

Luxulyan Neighbourhood Development Plan

Submission Version 2018 – 2030

Report of Examination

March - April 2019

Undertaken for Cornwall Council with the support of Luxulyan Parish Council on the submission version of the plan.



Independent Examiner:

Liz Beth BA (Hons) MA Dip Design in the Built Environment MRTPI

Contents

Summary	3
1. Introduction and Background	4
1.1 Neighbourhood Development Plans.....	4
1.2 Independent Examination.....	4
1.3 Planning Policy Context.....	6
2. Plan Preparation and Consultation	7
2.1 Pre-submission Process and Consultation	7
2.2 Regulation 16 Consultation Responses.....	9
3. Compliance with the Basic Conditions Part 1	10
4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan.....	12
5. The Referendum Boundary	19

Summary

- I have undertaken the examination of the Luxulyan Neighbourhood Development Plan during March and April 2019 and detail the results of that examination in this report.
- The Parish Council have produced a concise and focused Plan with five policies, mainly concerned with housing issues. Adequate consultation has been undertaken on this Plan, and it complies with legislative requirements. Some further detail was required on the consultation process for the Consultation Statement. The Cornwall Local Plan Strategic Policies provides a comprehensive strategic policy framework.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Abbreviations used in the text of this report:

The Luxulyan Neighbourhood Development Plan is referred to as 'the Plan' or 'LNDP'.

Luxulyan Parish Council is abbreviated to 'Luxulyan PC'.

Cornwall Council is also referred to as the Local Planning Authority, abbreviated to 'LPA'.

The National Planning Policy Framework is abbreviated to 'NPPF'.

The National Planning Practice Guidance is abbreviated to 'NPPG'.

The Cornwall Local Plan Strategic Policies 2016 is abbreviated to 'CLP'.

The Regulation 14 Consultation is abbreviated to 'Reg14'.

The Regulation 16 Consultation is abbreviated to 'Reg16'.

Acknowledgements: Thanks to Local Authority and qualifying body staff for their assistance with this examination. My compliments to the local community volunteers and Parish Council, who have produced a Plan that is specifically local in reach and suits the modest requirements of the Parish.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Luxulyan Parish that is the Luxulyan Parish Council. Drawing up the Neighbourhood Plan was undertaken by the Luxulyan Neighbourhood Development Plan Steering Group, working to the Parish Council.

1.2 Independent Examination

1.2.1 Once Luxulyan PC had prepared their neighbourhood plan and consulted on it, they submitted it to Cornwall Council (the LPA). After publicising the plan with a further opportunity for comment, Cornwall Council were required to appoint an Independent Examiner, with the agreement of Luxulyan PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to Luxulyan and Cornwall Council, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the Plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The Plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The LNDP complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on 4th August 2016 by Cornwall Council. The Plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2018 – 2030 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Luxulyan to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for Luxulyan, not including documents relating to excluded mineral and waste development, is the Cornwall Local Plan Strategic Policies 2016 (CLP) and saved policies from the Restormel Local Plan 2001. All policies of the CLP are strategic policies for the purposes of the Basic Conditions. The saved Policy 14 designating 'Areas of Great Landscape Value' is also relevant.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented. Although the NPPF has been revised recently, that document makes clear (para 214 of Appendix 1 and footnote 69) that neighbourhood plans submitted to the LPA before 24th January 2019 will need to have regard to the previous 2012 version of the NPPF. The LNDP was submitted to the LPA in November 2018, and so the 2012 version of the NPPF will apply.

