

**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?***

CC Response: The Council is content with the provisional date of mid-February for Hearings to commence. Due to the other EIPs the Council's preference would be for the SADPD hearings not to commence prior to mid-February; also with the school half term holidays (12th to 17th Feb) the preferred hearings commencement date would be from the 19th or 26th February onwards.

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?***

CC Response: As the representations were received prior to the DPD being submitted, the Council considers it appropriate to include the late representations in the examination; if the Inspector believes this is acceptable. However, the Council would not wish that any further representations, received after the Council submitted the Allocations DPD, to be considered.

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.***

CC Response:

3.1 Policy 3 Role and function of places within the LPSP at point 1, sets out that 'Delivery will be managed through a Site Allocations DPD or Neighbourhood Plans, for eighteen named towns', and at point 2 'that the provision and scale of eco-communities at West Carclaze and Par Docks will be confirmed in the Allocations DPD'. Policy 3 goes on to state that 'other than at the main towns identified in this Policy, housing and employment will be delivered for the remainder of the CNA through:

- identification of sites where required through Neighbourhood Plans;
- rounding off of settlements and development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role (*a Cornwall Council planning guidance note providing further policy guidance on this is due to be published by the end of 2017*);
- infill schemes....;
- rural exception sites under Policy 9;

3.2 Following on from this LPSP policy guidance, table 1 on page 2 of the SADPD sets out the town based strategy document for 16 towns / conurbations named in the LPSP Policy 3 plus the two eco community sites, and lists the document that will set out the strategic sites / policies to deliver the Cornwall LP:SP housing and employment targets. This table effectively sets out how the full requirements of the LPSP will be met for the main named towns. In relation to the residual CNA requirements this will be delivered through the provisions set out in Policy 3 above. (Callington and Camelford are two other towns named in LPSP Policy 3, they are both preparing Neighbourhood Plans).

3.3 The Housing Implementation Strategy August 2017 ([under the Annual Monitoring report web link within the submitted evidence base](#)) sets out the latest published position that explains how the apportioned Local Plan housing Targets will be met. This is supported by summary trajectories. It is clear that in the overwhelming majority of areas there is a surplus in meeting the Local Plan

requirement and that where there is a small shortfall this will need to be met through the application of Policy 3 including through Neighbourhood Plans. An earlier iteration of the Housing Implementation Strategy was presented to the LPSP Inspector together with the SHLAA which demonstrated that there was capacity available to ensure the LP targets could be achieved. Indeed the Inspector at paragraph 142 of his report concluded that the Implementation Strategy provided the evidence that delivery of the Local Plan target is credible over the local plan period.

3.4 In relation to the employment targets identified within the LPSP, these will be delivered on existing sites and new sites in the main named towns identified in the LPSP Policy 3, and in accordance with criteria in Policy 5 'Business and Tourism' within the LPSP. The SADPD identifies employment allocations and safeguarded sites.

3.5 As at November 2017, there are 102 active Neighbourhood Plans (NP) in Cornwall, with 21 Plan proposals submitted, and 11 adopted Plans so far. A dedicated Neighbourhood Plans Team has been set up with officers providing assistance across Cornwall. A number of guidance notes have been prepared to assist NP groups, including a note to help groups actively plan to deliver an appropriate percentage of the CNA target within their area.

3.6 Therefore the SADPD identifies allocations in those named towns identified in Policy 3 of the LPSP unless a NP is being prepared that will identify allocations (discussed further below). Residual CNA requirements will be met through a combination of bullet points 1 to 4 at para 3.1 above. This summarizes how the full requirements of the LPSP will be met.

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.***

CC Response:

4.1 As part of the Council's commitment to creating community based strategies six named towns from Policy 3 of the LPSP (i.e. St Ives & Carbis Bay; Truro; Wadebridge; Liskeard; Bude; Torpoint) informed Cornwall Council, via the Parish/Town Council and NP steering groups, that they wish to include allocations within their NP to deliver the LPSP targets (i.e. determine the locations of growth themselves). Therefore the Council agreed to work with those towns in providing assistance to their NP groups in preparing their NP and

in turn not to seek to include these towns within the Allocations DPD. The other named towns informed the Council that they are content for Cornwall Council to identify sites to meet the LPSP targets through the SADPD within their areas (i.e. the towns / conurbations contained within the Allocations DPD). In these towns the council has worked closely with Town Councils and other key local stakeholders in developing the strategy for the town, identifying site allocations, and seeking local endorsement. Some of these towns are also preparing Neighbourhood Plans (as set out in Table 1 of the SADPD), but they are not seeking to allocate strategic sites to deliver the housing and commercial targets of the LPSP, instead they are focusing on area / thematic issues, which dovetail with the LPSP and SADPD.

4.2 Bude initially wished to identify allocations in their NP, however at a relatively late stage of preparation of the NP they indicated they no longer wished to do so, and requested that the Council allocate sites in Bude. This will be done in a separate document due to differing timescales.

4.3 Para 1.59 of the Local Plan Strategic Policies (LPSP) states: '*progress on Neighbourhood Plans and the housing provision made within them will be monitored on an annual basis to determine the scale of development remaining to be provided and therefore whether allocations are required*'. In this way, over time, if certain NP's are delayed or progress is slow, the Council will review whether intervention is required (in the form of additional allocations within future reviews of the Allocations DPD) to ensure the LPSP targets are met.

