

Appendix 2: Schedule of Modification Recommendations

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 requires in Regulation 18 for the local planning authority to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood plan. The Regulations provide that where the Council disagrees with the Examiner's report, it should re-consult. However, this provision is not engaged in this instance, for the following reason:

Having considered each of the recommendations made by in the Examiner's report and the reasons for them, the Council, with the consent of Luxulyan Parish Council, has decided to accept the modifications to the draft Plan. Table 1 below outlines the alterations made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations and the justification for this.

LNDP= Luxulyan Neighbourhood Plan

Section modified in the St Erth Neighbourhood Plan. Section/Policy	Modification Recommendation	LNDP Consideration/ justification
Consultation Statement Section 8 to include a new second sentence	Inserted "Statutory Consultees were notified as required, and the draft plan was available to view online."	Agreed and Included
Consultation Statement – Table documenting changes to draft pre-submission consultation	The Table documenting changes to the draft pre-submission Plan to be included in full as a new appendix with the Consultation Statement. The table has been inserted in Appendix 9.	Agreed and Included
Consultation Statement – reference to the appendix in the second sentence of section 10	Inserted "The LNDP Steering Group has amended the LNDP following comments received during the Pre-Submission Consultation from members of the community and Cornwall Council and these are detailed in Appendix 9 of this document."	Agreed and Included
LNDP Section 10 heading renamed and evidence documents referenced with a direct electronic link	Delete heading "Background Reference Documents" and Insert "Evidence Documents and Background Reference" Insert evidence documents "Luxulyan Character Assessment August 2018,	Agreed and Included

	Luxulyan Parish Housing Requirement 2017 Cornwall Council, Building Regulations 2016 version Vol 1 Dwellings Approved Document M” inserted hyperlink to documents.	
LNDP – Paragraph 7.1 amend second and third sentences and Table 1 substituted	<p>Delete “Figures supplied by Cornwall Council are presented in Table 1 and show that Luxulyan Parish needs to deliver 22 new dwellings between 2018 and 2030, to be considered in general conformity with the Local Plan.”</p> <p>Insert “Housing figures have been supplied by Cornwall Council in the Luxulyan Housing Requirement Document 2017, and Table 1 from that document is reproduced below. It shows that the Parish needs to deliver 11 new dwellings as a minimum between 2018 and 2030, to be in general conformity with the Local Plan.”</p> <p>Replaced Table 1. From the Cornwall Council Housing Requirement 2017 document.</p>	Agreed and Included
Amend Reference to NPPF 2019	<p>Insert reference to NPPF 2019. Para 3.1 bulletpoint 1 “(NPPF 2019 para29)”</p> <p>Amend para 3.2 to read “The LNDP has been prepared in accordance with the NPPF 2012, THE CLP, Neighbourhood Planning Regulations 2012 and the European Directive on Strategic Environmental Assessment 2004, compliance with the Regulations and Directive is set out in the accompanying Basic Conditions Statement, Regard has also been had to the revised version of the NPPF (2019).”</p> <p>Paras 8.5; 8.9; 8.11; 8.13; and 9.6: remove the references entirely to the NPPF. The references to the NPPF have been taken out as the document is continually updated by central Government.</p>	Agreed and Included
LNDP - Policy LH1 New Housing Development – Amend first sentence of policy	Amend “Small-scale incremental housing development of an appropriate scale, density, character and appearance that complies with the Cornwall Council Design Guidance and	Agreed and Included

	reflects and enhances the village and Parish of Luxulyan shall be permitted where this”	
LNDP – Policy LH2 Rural Exceptions Housing for Local People para 8.6	Amend the last sentence of paragraph 8.6, “Where new dwellings are proposed these should be within the curtilage of existing properties or groups of buildings,” to read “as follows: “Where new dwellings are proposed these should relate well to the existing surrounding built form. ”	Agreed and Included
LNDP – An additional sentence to be added to paragraph 8.7	Insert “As the continuing affordability of dwellings will be linked to the size and accommodation provided, the Parish Council expects Cornwall Council to normally restrict Permitted Development rights on new affordable housing.”	Agreed and Included
LNDP – second paragraph of Policy LH2 – To be deleted	Deleted second paragraph “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.”	Agreed and Included
LNDP – Policy LH2 – Criteria 2 to be amended	Criteria 2 to be amended to “The proposal should be well related to existing settlements and hamlets ”	Agreed and Included
LNDP – Policy LH2 – Criteria 4 to be amended	Criteria 4 to be amended to “4. Applications to extend or otherwise enlarge these properties will not normally be supported unless material considerations indicate the development should be an exception. ”	Agreed and Included
LNDP – Policy LH4 – Housing for Older People to be revised	Policy LH4 to be revised as follows “Within Luxulyan Parish housing developments that address the local need for older persons’ affordable housing will be supported. This can occur through the provision of bungalows or other suitable housing types that meet M4(2) optional accessibility standard in the Building Regulations 2016 or a future alternative similar standard.	Agreed and Included

	<p>Proposals when at least one occupant is over state pensionable age (or requires specialist housing by virtue of personal incapacity or impairment), meets the local occupancy requirements but are not deemed to be in housing need will be supported where affordable housing for older people is to be provided.</p> <p>Consideration of the siting and design of such new houses will be important to ensure that there will be no unacceptable impact on the landscape, character and visual amenity of the surrounding area, where development should reflect the locally distinct character, and not result in a loss of landscape amenity. The reuse of an existing traditional building within the landscape or a suitable plot within or near to the existing buildings, farmsteads or hamlets may prove to be a suitable site.</p> <p>The new affordable dwelling wherever possible, should 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 can be sold or rented as an affordable dwelling for local people in perpetuity.”</p>	
<p>LNDP – Policy LLNE1 is modified in order that the Basic Conditions are complied with</p>	<p>“Where appropriate, planning applications should be accompanied by a n appropriate statement and /or assessment (perhaps supplemented with diagrams) setting out how proposals are of an appropriate scale, density, character and appearance that reflects and enhances the village and Parish of Luxulyan.</p> <p>No-Development will be supported in the area highlighted in yellow in Figure 6 will be required to maintain the open</p>	<p>Agreed and Included</p>

	<p>aspect between the settlements and not result in a reduction in the visual and actual separation of the settlements.</p> <p>Proposals that detract from, or have an adverse impact on existing landscape characteristics that have been identified in the Luxulyan Character Assessment or by the community (see EDD, specifically consultation documents) or by the 2007 Landscape Character Assessment (CA 20 Mid-Cornwall Moors and CA 39 St Austell Bay and Luxulyan Valley) will not be supported.</p>	
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