

# Position Statement on behalf of Wainhomes (South West) Holdings Ltd (ID: 192)

In relation to: Matter 8 – St Austell and the Carclaze and  
Par Docks Eco-Communities Spatial Strategy and  
Allocations

Wainhomes (South West) Holdings Ltd

Project : 6412  
Hearing : Matter 8 – St Austell and  
the Carclaze and Par  
Docks Eco-Communities  
Client : Wainhomes (South West)  
Holdings Ltd  
Date : February 2018  
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## **1. Introduction**

- 1.1 Emery Planning is instructed by Wainhomes (South West) Holdings Ltd (hereafter referred to as 'Wainhomes') to attend the examination into the soundness of the Cornwall Site Allocations DPD on their behalf.
- 1.2 Wainhomes is a key developer within Cornwall and will continue to be an important delivery partner for the Council in meeting its open market and affordable housing needs during the plan period. Their landholdings and developments can also facilitate further mixed use development including employment and social infrastructure. Wainhomes made representations to, and appeared at the examination of, the Local Plan: Strategic Policies (LPSP).
- 1.3 This statement summarises our client's position in response to the Inspector's schedule of Matters and Issues (INSP.S4), specifically the questions under Mater 8: St Austell and the Carclaze and Par Docks Eco-Communities Spatial Strategy and Allocations. It should be read in conjunction with our detailed representations to the Submission Version of the plan (ID: 192), and our other Position Statements submitted to this examination.

## **2. Response to the Matters and Issues**

### **General Issues**

#### **a. Is the Strategy for St Austell consistent with the LPSP?**

- 2.1 No. We consider that the West Carclaze / Baal Eco-Community cannot deliver the quantum of development set out within the LPSP (900 dwellings within the plan period). We address the delivery of the site further in our response to question b. Paragraph 1.31 of the LPSP states:

*"The Council will monitor the delivery of the Eco Community sites to ensure delivery. If proposals have failed to progress sufficiently towards delivery within 2 years of adoption of the Local Plan this area of the plan will be reviewed to consider redistribution of the housing apportionment for the area."*

- 2.2 Therefore if the Eco-Community cannot deliver 900 dwellings during the plan period, the residual requirement should be met in the St Austell and China Clay area. We therefore consider that additional land needs to be allocated, and that such an approach is entirely consistent with the LPSP.

#### **b. Is the existing housing land supply situation based on robust, up to date evidence?**

- 2.3 No. We have set out a number of concerns in relation to the delivery of the identified supply. We summarise these below in relation to each source of supply.

##### Permissions – Over 10 units

- 2.4 We are unable to correlate the figure provided within table 7 of CC.S4.4 for permissions of over 10 units within St Austell (1,370 dwellings net) with the Council's housing trajectory (E7.2), which we calculate includes only 1,336 units. Clarity is required from the Council on this point. Notwithstanding, we also have concerns in relation to the delivery of at least two significant sites included within that category:

##### Carlyon Bay

- 2.5 Carlyon Bay has been the subject of significant viability issues and delays, and the Council's expectation that 445 dwellings will come forward on this site during the plan period is unrealistic.

- 2.6 There is an extensive history of planning permissions being granted for development at the site dating back to the 1980s, with no development forthcoming. Planning permission was granted for 511 holiday dwellings and leisure/commercial floorspace in 1990 (LPA ref: 89/01942), and subsequently renewed in 1996 (LPA ref: 95/00966). A Certificate of Lawfulness, issued in 2001, confirmed that the 1996 planning permission had been implemented. The site is now included within the housing land supply on the basis of the 511 dwellings proposed as part of a mixed use development, consented under hybrid application PA11/01331 (granted December 2011) and reserved matters consent PA14/10875 (granted February 2015). The reserved matters consent was secured by the landowner, who has owned the site since 2004 and is not a housing developer, and it appears that the consent was secured solely for the purpose of keeping the planning permission extant. The consent was implemented via demolition of buildings on site, as confirmed by a Certificate of Lawfulness (LPA ref: PA16/04052), but since then there has been no further progress.
- 2.7 The developers publically announced further delays in 2016, blaming Brexit. It is not clear if there is any market interest in the other commercial and leisure uses, but the track record of non-delivery suggests that there are serious viability issues in bringing this site forward. We consider that the delivery expectations for this site should be tempered significantly, if it should be included at all.

