

**CORNWALL SITE ALLOCATIONS
DEVELOPMENT PLAN DOCUMENT
EXAMINATION**

**PRELIMINARY NOTE TO CORNWALL COUNCIL
FROM THE APPOINTED LEAD INSPECTOR**

Introduction

1. I am appointed Lead Inspector to examine both the Cornwall Site Allocations and Minerals Safeguarding DPDs for soundness and legal compliance. Thomas Bristow is also appointed as Assistant Inspector in the examinations.
2. This note relates strictly to the Site Allocations DPD (SADPD) and at this stage does no more than cover a number of introductory points and broadly outline the expected progress of the Examination. Matters seeking a specific response from the Council are set out in ***bold italics***, to which we should appreciate an early response to particular Questions 1-8 before we formulate a more detailed Initial Note with any further questions, schedule of issues and circular letter to Representors.

Procedure and Programme

3. We are in contact with the appointed Programme Officers (POs) with a view to agreeing working arrangements.
4. In broad terms, having regard to the statutory notice period of six weeks, my own prior commitments (including the Minerals Safeguarding Plan and I am not available in December and late January) and the intervention of the Christmas and New Year holiday periods, Hearings cannot commence until early 2018. If Hearings are required in January for the Minerals Safeguarding Plan, those for the Sites Plan cannot begin until mid-February 2018. The programme for the Minerals Plan Examination will not be determined until later in November 2017. I am also conscious that the concurrent CIL Examination also has to be programmed under appointed Inspector Mike Fox.
5. We anticipate that, after an initial opening session, probably in St Austell, other local venues will be arranged as appropriate, with the two Inspectors sometimes sitting together but mainly dividing the sittings

between them. As Lead Inspector, I will oversee all aspects of the Examination and take overall responsibility for the Report.

6. ***Q1 - Is the Council content with this very provisional date of mid-February for Hearings to commence?***

Documentation

7. It is essential that all documents are provided with an appropriate reference number and that the Examination is provided with an accurate, regularly updated Library List that should also appear on the website.
8. It may also be necessary to modify the Excel databases to enable sorting by policy.
9. Both these matters are in hand with the POs.

Late Representations

10. I note that seven late representations were received.
11. It is for the Council to decide whether to place a late representation before the Examination. However, I can advise.
12. If late representations are accepted without exceptional good reason (such as altered planning circumstances or error in consultation) this can set a precedent for more late submissions, disrupting the efficient progress of the Examination.
13. In the present case, the Council may see justification in accepting the late representations in that they were received before the Plan was submitted for examination or if they add usefully to the examination process, always making clear that no further representations will be entertained post-submission, other than very exceptionally.
14. ***Q2- On consideration of the foregoing, does the Council wish the late representations to be considered in the Examination?***

Scope of the Examination

Consistency with the Adopted Local Plan

15. It is important, in beginning the examination of a non-strategic, site allocations plan, such as this, for the Inspectors to establish clearly its purpose in relation to the adopted Local Plan.
16. It is now clear law that, in the examination of a sites plan, it is not for the examination to revisit housing requirement and supply matters that informed the adopted strategic plan. (We may explain this in more detail with legal references in future guidance.)
17. The purpose of the present Examination is therefore to determine whether the Plan achieves consistency with the Local Plan Strategic Policies (LPSP) and is robustly and soundly justified, effective and consistent also with national policy, in terms of the numerical development targets for the towns concerned.
18. In its Regulation 22(1)(c) statement of issues the Council, in effect, sets aside housing requirement and five year supply issues and focuses upon planning issues facing the individual settlements. We propose to take the same approach.
19. Accordingly, representations that the housing requirement or supply is inadequate or that the practical delivery of specific sites already in the supply is questionable would not be heard. Such matters are now for the consideration of individual planning applications.
20. In this case the adopted LPSP indicate that site allocations will be made by a separate SADPD, whereas the document now submitted deals only with certain settlements, relying upon as yet unmade Neighbourhood Plans (NPs) and a separate future Site Allocations DPD for Bude (Bude SADPD).
21. There is nothing in legislation and policy to prohibit the preparation and adoption of multiple plan documents in this way within the statutory development plan and the submitted document makes clear that its purpose is limited to providing the necessary site allocations to meet the requirements set down by the adopted LPSP for specific settlements.
22. However, owing partly to variations in nomenclature between the LPSP and the SADPD, it is unclear how the full requirements of the LPSP will

be met, including the residual CNA requirements where there is a shortfall.

