

COMMENTS ON LUXULYAN'S NDP

Comment No.	CC Informal Comment (SEA/HRA Screening Stage)	NDP Groups Comments/Action	Owner	Further clarification (if required)
1	1.2 & 1.3 – typo – caps on Neighbourhood Development Plan.	Done		
2	2.1 – recommend first and second bullet point contents are merged.	Done		
3	2.1 – some activities have dates on whereas others don't; for consistency (and helping to tell the story) can dates/approximate dates) be added?	Done		
4	2.4 – says 'further detail can be found in the accompanying EBD...', at this point, a footnote with a link to this should be added.	Done		
5	2.5 – add in a reference to Figure 1.	Done		
6	Figure 1 – key needed to indicate the designated area. Also, amend title to refer to designated rather than plan area, e.g. 'Map showing the Designated Area of the LNDP.'	Key already there. Title done.		
7	Section 2 – for the document user it isn't clear where your supporting evidence can be accessed. This is an important factor both through the process of making the plan (including examination) and through the NDPs lifespan. We strongly recommend a clear and concise section titled 'Supporting Documentation', where links are provided to your online evidence base (and where this should also include documents such	Done		

	as the Consultation Statement and Basic Condition Statement etc., in due course).			
8	3.1 – check this quote is consistent with latest NPPF (July 2018).	Done		
9	2.7 – recommend simplifying to read ‘The plan period of the LNDP will be from when the plan is ‘made’ to 31 st March 2030, in line with the CLP.’	Done		
10	3.1, second bullet point – recommend CLP, as this abbreviation was introduced earlier in the document (recommend you do a ‘find and replace’ in word to check consistent use of all abbreviations, once introduced).	Done		
11	4.1 – where can details of the WHS & AGLV be found (reference needs adding).	Done		
12	4.2 –consider including a map/enhancing Figure 2 to show key features which are referred to in this para?	Considered but feel descriptions cover this.		
13	Figures 2 and 3 aren’t introduced or referred to from the text, recommend that this is done.	Done		
14	Figures 2 & 3 – key missing for parish boundary lines.	Done		
15	Figure 3 – use of abbreviation SSSI, where SSSI is not yet explained.	Done		
16	Figure 3 – consider following title ‘Wildlife and ecology designations in and in proximity to Luxulyan Parish’.	Done		

17	Figure (4) – isn't labelled as such, add Figure 4 and a title and also ensure that this figure is referred to from text.	Done		
18	4.4 – references needed for where details/map of heritage assets can be found in your evidence base.	Done in 4.1		
19	4.4 – reference to the 1994 Cornwall Landscape Assessment is needed. Also, isn't there any more recent evidence than this, which is 24 years old?	Changed to 2007 Landscape Character Assessment		
20	4.4 – missing coma [sic] after Council (can be misread 'Cornwall County Council as rolling low hills....'.)	Done		
21	Section 5 – Where can the EBD be found (see comment 7)? Reference to the Consultation Statement would also be good in this section.	Already referenced, link added.		
22	6.1 – typo, missing “ at the end of the Vision.	Done		
22a	6.2 – Figure 4 changed to Figure 5, subsequent figure 5 changed to Figure 6	Done		
23	6.3 – add 'to', to read 'The objectives for Luxulyan Parish are to:...'. .	Unnecessary		
24	7.1 – Use of abbreviation CLP in two instances (also in Table 1's title and its content).	Done		
25	7.1 – Use of abbreviation CNA; if this is first use, say Community Network Area (CNA)	Done		
26	7.2 – recommend this reads 'The LNDP seeks to facilitate the delivery of approximately 20-25 new	Done		

	<p>dwellings...'. The reason being 22 is too specific and also this approach shows flexibility, whilst not going unduly above what the community want.</p>			
27	7.2 – typo, remove :- and replace with full stop.	Not necessary		
28	8.3 – see previous comment re approximately 20-25 new dwellings.	Done		
29	Throughout policy sections, check NPPF references are still correct (after revised document published in July 2018).	Done		
30	LH1 – I think the policy title has erroneously merged with policy wording.	Done		
31	<p>LH1 – recommend a more penetrable structuring and rewording as follows:</p> <ol style="list-style-type: none"> 1. Small-scale, incremental housing development will be supported where this: <ol style="list-style-type: none"> a. is proportionate with and will help to support social and community facilities available in the Parish; b. provides suitable infrastructure, including safe access to adjacent main roads and with safe walking and cycling access to the village 	Majority has been rewritten.		