1.3.3 During my examination of the LNDP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Submission version of the Luxulyan NDP (LNDP)
- Luxulyan Character Assessment v2 Aug2018
- The Basic Conditions Statement submitted with the LNDP
- The Consultation Statement submitted with the LNDP
- The Strategic Environmental Assessment Screening Decision for the LNDP
- Neighbourhood Area Designation map (in LNDP)
- Equalities Impact Assessment for the LNDP
- Cornwall Local Plan Strategic Policies 2010 – 2030: Adopted November 2016
- Restormel Local Plan 2001 saved policies
- Cornwall Affordable Housing draft SPD 2015
- Representations received during the publicity period (reg16 consultation)
- Building Regulations Part M 2016

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 Luxulyan is a village and rural parish in Cornwall, about 7km from the centre of St Austell. There is a local train service between Luxulyan station and St Austell via Par, and the service also runs to Newquay on the north Cornish coast. There are several hamlets in the Parish, and other settlements at Bridges (adjacent to Luxulyan) and Lockengate in the north of the Parish. The Luxulyan Valley in the south of the Parish is included within the Cornwall and West Devon Mining Landscape World Heritage Site, and much of the east and south of the Parish is included with a defined 'Area of Great Landscape Value' in a saved policy of the Restormel Local Plan.

2.1.2 A Steering Group reporting to the Parish Council took the lead role in drawing up the Plan. The Group held monthly public meetings and publicised their work and events on the Parish Website as well as in the Parish Magazine and other media, leaflets and the Notice Board. The Steering Group was made up of Parish Councillors and volunteers from the local community.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. Residents were kept updated by a variety of methods and could attend Steering Group meetings. After an initial survey via the Parish Magazine, a further questionnaire was sent to local residents and local businesses, with copies also available at the school, the pub, and the local shop as well as locations and notices in the wider Parish. This achieved a response rate of over 25%.

2.1.4 The Consultation Statement states that formal pre-submission consultation on the pre-submission Draft LNDP ran from the 19th February 2018 to the 10th May 2018, allowing more time than the minimum six weeks required by regulation 14 of the Neighbourhood Planning Regulations 2012. The Statement only specifies where hard copies could be viewed, but the qualifying body has confirmed that the Plan was also available for viewing online. This correction will need to be made to the Consultation Statement to confirm due process was followed.

2.1.5 Representations were received from residents and the LPA during the Reg14 consultation period, and several amendments have been made to the Plan mainly as a result of suggestions for changes from the LPA. However the amendments, which included the deletion of two policies due to being repeats of Local Plan policy, were not adequately detailed in the Consultation Statement.

I have now received a table explaining the changes, that needs to be included in the Statement to demonstrate that due process with regard to consultation was followed.

2.1.6 With the answers to my questions, and further information received, I am satisfied that due process has been followed during the consultation undertaken on the Plan. The Consultation Statement is recommended to be modified as set out in Modification 1 below, to demonstrate that due process has been followed. This modification deals with those matters I consider need to happen to ensure that the Plan meets the Basic Conditions and other legal requirements. If the Parish Council wish to add other information detailed in their response to my question, and the LPA are agreeable, it would quite acceptable to do this.

Modification 1: The Consultation Statement to be updated with further information as follows:

Section 8 to include a new second sentence as follows: “Statutory Consultees were notified as required, and the draft plan was available to view online.”

The Table documenting changes to the draft pre-submission Plan to be included in full as a new appendix within the Consultation Statement and reference to this appendix to be made at the end of the second sentence of section 10 of the Consultation Statement as follows:

“The LNDR Steering Group has amended the LNDR following comments received during the Pre-Submission Consultation from members of the community and Cornwall Council and these are detailed in Appendix ... of this document.”

2.1.7 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area was submitted to Cornwall Council on the 22nd November 2018.

2.2 Regulation 16 Consultation Responses

2.2.1 Cornwall Council undertook the Reg16 consultation and publicity on the LNDP for seven weeks, from Thursday the 20th December 2018 to Thursday the 7th February 2019. Fifteen representations were received during this consultation, two from a resident and the qualifying body – both supporting the Plan. Of the thirteen statutory bodies (including several different sections of Cornwall Council) replying, Lanivet Parish Council, Natural England and the Affordable Housing Team at Cornwall Council support the Plan. Seven statutory consultees had no specific comment to make, although Network Rail noted the presence of three level crossings in the neighbourhood area. Three responses objected to topics not covered, including public safety, tree protection and open space protection and provision. There is no requirement for neighbourhood plans to deal with any particular issue [NPPG LD41-040-20160211], so no issues have been raised that are pertinent to my consideration of whether the Plan meets the basic conditions.