4.4 The following tables set out delivery of housing in each of the six towns (as at March 31st 2017) in meeting the LPSP targets (including the residual target) through a combination of completions, planning permissions and windfall on smaller sites in the latter part of the plan period:

Table 4.1 St Ives & Carbis Bay – NP adopted December 2016 (NP includes a small number of allocations each under 50 dwellings)	
LPSP Target	1100
Net Completions	563
Net Extant permissions	387
CLI sites (Community Land Initiative)	10
Net Windfall projection	296
Total	1339
Residual Target	-239

Table 4.2 Truro (& Threemilestone) – NP adopted December 2016 (NP does not identify allocations)

LPSP Target	3900
Net Completions	943
Net Extant permissions	3130
Net Windfall projection	152
Total	4257
Residual Target	-357

Table 4.3 Liskeard – NP at Reg 16 consultation 20th October – 1st December 2017 (NP identifies a settlement boundary within which there are sites / capacity to exceed the LPSP target)

LPSP Target	1400
Net Completions	351
Net Extant permissions	842
Net Windfall projection	64
Total	1257
Residual Target	143

Table 4.4 Wadebridge– NP pre submission planned December 2017 (NP identifies areas for growth within a development boundary which identifies sufficient land to meet the LPSP target)

LPSP Target	1100
Net Completions	220
Net Extant permissions	271
Net Windfall projection	48
Total	539
Residual Target	561

Table 4.5 Bude– NP adopted June 2017 (NP does not identify allocations)	
LPSP Target	1200
Net Completions	321
Net Extant permissions	618
Net Windfall projection	88
Total	1027
Residual Target	173

Table 4.6 Torpoint – NP drafting plan stage at Nov 2017 (NP will identify allocations)	
LPSP Target	350
Net Completions	5
Net Extant permissions	56
Net Windfall projection	-
Total	61
Residual Target	289

4.5 The 2017 Housing Implementation Strategy and associated Summary Housing Trajectories, in the same way as the above tables, sets out delivery for all of Cornwall’s CNA’s, including the named towns and residual CNA requirements, and as the Inspector for the LPSP concluded this demonstrates delivery of the LPSP requirements.

4.6 Related to the above Neighbourhood Planning context the following is some brief background in relation to Town Framework documents which may also be helpful for context: Work began on Town Framework Plans for some of the towns in 2011. This work was delayed at certain points by development of the Cornwall Local Plan. The early work on Town Framework Plans then informed the preparation of the Cornwall Site Allocations DPD. Discussions were held between officers and Town Councils or local steering groups where Neighbourhood Plans were also being progressed. In most towns where the Town Council was content for Cornwall Council to identify site allocations, a Town Framework was also prepared as an evidence base and background document.

4.7 In Penzance and Saltash, the Town Councils indicated that they would include elements of the town strategy within their NP’s, and the decision was

taken (jointly between Town and Cornwall Council) not to progress Town Framework documents alongside the DPD.

4.8 It is noted that the Penzance housing evidence report (April 2017) still references the Town Framework document. This is an error that in hindsight should have been amended to clarify that a town framework was no longer being prepared for the town.

4.9 The table below sets out which town has/hasn't got a Town Framework. Other documents that relate to each town are set out in Table 1 (page 2) of the Site Allocations DPD.

Table 4.7 Town Frameworks		
Town	Town Framework	
Bodmin	Yes	
CPIR	Yes	
Falmouth & Penryn	Yes	
Hayle	Yes	
Helston	Yes	
Launceston	Yes	
Newquay	Yes	
Penzance & Newlyn		No
Saltash		No
St Austell	Yes	

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?**

CC Response: The Council confirms that the SADPD fulfills the intention of setting out required levels of open space associated with site allocations, which are contained within the SADPD's Green Infrastructure Strategy sections for each town, as well as the site specific requirements within all relevant allocation policies. The Council will also prepare a wider Green Infrastructure SPD in 2018 which will incorporate Open space standards for other areas. This will be set out in the Revised LDS.

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.

CC Response: The Council confirms the LDS will be updated to accurately list the proposed DPDs and SPDs, their remit and timescales for production. A revised LDS is due to be published in December 2017.

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.

CC Response: The words 'some of' on page 28 can be ignored. The Council confirms that it considers the comprehensive summary of the main issues raised is set out in the Regulation 22(1)(c) submission October 2017 Statement, from pages 28 to 34.

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.

CC Note: The Council is currently preparing (for its own use) a version of the submitted SADPD with the modifications that are recommended in the Officer responses to the Reg 20 representations, as track changes and strike through deletions. A copy of this can be forwarded if helpful once finalised.

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?***

CC Response: The Council confirms Officers of the Council have the authority to discuss main modifications during the examination and a letter making the formal section 20 (7c) request is attached.

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.***

Thank you for the opportunity:

1. If it is possible at this stage, it would be helpful to have an initial indication/ estimate of the anticipated number of days for the Hearings? Also is it anticipated that sittings would run concurrently e.g. 2 days on one town followed by one/two days on a further town etc.; or do you envisage they would be more spread out?

2. Mindful of the intervention of the Christmas and New Year holiday periods, and your availability in December; it would be helpful (for work planning) if it was possible to give an indicative/provisional date, at this time (and assuming no unforeseen concerns arise which would delay the Examination) for issuing the draft schedule of issues and further questions, and an indicative / provisional response date to the note/questions, for the Council (and representors)?

Many thanks

Brian Sims and *Thomas Bristow*

Inspectors

6 November 2017