	<p>amenities (where possible); and,</p> <p>c. is either;</p> <p>i. a proposal for an affordable housing Rural Exception Site (in accordance with CLP Policy 9), which is non-contiguous and a minor development of 10 or less houses;</p> <p>ii. the conversion of suitable disused buildings within the Parish; or,</p> <p>iii. Housing for a rural worker where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.</p> <p>Rewording has included detail around sites being on the periphery of, adjoining Luxulyan as this will be the covered under CLP Policy 9. I've also deleted the reference to a limit on number of houses delivered through affordable lead schemes as, if there is need</p>			
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	evident, there's no means to limit delivery above this number.			
32	8.6 - reference to Evidence Base is inconsistent here than previously in doc (EBD previously). As currently drafted, it's not clear where document user can access this further info (see comment 7).	Reviewed - happy with content Done – see above.		
33	8.6 – please note previous comments regarding specific 22 dwellings.	Done		
34	8.6 – Last two paras could be misleading and read to mean that CLP Policy 9 provides for opportunities to include new build and conversions of existing buildings and, where new dwellings are proposed, that these should be within the curtilage of existing properties or groups of buildings. This would be incorrect.	Rewritten to delete reference to clarify.		
35	LH2 – NDP policies must not repeat what is covered by higher level policies and this policy wording should be reviewed. In review, consider what you are trying to say which is additional instructions to those already presented in the NPPF, CLP and your other NDP policies. I have annotated the existing policy wording below and have suggested an alternative for your consideration: Notes on existing policy LH2 wording: Affordable housing will be permitted to meet a local need where this need is evidenced and where the development does not have an	This policy plans positively to support local affordable housing and does not undermine CLP policies, rather it provides a local context for CLP policies 3 and 9 which are supported in the Parish. NDP Steering Committee feels it is important that LH2 stays in place even though it might reiterate what higher level policies state. The reason for this is that local people are more likely to read the NDP, to which		

	<p>unacceptable impact on the visual and landscape amenity of the area. <u>(covered in CLP Policy 9)</u>This may be acceptable in the case of either new build dwellings or conversion of traditional buildings. In each case ancillary works such as access, outbuildings and curtilage boundaries should not have an unacceptable impact on the visual and landscape amenity of the area. (see comment 41).</p> <p>The Parish Council would normally expect Cornwall Council to restrict Permitted Development rights to ensure the amenities and accommodation of the dwelling remain linked to housing need and affordability. <u>This is already taken care of by CC so shouldn't be covered in NDP policy. You could refer to this in your supporting text if you want to include this to inform your community.</u></p> <p>New dwellings will be supported where the following criteria apply:</p> <ol style="list-style-type: none"> 1. The proposal is to deliver an affordable home for discounted sale or rent (this will be the case if proposals meet CLP Policy 9, you don't need to say this). 	<p>many people of the parish have input, than higher level policies.</p> <p>NDP Steering Committee feels it is important this is stated clearly and to ensure a consistent approach as planning permissions may, or may not be subject to conditions restricting Permitted Development at the discretion of Cornwall Council.</p> <p>Noted but see above, this policy plans positively to support local affordable housing which the Community is expecting.</p>		
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	<p>2. The proposal should be well-related to existing hamlets (covered by CLP Policy 9)</p> <p>3. <i>The property has a maximum of 3 bedrooms although up to 4 bedrooms may be considered in exceptional circumstances (what evidence says that this is appropriate and that this evidence s valid for the life of the NDP? My advice is to remain silent on this in order to be flexible and minimise the evidence base you'd require)</i></p> <p>4. The property must be used as a principal residence (You will need to have a specific policy on this, if you'd like this in your NDP – see Rame Peninsula's policy wording. This wording is insufficient)</p> <p>5. Applications to extend or otherwise enlarge these properties will not normally be supported. (NDPs cant alter permitted development rights).</p>	<p>The housing demand profile was supplied by Cornwall Council's Affordable Housing Team during consultation and is sourced from HomeChoice, the NDP Steering Committee review of the questionnaire and survey provided a similar profile, the survey and CC consultee advice can be found in EDB on the link provided earlier in the LNDP.</p> <p>Criterion 4 deleted as homes would be subject to S106 and standard local connection clause which is sufficient.</p> <p>Noted but this is the LNDP position on how future applications would be viewed, it's not addressing Permitted Development.</p>		
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	<p>8. Self-build, modular and other innovative low-cost housing models are encouraged under this policy. <u>(OK, but make sure self build and modular are defined in the supporting text.)</u></p> <p>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. <u>(confusing and what the policy applies to should be at forefront of policy wording).</u></p> <p>So my suggested alternative is very simple:</p> <p>Proposals for Rural Exception Site development, in accordance with CLP Policy 9, will be supported where:</p> <ul style="list-style-type: none"> a) Proposals are either for the redevelopment of existing properties, or new build; and, b) An element of self-build, modular and/or other low cost housing is included in proposals. <p>Please note, if you take this advice the supporting text for LH2 will need to be reviewed and a new Principal Residence policy introduced. These alterations would not affect the outcome of the SEA/HRA Screening.</p>	<p>Reference to off site construction added to policy.</p>		
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36	<p>Recommend this policy is restructured/reworded as below:</p> <ol style="list-style-type: none"> <li data-bbox="349 300 999 576">1. Additional dwellings will be supported at existing farm enterprises or rural businesses where these are for the use of family members, for holiday letting or sale/rent to local people. Applications for such housing must be accompanied by a clear justification for its need. <li data-bbox="349 624 999 775">2. Such development should be limited to a maximum of two properties per farm or rural enterprise and where such a need is clearly demonstrated. <li data-bbox="349 823 999 1430">3. Planning permissions, granted under this policy, must be subject to a Section 106 Legal Agreement which specifically permits the use of the property to housing for family members, holiday letting, farm worker, and/or for affordable rent or sale to local people. The Section 106 Agreement must prevent the sale of the property separate to the farm enterprise or rural business, except where there is a case for this to be sold as an affordable dwelling to Local People. 'Local people' shall include only those who live or work within the Parish, or adjacent parishes, or have immediate family ties within the Parish. 	<p>Have altered format but kept in paragraph about siting and design etc as while it might be previously mentioned, we feel that it gives continuity to people reading the NDP.</p> <p>Criteria 3 amended to include CC Landscape Architect advice.</p>		
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	<p>Further to this, can clarity be put to the remaining criteria; i) I'm not sure that flexibility that the policy intends is clear; ii) development in this policy will also be subject to LLNE1 (see comment 41) and so reference to unacceptable impact upon the visual or landscape amenity of the area can be deleted; iii) whilst 'The reuse of an existing traditional building within the landscape or a suitable plot within or near to the existing farmyard and buildings may prove to be a suitable site' reads more as guidance than clear policy wording to aid decisions. Consider instead Proposals which reuse of an existing traditional building or a suitable plot within or near to the existing farm/rural enterprise buildings will be encouraged.</p>	Done		
37	<p>Policy LH4 – I'm not sure how this policy will be applied in reality? If a normal application comes in for a property and the applicant is over state pension age does this mean their new dwelling has to be subject to S106? If so, I can't see that this is acceptable as the policy could theoretically limit any new build reached market value, if the applicant is over state pension age (regardless of them making this choice).</p>	<p>Slightly altered wording.</p> <p>Yes, its their choice but ultimately this policy positively supports local affordable housing and does not undermine CLP policies, rather it provides a local context for CLP policies 3 and 9.</p>		
38	<p>Policy LH4 – In addition to comment above para 3 of the proposed policy wording is repeating elements of LH1.</p>	<p>While it might be previously mentioned, we feel that it gives continuity to people reading the NDP. Criteria 3 amended to include CC Landscape Architect advice.</p>		

