

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 Examiners report to 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 Hayle Town 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.

HPNDP= Hayle Parish Neighbourhood Plan

Section modified in the St Erth Neighbourhood Plan. Section/Policy	Modification Recommendation	HPNDP Consideration/ justification
POLICY SD2 - Design and Layout of Residential Development	Delete final paragraph.	HPNDP agrees to the recommendations.
POLICY SD4 - Parking Provision for New Housing and Other Developments	Modify policy to read as follows – <i>"Proposals for residential development with parking provision of fewer parking spaces per dwelling than the above will only be permitted:</i> <i>i) where the provision of the parking requirements set out above would prejudice the viability and/or deliverability of the site.</i> <i>ii) alternative and reasonably accessible car parking arrangements can be demonstrated and</i>	HPNDP agrees to the recommendations.

	<p><i>which themselves do not add to on-street parking; or</i></p> <p><i>iii) otherwise acceptable and well-designed new build or conversion schemes in conservation areas would be incapable of meeting the parking provision; or</i></p> <p><i>iv) adequate parking is available through a residents' parking scheme.</i></p> <p><i>All other, non-residential forms of development will be expected to provide a level of off-street parking that adequately serves the use proposed and takes into account a robust and realistic travel plan."</i></p>	
POLICY SD5 - Development in Private Gardens	<p>The numbering of this policy needs to be revised.</p> <p>Replace the word "permitted" with "supported".</p>	HPNDP agrees to the recommendations.
POLICY BE3 - Catering and Food Outlets	<p>Modify the first paragraph to read as follows –</p> <p><i>"Where planning permission is required proposals for catering and food outlets defined as use class A3 will be supported within the town centre areas as identified in Map 5 and Map 6, provided that they will not have an unacceptable impact on:"</i></p>	HPNDP agrees to the recommendations.
POLICY BE5 - Financial and Professional Services	<p>Modify policy to read as follows –</p> <p><i>"Change of use from residential to A2 use will be supported within the area shown in Map 7 as long as no significant and adverse impact arises to nearby residents or other sensitive land uses."</i></p>	HPNDP agrees to the recommendations.
POLICY NE3 - Development	<p>Replace the word "considered" with "supported".</p>	HPNDP agrees to the

in Keeping with its Landscape Setting		recommendations.
POLICY NE5 - Riviere Towans Chalets	<p>Modify penultimate paragraph to read as follows -</p> <p><i>"Proposed development on land within or outside Gwithian Towans to Mexico Towans SSSI or Hayle Estuary and Carrack Gladden SSSI likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) will not normally be permitted.</i></p> <p><i>Proposals for additional new chalets will not be supported."</i></p>	HPNDP agrees to the recommendations.
POLICY NE6 - Protection of Green Infrastructure	<p>Modify the policy to read as follows –</p> <ul style="list-style-type: none"> <i>i) the development is necessary for the continuation or enhancement of established uses for recreation, leisure or nature conservation that would result in community benefits and where the proposal maintains the open character of the area, and maintains or enhances visual amenity; or</i> <i>ii) the 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, 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; or</i> 	HPNDP agrees to the recommendations.

	<p>iii) <i>where development relates to a formal open space, the loss of the space can be mitigated by replacement of an equivalent or better facility within easy access of the community to which it relates.</i>"</p>	
<p>POLICY NE9 - Protection of Copperhouse Pool</p>	<p>Replace the word "permitted" with "supported".</p>	<p>HPNDP agrees to the recommendations.</p>
<p>POLICY NE10 - Wildlife</p>	<p>Modify the policy to read as follows or remove the policy (policy has been removed) -</p> <p><i>Map 13 shows areas designated by Cornwall Wildlife Trust as County Wildlife Sites and areas of importance for habitat – either for wildlife to live in or for use as a wildlife corridor.</i></p> <p><i>Development proposals will only be supported where they are in conformity with policy 23 of the adopted Cornwall Local Plan 2010-2030.</i></p>	<p>HPNDP agrees to the recommendations.</p>

POLICY TR3 - Junction Safeguarding	Remove policy.	HPNDP agrees to the recommendations.
POLICY TR4 - Traffic Impact	Modify the final paragraph to read as follows – <i>"Development that would give rise to severe residual cumulative impact on the transport network, will be refused."</i>	HPNDP agrees to the recommendations.
POLICY CW3 - New Recreation and Sports Facilities	Replace the word "permitted" with "supported".	HPNDP agrees to the recommendations.

<p>POLICY HB1 - Protection of Heritage Assets</p>	<p>Modify the policy to read as follows –</p> <p><i>"Development proposals within the World Heritage Site must demonstrate by reference to the appropriate current guidance and policy documents that:</i></p> <ul style="list-style-type: none"> <i>i) they have understood the significance of heritage assets and their settings;</i> <i>ii) they have assessed the potential impact of the proposal on Hayle's heritage assets;</i> <i>iii) the proposal is appropriate in terms of size, height, density and scale; and</i> <i>iv) the proposal adequately protects, conserves and enhances the inscribed Outstanding Universal Value.</i> <p><i>New development or redevelopment that is likely to lead to substantial harm to or total loss of significance of a designated heritage asset will be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</i></p> <ul style="list-style-type: none"> <i>i. the nature of the heritage asset prevents all reasonable uses of the site; and</i> <i>ii. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</i> <i>iii. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and</i> 	<p>HPNDP agrees to the recommendations.</p>
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	<p><i>iv. the harm or loss is outweighed by the benefit of bringing the site back into use.</i></p> <p><i>Proposals for development or redevelopment that are within the setting of heritage assets which enhance or highlight the significance of the asset will be supported in principle, subject to other development plan policies and material considerations."</i></p>	
<p>POLICY EX1 - Exceptional Non-residential Development Sites</p>	<p>Point ii) should be modified to read as follows –</p> <p><i>ii) where appropriate, a Statement of Community Consultation detailing how the communities of the neighbourhood area have been consulted on the exact nature of the development proposal.</i></p>	<p>HPNDP agrees to the recommendations.</p>