23. ***Q3 - To assist the Examination by way of background, the Council is asked to provide up to date information to clarify this matter.***
24. Also, the SADPD refers to the neighbourhood planning groups for six towns having informed the Council that they wish to produce their own NPs including site allocations (para 1.6), and notes that several NPs are being prepared elsewhere.
25. ***Q4 - For clarity, the Council is asked to explain how the neighbourhood planning context in those six towns differs from the other towns which are covered by the SADPD.***
26. The foregoing two questions may not impinge directly upon the issues for consideration in the Examination but it will be necessary to consider the relationship of the settlements subject of the SADPD, with the CNAs of which they form a part, in terms of the overarching adopted LPSP.
27. Furthermore, where the deliverability of draft allocations might affect the overall housing land supply trajectory, this could become an issue of effectiveness, notwithstanding the otherwise limited remit of the Examination.

Local Development Scheme and Policies Map

28. Linked to the scope of the Examination, it is a legal requirement that the Plan is prepared in accordance with the LDS. As submitted, the LDS is out of date with respect to the documents the Council proposes to adopt and their expected dates of adoption. Also the Policies Map is listed as a DPD which, in law, it is not. This is explained as follows.
29. Although the Council is obliged to submit a Policies Map, as it is not a DPD we do not have the power to recommend modifications to it. Where Main Modifications (MMs - see below) require amendment to the Policies Map, these should be published alongside the MMs but not as part of them. It is for the Council to maintain the Policies Map to provide geographic illustration of the Plan policies. The policies themselves should make cross-reference to the Policies Maps and Insets where they have a geographic application.
30. The LPSP (para 2.83) and LDS indicate that it is the Council's intention to produce an open space supplementary planning document.

31. ***Q5 - to clarify the scope of the examination, the Council is asked to confirm whether or not the SADPD fulfils this intention in setting out required levels of open-space provision associated with site allocations?***
32. ***Q6 – the Council is strongly recommended to revise the LDS forthwith to list accurately the several DPDs now proposed and their expected adoption dates, including the separate Bude SADPD.***

Note – the revision of the LDS is also a matter for the Minerals Safeguarding DPD.

Issues for the Examination

33. As to the likely matters or issues for consideration, we have yet to set these out in terms suitable for circulation.
34. Meanwhile, we begin with the Council's own summary of issues and officer responses to representations. These appear to be helpfully presented in accordance with Planning Inspectorate guidance *Procedural Practice in the Examination of Local Plans 4th Edition June 2016*. This guidance advises (paragraphs 1.9-10) that a focused and comprehensive statement of the main issues should be provided by the Council as this will be the first introduction of the Inspector[s] to the likely issues to be addressed.
35. However, at page 28, the Regulation 22(1)(c) submission October 2017 states 'The following sets out **some of** the key issues raised'.
36. In order potentially to save Inspector preparation time and ensure that the Examination is focused upon the main issues as quickly and efficiently as possible,
Q7 - the Council is asked to indicate what it considers to be a comprehensive statement of issues.
It may be that this can be achieved by confirmation that the words 'some of' can be ignored. Otherwise a more detailed summary could be submitted.

Alternative or Omission Sites

37. Alternative or Omission sites put forward by Representors will not be considered directly. Where representations suggesting an alternative or additional site in effect challenge the selection, suitability, sufficiency or

deliverability of the Plan allocations for the towns concerned, such representations will be redirected to those issues of soundness.

38. In the event that the Plan were found likely to be unsound in these respects, the Council would be given the opportunity to bring forward other sites for consultation and further consideration, albeit based on interim findings by the Inspectors, but we would not recommend alternative sites directly.

Modifications

39. ***The Council should, from the outset, keep a log of any agreed modifications.*** Where we consider that Main Modifications (MMs) are required to make the Plan sound, this log will form the basis of a schedule for future public consultation and ultimately an appendix to our Report.
40. For us to recommend MMs if required to make the Plan sound, it is necessary for the Council formally to request that we do so, in accordance with section 20(7C) of the Act. It should also be confirmed that officers representing the Council have authority to discuss MMs during the Examination.
41. ***Q8 – Will officers have that authority and does the Council wish to make a formal Section 20(7C) request at this stage?***

Next Steps

42. ***The Council is asked to acknowledge this note immediately and provide a date by which it will respond in full.***
43. The Inspectors will proceed to consider the submitted documentation with a view to drawing up a draft schedule of issues and draft circular letter to all Representors and allow the Council to comment upon these (by way of a 'fact check') before issue. Responses to that circular letter will enable the PO to complete arrangements for the Examination Hearings and confirm the issues for consideration.
44. It is likely that we will have further, more detailed questions for the Council during that process but, assuming that we encounter no major concerns to delay the Examination, we would hope to issue the circular and draft schedule of issues by about the end of November.
45. The Council is asked to bear in mind that, for Hearings in mid-February 2018, ***the latest date for the Council to provide public***

notification under the Rules would be the end of December 2017.

Finally

46. ***If the Council has any other comments or questions at this stage, we should be happy to receive them.***

Brian Sims and *Thomas Bristow*

Inspectors

6 November 2017