#### Higher Trehiddle Farm

- 2.8 The site is included within the trajectory for 335 dwellings, with the first dwellings delivered in 2020/21. However substantial infrastructure is required, including the delivery of a link road between the A390 and Pentewan Road, and off-site highways works at Edgcumbe triangle. Our client has held discussions with the landowner, and can confirm that the landowners' expectations are unrealistic in view of the infrastructure requirements. There is a significant degree of uncertainty as to whether this site will deliver within the Council's anticipated timescales.

#### STA-M2 - Edgcumbe

- 2.9 The site is required to provide part of the link road from the A390 to Pentewan Road (as referred to in relation to Higher Trehiddle Farm). However it is not clear whether the proposed development is viable, with the site only anticipated to deliver 25 dwellings and 1,000sqm of B1 office space. The site is also previously developed land and there are buildings that need to be

demolished, potentially at significant cost. We also understand that the Blantyre Centre, which provides a day service for people with learning disabilities, is still in operation. Previous plans to close the facility in 2011 were abandoned. We are not aware of any up-to-date relocation plans being placed in the public domain.

### West Carclaze / Baal Eco-Community

2.10 In the submitted Cornwall LPSP, Policy PP9 allocated 1,800 dwellings at the West Carclaze/Baal Eco-Community. The Council proposed in the Proposed Changes (CD: J.1) to reduce this to 1,200 dwellings during the plan-period. The total capacity of the overall scheme at West Carclaze/Baal was revised to about 1,500 dwellings.

2.11 In its response to the Inspector identifying the need to increase the distribution for St Austell by 300 dwellings (LPSP examination CD: L1.CC.8), the Council stated that this should be taken from the distribution to the West Carclaze/Baal Eco-Community; i.e. the plan period capacity should be reduced further from 1,200 dwellings to 900. Although the reasons were given as relating to the identified discrepancy in the administrative boundaries, the Council commented as follows:

*“This would put less reliance upon the Eco Community in delivering the housing target, assuming the plan remains as currently submitted.”*

2.12 This change was incorporated by the Inspector into the post-hearing changes consultation that ran between July and August 2016. The Inspector made the following comments on delivery at paragraph 128 of his report:

*“...the uniqueness of the proposal means that its attractiveness to the market and thus of the rate of housing delivery is inevitably uncertain. A cautious approach is justified in terms of the delivery actually being relied on. In the context of my proposed change to increase the apportionment to St Austell town (see below) it is reasonable to lower the expected delivery from West Carclaze/Baal. The Council supported this change and it is accepted by the developer. This makes the Plan more robust without imposing any constraint on how fast the Eco-community should be delivered.”*

2.13 The information put forward to the LPSP Inspector on the delivery of the site has proven to be far too optimistic. The Council's hearing statement of April 2016 (LPSP examination CD: L1.CC.3) advised the Inspector that a decision could be reached in the summer of 2016:

*At this same time [January 2016] additional technical information and minor changes to the application were submitted to the Local Planning Authority in response to matters raised within the initial consultation and assessment*

*period. Further consultation on this information has been ongoing, and it is envisaged that a decision could be reached in summer this year [2016].*

2.14 The promoters of the site (Eco-Bos) submitted a consultation response to the post-hearing changes supporting the proposed change, stating that it “reflect[s] the most recent delivery estimates”. This was in the context of Eco-Bos also advising the Inspector in its hearing statement of May 2016 that:

*“It is anticipated that the planning application will be determined during the summer of 2016 and Eco-Bos is keen to move forward with implementation in 2017.”*

2.15 The application was taken to committee in March 2017, but the Section 106 agreement is still yet to be completed. Therefore the timescales put before the LPSP Inspector have already been proven incorrect. We are now 18 months on from when the Council and Eco-Bos said that the application will be determined at the LPSP.

2.16 Despite these delays, the Council now claims that the 975 dwellings will be delivered during the plan period. At present the Section 106 has not yet been completed. Taking the Council's standard lead-in times, there should be a lead-in time of at least 2 years for sites of 100+ dwellings with outline planning permission, plus sufficient time to allow for the signing of a Section 106 agreement. We would argue that those lead-in times are in fact wholly inappropriate for a site of this scale with such significant infrastructure requirements which need to be fulfilled in the early stages of the development, such as a new school.