3. Compliance with the Basic Conditions Part 1

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the LNDP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations including the habitats basic condition (2017 as amended) and comply with human rights law.

3.2 The Basic Conditions Statement explains/discusses how the Plan promotes sustainable development (section 7). The LNDP has planned positively for housing growth while also protecting the local landscape character in line with the objectives of the LNDP (para 6.4). I accept therefore that the Plan does contribute to sustainable development as required by the Basic Conditions.

3.3 A screening opinion has been issued by Cornwall Council which considers whether Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) are required for the LNDP. These environmental requirements in EU law are the main EU Directives that neighbourhood plans need to comply with. The Screening opinion states that:

“As a result of the assessment in section 4.2, it is unlikely that there will be any significant effects on the European Site (Brenay Common and Goss & Tregoss Moors SAC) arising from Luxulyan NDP, therefore HRA is not required.

The assessment in section 4.3 shows that there are unlikely to be significant environmental effects as a result of the policies of Luxulyan NDP as currently drafted.

This report therefore concludes that a full SEA is not required.”

3.4 The LNDP in my view complies with Human Rights Legislation. An Equalities Impact Assessment was undertaken to test the impact of its policies on groups with protected characteristics, and the assessment concluded that:

“The EqIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.”

The Plan has not been challenged with regard to any human rights violation, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated.

4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the LNDP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF (2012) and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The LNDP is a very concise and focused document. There are four housing policies and one policy on landscape character. An Evidence Base is available on the Parish Council website, but this is not clearly referenced with links provided in the LNDP. For the clarity required by the NPPF (2012: para 154), particularly where evidence is referenced in policy, the documents need to be listed under a revised section 10, preferably with electronic links direct to the documents provided.

4.4 Table 1 in the Plan (page 13) has arithmetic mistakes and does not tally with the table 1 provided by Cornwall Council in their Housing Statement Guidance 2017 for Luxulyan, a document offered to me during this examination. The Parish Council seem to have been provided with different figures previously according to information on their evidence base. The correct table from the LPA document should be used, which actually results in a Parish requirement of 11 dwellings not 22. Providing more dwellings is positive practice to be encouraged, so this is not a problem, but the correct table and figures need to be used in the LNDP.

4.5 Reference is made to the recent NPPF (2019) and its paragraphs in the text at several locations, for example Para 3.1. While this is sensible in terms of future-proofing the LNDP, it could cause confusion if it is not made clear which version is being quoted. The relevant version of the NPPF for this Plan is the original from 2012, due to the date of submission to the LPA. The Parish Council

have stated that they would prefer references to link to both versions of the NPPF, so any references to the NPPF will need start with the 2012 reference, and if also quoting the 2019 reference, make that clear as well. This will provide consistency with the Basic Conditions Statement, which refers to the 2012 NPPF as required.

4.6 For reasons of clarity and accuracy, as required by government guidance, and in order to comply with the Basic Conditions, I recommend that the Plan is altered as shown in Modification 2.

Modification 2: Text and other information in the Plan to be altered and included as follows:

Section 10 to be renamed 'Evidence Documents and Background Reference'. The section to include as a minimum requirement the following evidence documents with direct electronic links:

'Luxulyan Character Assessment August 2018'

'Luxulyan Parish Housing Requirement 2017 Cornwall Council'

'Building Regulations 2016 version Vol 1 Dwellings Approved Document M'

The second and third sentences of paragraph 7.1 to be amended as shown, and Table 1 in the Cornwall Council Housing Requirement document for 2017 to be substituted for the existing Table 1 in the Plan:

"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."