39	Figure 5 – add title and recommend presenting at a scale to fit one side of A4 (landscape).	Title added. Feel the scale is adequate.		
40	LLNE1 - I note that in Para 9.6 it says No development will be supported in the area highlighted in yellow in Figure 5 above, but Policy LLNE1 does not prohibit this. However, that is not to say I recommend the approach set out in 9.6; if this were proposed, you would need to provide significant supporting evidence setting out why these areas should not be developed (this evidence doesn't seem to be available at present).	Text and Policy amended following advice also from CC Landscape Architect. By the time we send this back further evidence will be provided and placed on the parish council website.		
41	<p>For LLNE1, please see comments against proposed policy below, followed by my recommended restructured and reworded policy:</p> <p>LLNE1 - Proposals for development will be supported where they have demonstrated that they respond to local character and reflect the identity of the local surroundings. <u>(This aspect of LLNE1 will apply to all development and so should be the only point in the NDP policy that this issue is addressed (NDP policies shouldn't be repetitive); in light of this comment, I've suggested slight rewording to align with requirements set out in previous policies as currently drafted, see below).</u> Where development is proposed which will detract from, or have an adverse impact on existing landscape characteristics that have been</p>	Policy altered in line with suggestion. Checking need to refer to additional LCA.		

	<p>identified by the community – if this is to remain as policy wording, your document must clearly set out the existing landscape characteristics that have been identified by the community and the significance of these, in doing so consideration should be given to whether there is scope to enhance any characteristics rather than there being an assumption for preservation) or by the Cornwall & Isle of Scilly Landscape Character Assessment (CA 39 St Austell Bay and Luxulyan Valley), <i>as the essence of the character of the local area</i> <u>what does this mean</u>, it will not be supported. <u>Through this policy the onus ought to be put in the developer to demonstrate that this policy has been met; I have tried to pick this up in suggested policy wording below.</u></p> <p>1.</p>			
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