2.17 As far as we are aware there is also still no developer on board (let alone two or more developers to deliver 90 dwellings per annum), and reserved matters application(s) need to be submitted. The Council's delivery expectations for this site continue to be wholly unrealistic, even in light of further delays and a dwindling plan period within which to deliver.

### Par Docks Eco-Community

2.18 The site is identified to deliver 300 dwellings during the plan period. However as with the West Carclaze/Baal Eco-Community, there are significant risks to delivery. The site is previously developed with significant remediation requirements. In their statement to the Local Plan Examination (CD: M4.HS.23), the promoters of the site (Eco-Bos) stated:

*Eco-Bos is committed to delivery of the Par Docks eco-community. Matters relating to access, facilitating the remaining operational minerals*

*infrastructure and the need to accommodate additional requirements from maritime planning regulations will take some additional time to resolve and this is why the delivery of new homes is not expected until later in the plan period.*

- 2.19 Eco-Bos also confirmed at the examination into the LPSP that delivery could not commence on the site until the Eco-Community at West Carclaze was significantly advanced to allocate funds and resources to Par Docks. The delays to West Carclaze will therefore have a knock-on effect on Par Docks.
- 2.20 The Council's statement (CD: L1.CC.3) explained that the site is not expected to come forward until 2025. At the hearings Eco-Bos explained that they were financially unable to focus on the Par Docks scheme until profits are released from the West Carclaze/Baal scheme. Therefore whilst we recognise the Inspector's conclusions on the site, it is apparent that there is a significant degree of uncertainty and risk surrounding its delivery.

### **c. Are the Green Buffers west of Carclaze Road appropriate with respect to the Strategy and necessary in planning terms?**

- 2.21 No comment.

### **d. Are the individual allocated sites and proposed land uses suitable, having regard to planning and environmental constraints, including air quality?**

#### STA-M1 – Pentewan Road

- 2.22 Part (c) of the policy refers to the office development being within the eastern part of the site, but outside of flood zone 3b. Part (f) of the policy however indicates that the car parking for the proposed employment space could be located within flood zone 3b. However, it appears that the employment development is being proposed within flood zone 2. It is irrelevant whether the proposed use is 'less vulnerable'; the sequential test still applies and must be satisfied. The proposed allocation of the employment land (including the car parking), within any part of flood zones 2 and 3b, fails the sequential test. There is an entirely suitable alternative site which could accommodate the proposed development within flood zone 1 (i.e. the land at Treverbyn Road, as promoted by Wainhomes).

2.23 Consequently we consider that the proposal should be amended to remove any development within flood zones 2 & 3, save for the link road for which it is assumed there is no alternative option.

### Policy STA-E3: Par Moor

2.24 We would question whether this site should be included to meet the employment land requirements of St Austell, given its proximity to the edge of St Blazey. Table 2 of the St Austell Housing Evidence Report indicates that it is located within the adjacent St Blazey, Fowey and Lostwithiel CNA. Paragraph 137 of the Inspector's report into the Local Plan: Strategic Policies states: *"I recognise that St Blazey is part of the wider China Clay Regeneration Area, but the town is sufficiently separate from St Austell not to be grouped with it"*. The Inspector did acknowledge that the boundaries of the CNA's merely reflect administrative boundaries (see paragraphs 135 and footnote 1) and therefore a judgement needs to be made as to which CNA the allocation would actually serve; however this site clearly functions as part of St Blazey rather than St Austell.

2.25 Notwithstanding the above, we also note that the site is located within Flood Zone 3, but the proposal is for a change of use to a more vulnerable use (the existing use as a construction depot is only temporary). The site would fail the sequential test as there are other sites available that could deliver employment uses outside of the flood zone, namely our client's site as set out below. Consequently there would appear to be conflict with paragraph 100 of the Framework.

2.26 In addition to the clear conflict with national policy in relation to flood risk, it is apparent that the site is not available until 2023 due to a temporary planning permission for use as a construction depot. This would be only 7 years from the plans end date of 2030. There is therefore significant uncertainty as to whether the site would actually be developed within the plan period. As such we consider that even if the sequential test can be met, there is insufficient certainty to place reliance upon the site as an allocation during the plan period. This is particularly the case when the site is the largest allocation for B1 uses, and only allocation for B2 and B8 uses, in St Austell.