The following references to paragraphs in the NPPF 2019 should be amended to refer to the NPPF 2012 as well or make it clear that it is the NPPF 2019 that is meant:

Para 3.1 bullet 1: reference is (NPPF 2019 para29)

Para 3.2: amend this paragraph 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)."

Paras 8.5; 8.9; 8.11; 8.13 and 9.6: Alter references to the NPPF to indicate policy numbers for the NPPF 2012, with optional reference to the NPPF 2019 or remove the references entirely.

4.7 Policy LH1 - New Housing Development: The Policy mentions design attributes needed, but is not specific on them. The Qualifying Body have agreed in supplementary questions as part of this examination that reference to the Cornwall Council Design Guide 2013 would clarify the policy with regard to design requirements. Reference to the sections that are particularly relevant could be made in the text, but this is not a Basic Conditions issue for the policy, and could indicate the rest of the document is not relevant – which would not be accurate. I recommend therefore that for the clarity of policy required by the NPPF and the NPPG (ID: 41-041-20140306) and in order that the Plan meets the Basic Conditions and has due regard to government guidance, Policy LH1 is amended as shown in Modification 3.

Modification 3: The first sentence of Policy LH1 to be amended as follows:

“Small-scale incremental housing development of an appropriate scale, density, character and appearance that complies with the Cornwall Council Design Guidance and reflects and enhances the village and Parish of Luxulyan shall be permitted where this:”

4.8 Policy LH2 - Rural Exceptions Housing for Local People The last sentence of paragraph (para) 8.6, refers to a general need for new dwellings to be within existing curtilages, although the qualifying body have agreed that the term ‘curtilage’ here would more accurately be replaced with reference to ‘existing surrounding built form’.

4.8.1 The Policy has a reference to Cornwall Council being expected to restrict permitted development (PD) rights on affordable properties, and also a criteria 4) that states that extensions and enlargement of properties will not normally be supported. Planning policy cannot be used to restrict PD rights, although the text setting out the expectation that they will be restricted can form part of the text supporting Policy LH2 in the Plan. There is no direct reference in development plan policy to restricting PD rights on affordable homes. Criteria 4) therefore is not repetition, and is in line with this supporting text. Although policy generally cannot be used to remove PD rights, I consider this statement will be acceptable if it allows for exceptions. The use of the word ‘normally’ indicates this, and the point can be further clarified as shown in Modification 4 below.

4.8.2 Cornwall Council has queried the evidence base for the requirement that affordable housing on exception sites should normally be no larger than 3 bedded properties. However the evidence

from the Affordable Housing Team at Cornwall Council show most demand for homes of 3 bedrooms or less, so I accept that evidence for this requirement is there and proportionate and robust enough. The Policy has allowed for exceptions in 'exceptional circumstances'; effectively when evidence and material considerations justify them.

4.8.3 In order that the LNDP is accurate and clear as required by government policy, and thus complies with government guidance, I recommend that supporting text and Policy LH2 are amended as shown in Modification 4 in order that the Plan complies with the Basic Conditions.

Modification 4: The last sentence of paragraph 8.6 to be amended as follows:

*"Where new dwellings are proposed these should **relate well to the existing surrounding built form***
~~be within the curtilage of existing properties or groups of buildings.~~

An additional sentence to be added to paragraph 8.7 as follows:

*"**As the continuing affordability of dwellings will be linked to the size and accommodation provided, the Parish Council** ~~would normally~~ **expects Cornwall Council to normally** ~~to~~ **restrict Permitted Development rights on new affordable housing.***

The second paragraph of Policy LH2 to be deleted.

