networks.' – Policy provision in CLP directs homes to sustainable locations. Planning decisions cannot be influenced by whether existing family live in proximity.
63. Comments on policy wording set out below:

**Within the Luxulyan Parish housing developments ~~should that~~ address the local need for older persons' housing will be supported. This can occur through the provision of bungalows or other suitable housing types. ~~restricted to occupancy for those local households where one person is over state pensionable age.~~**

Recommend this text is amended as indicated; the amendment to the first sentence removes the implication that the only new open market housing supported will be for older people, whilst the deletion at the end is in line with previous comments that planning policy can't influence occupancy of open market houses.

**Proposals when at least one occupant is over state pensionable age (or requires specialist housing by virtue of personal incapacity or impairment) will be assessed and supported where the following are met:**

- a) meeting the needs of an identified older local person in housing need;**
- b) releasing an unsuitable dwelling into the market or, for transfer to a family member;**
- c) does not have an unacceptable impact on the visual or landscape amenity of the area.**

Planning applications for open market housing will be judged on their merit. This judgement can't include who the inhabitant of the dwelling will be. It is recommended that the above paragraph and sub criteria a-c are deleted.

**The new dwelling will be subject to a s106 Legal Agreement ensuring that it remains available for local households where one member is over the state retirement age, or as an affordable dwelling for local people in perpetuity.**

The planning system provides for either 'open market' or 'affordable' dwellings. If the new home was classed as an 'open market' home, this stipulation would limit the value of the property. Whilst I understand that this may be part of the intention of this policy, policies of an NDP can't ensure that *all* new open market houses are for those where above pensionable age. Consequently, developers will have an option to develop standard open market houses or ones which are for 'older people' and it's unlikely that they will opt for the latter given the reduced return on investment. 'Affordable' homes can't be developed for occupants of specific age ranges. Recommend that this paragraph is deleted. In addition, Section 106 agreements are only used for larger developments due to the associated cost.

64. LH5 – please see comments below, in conclusion its recommended that this policy is deleted as it doesn't add to higher level policies and existing procedures and in places is contrary to these:

(i & ii) Visual intrusion (or right to a view) is not a material planning consideration and cannot be restricted. Overshadowing is a material consideration but as this is already picked up within existing planning procedures, so there is no need to include this in a NDP policy. Loss of car parking and loss of vegetation cannot be a policy: there are parking standards within the NPPF and parking does not have to be provided it is only guidance; with loss of vegetation, this is permitted development so as long as there isn't a Tree Preservation Order on the site or so long as it isn't within a conservation area. Recommend this criteria is deleted.

(ii) This is covered by existing procedures, under permitted development rights so no need to include. Recommend this criteria is deleted.

(iii) You cannot restrict what form of landscaping someone has in their garden. It is permitted development what shrubs, trees etc. people have in their gardens. With regards to retaining proportionate garden space: for extensions, permitted development allows up to a maximum of 50% of garden to be used for an extension; and, usually an annex will share the garden of the host dwelling, so doesn't need separate garden space. Recommend this criteria is deleted.

(iv) This is covered by higher level policies and is unnecessary. Recommend this criteria is deleted.

(v) It is difficult to set these requirements: extensions and annexes will likely use existing access and see comment above re parking requirements. Recommend this criteria is deleted.

(vi) For annexes, this is done anyway as part of the planning process.

(vii) Under permitted development rights, annexes do not have to be physically attached they can be in your garden. Recommend this criteria is deleted.

(viii) The annex condition is put on all annex applications restricting its occupation. Section 106 agreements are only used for larger developments due to the associated cost.

65. Local Occupancy Condition (7.27 – 7.31) – the NDP can't include this and it should be deleted. Planning policies can't influence the way that a future property is marketed or who inhabits dwellings.
66. 7.32 - See comments above, re older persons proposals (recommend that this is deleted).

67. 7.33 – the NDP cant include proposals that are contrary to the CLP. If proposals for extensions to existing sites meet the criteria of CLP Policy 11, they will likely be approved. Recommend that this is deleted.
68. Policy LRE1 – What does this policy add to existing policy provision and procedures (it would be good practice to set this out in the supporting text for this policy)? Remember that NDP policies must not repeat higher level policy content (it is anticipated that much of this policy will need deleting).
69. 7.40 – The NDP doesn't need to protect statutory designations such as the World Heritage Site, mechanisms are already in place for this (recommended that this reference is either corrected or deleted).
70. Policy LLNE1 – what are the 'existing landscape characteristics that have been identified by the community'? These should be clearly defined and, if lengthy, referred to as a comprehensive Appendix.
71. Policy LLNE1 – refers to 'the Cornwall & Isle of Scilly Landscape Character Assessment'. In 7.40 this is set out more precisely as the Cornwall & Isle of Scilly Landscape Character Assessment (CA 39 St Austell Bay and Luxulyan Valley), it's recommended that this term is used and also that this document is included as an appendix to your NDP.
72. Glossary of Terms – Recommend the following:  
  
~~EBD – Evidence Base Document~~ (this abbreviation isn't used in the document)  
CNA – Community Network Area  
CLP – Cornwall Local Plan: ~~Strategic Policies 2010-2030 May 2016 Examination Version~~ (see previous comment)  
LNDP – Luxulyan Neighbourhood Development Plan  
NPPF – National Planning Policy Framework  
~~The Act – The Localism Act 2011~~ (this abbreviation isn't used in the document)  
The Parish – Luxulyan Parish
73. Background reference documents – it is good practice to have links to these documents, on your website.