Criteria 2 to be amended to:

*"The proposal should be well related to existing **settlements and hamlets**"*

Criteria 4 of Policy LH2 to be amended as follows:

4. Applications to extend or otherwise enlarge these properties will not normally be supported **unless material considerations indicate the development should be an exception.**

4.9 Policy LH3 - Housing on Farms: Complies with the Basic Conditions.

4.10 Policy LH4 - Housing for Older People: The intent of the policy is “to meet the need for more affordable housing for the Luxulyan area by allowing older people to build new homes and therefore stay in the Parish while adding to the stock of affordable homes (para 8.13)”. Therefore any new homes built suitable for older people under the terms of this policy should also be affordable, and the option to build a new dwelling allowed by the policy should only be available to people who meet the local occupancy criteria. The policy is currently not clear on this point, and in order to comply with the Basic Conditions and government guidance on policy clarity, it should be amended as shown in Modification 5. This will also ensure that the final paragraph is only applying to affordable housing.

4.10.1 Questions asked during this examination included a query about the definition of ‘suitable housing types’ in the first paragraph of Policy LH4, which is currently too vague. The qualifying body has agreed that use of the Optional Standard M4(2) in the Building Regulations as a definition for this requirement would be acceptable. This is having due regard to government guidance on the use of optional technical standards in neighbourhood plans as its purpose is explanatory, the need is evidenced and the standard is not to be applied indiscriminately. The Community Network Area has an elderly population above the Cornish average. This addition to the policy is also required in order that the policy meets the Basic Conditions with regard to policy clarity.

Modification 5: 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.***

*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.***

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.

*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.*

4.11 Policy LLNE1: Local Landscape Character: The Policy is intended to maintain and where possible enhance Luxulyan's highly valued landscape and natural environment. The policy is supported by an assessment of the local landscape quality – the Luxulyan Character Assessment v2 2018, undertaken by the steering group assisted by a professional planner. This document summarises policy protecting landscape and promoting good design and goes on to assess the landscape of Luxulyan with reference to work undertaken by Cornwall Council in 2007 on Character Areas. The village and surrounding area of Luxulyan and Bridges is then assessed and three character areas identified of Historic, Rural and Residential village for the settlement. Views from differing entry points are considered, and guidelines drawn up for the Natural Landscape, the Morphology of the Settlement, Green Infrastructure and the Style, (architecture, buildings and boundaries) of the street and built form. A separation zone is proposed from this assessment that

in particular maintains separation between the main settlement of Luxulyan and Bridges and the hamlets of Rosemelling and Treskilling.

4.11.1 I consider the Character Assessment is an acceptable evidence base for the Policy and the separation area, but the Policy can only deal with visual separation of the settlements, and cannot be a total ban on development. The statement in the second paragraph of Policy LLNE1 that ‘no development will be supported’ is therefore not acceptable and contrary to the Basic Conditions. It imposes restrictions on development that beyond the requirements of strategic policy in the development plan and contrary to the requirements that neighbourhood plans are positive. The requirements in the first paragraph of the Policy that what amounts to a Design and Access Statement be submitted for any application goes beyond what is legally possible. National legislation and the local development management requirements set out when this will be a requirement, policy in a neighbourhood plan cannot alter this.

4.11.2 Planning policy is required to be clear and unambiguous to decision-makers and developers, and certain phrases in Policy LLNE1 are not clear. ‘Appropriate statement’ can be taken to include the fact that it will have diagrams where needed. The reference to ‘EBD’ is not clear, and needs to be substituted with an unambiguous reference to the Character Assessment. Similarly reference to characteristics identified by the community are too vague, the Character Assessment must be the guideline to local priorities here as well.

Modification 6: In order that the Basic Conditions are complied with I recommend that Policy LLNE1 is modified as follows:

Where appropriate, *planning applications should be accompanied by an 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.*

~~No Development will be supported~~ **in the area highlighted in yellow in Figure 6 will be required to maintain the open aspect between the settlements and not result in a reduction in the visual and actual separation of the settlements.**

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 EBD, 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.

5. The Referendum Boundary

5.1 The Luxulyan Neighbourhood Development Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Luxulyan NDP 2018 – 2030 shall be the boundary of the designated Neighbourhood Area for the Plan.