2.27 We therefore consider that the draft allocation should be deleted. Our client's land to the north of Cornwall should instead be allocated to deliver the employment land requirement for the town.

**e. Is there robust provision for the necessary supporting infrastructure for the Eco-communities, including with respect to education, sports facilities and highways?**

2.28 As set out above, we have significant concerns in relation to the viability of the project and the ability to deliver the necessary infrastructure. Eco-Bos was arguing at the LPSP examination that the affordable housing requirement for the Eco-communities should be reduced from 35%, before changing its position during the examination. No robust viability evidence has been prepared to date to support either the LPSP or the CSADPD, and we consider it highly likely that Eco-Bos will seek to renegotiate infrastructure provision in the future.

**f. Is there robust evidence that the allocated sites and infrastructure will be delivered at a sufficient rate and to a suitable timescale to ensure that the minimum numerical development requirements of the Town Strategy and of the adopted LPSP will be met, including with reference to the five year housing land supply required by national policy?**

Housing land supply

2.29 As we have set out in detail in our representations to the Submission Version, additional housing land needs to be identified in St Austell to provide a reasonable prospect of meeting the requirement. Based on the Council's latest position (CC.S4.4), the Allocations DPD plans for a supply of just 3,076 dwellings against a minimum requirement of 2,900. This would provide a flexibility factor of just 176 dwellings, equating to just 6%. We consider that this provides insufficient flexibility to respond to changing circumstances, i.e. slippage in the delivery of housing from strategic sites, as required by the Framework.

2.30 The supply for St Austell already includes reasonable allowances in terms of small site windfalls of less than 10 dwellings, and other urban capacity from the SHLAA of more than 10 dwellings. Consequently there are no other potential sources of flexibility available to the settlement, other than site allocations. Consequently if there is any slippage in any element of the supply, a shortfall against the requirement for St Austell is almost inevitable. We have highlighted a number of sites included within the supply where the Council's expectations are unrealistic or there is a significant risk to delivery.

- 2.31 We have recommended that at least 20% flexibility is provided in each settlement to give the plan a realistic prospect of meeting the minimum requirement. This would require the allocation of additional sites.
- 2.32 Furthermore in St Austell there is the added consideration of the Eco-Community proposal, which is intrinsically linked to St Austell and is expected to meet the needs of the settlement. For the reasons we have set out in section 3, we have significant concerns as to whether the Eco-Community at West Carclaze/Baal can deliver 900 dwellings during the plan period.
- 2.33 Although the Council could rely on a partial or full review of the plan to meet the shortfall created by the Eco-Community failing to deliver, this process would take a significant amount of time before a revised plan can be adopted. There is an opportunity to provide flexibility in this plan. We consider that should be achieved through one of two mechanisms:
- Allocating a reserve allocation(s) for 900 dwellings to come forward if the Eco-Community fails to deliver within the required timescales. This option should be strongly considered by the Council given a) the significant risks to delivery of the Eco-Community and b) the impact on meeting needs in St Austell and the surrounding area if it does not deliver. This would be in addition to the standard 20% flexibility factor which should be applied to the settlement.
  - Doubling our recommended flexibility factor from 20% to 40% for St Austell.

### Employment land supply

- 2.34 Table St1 sets out St Austell's employment land targets. The residual targets are 9,730sqm of B1a office space and 7,721sqm of industrial. It is not clear how these targets would be met. Notwithstanding our objections in relation to a number of the allocated sites, the draft allocations only provide for a combined 7,000sqm office space. In addition, there has been a net loss of approximately 1,000sqm of office space between 2010 and 2016. There may be further losses during the remainder of the plan period.
- 2.35 Consequently we consider that the plan is failing to provide sufficient land to meet identified development requirements as set out within the LPSP. Additional land is required on the Council's own figures, even before our comments on the specific draft allocations are taken into account.

2.36 We also have concerns in relation to the monitoring of employment land delivery in St Austell and the West Carclaze Eco-Community. Paragraph 9.30 of the Allocations DPD states:

*“Furthermore, there are opportunities for new office accommodation to be located within the West Carclaze Eco-community, which sits within the adjacent Community Network Area, is within easy commuting distance of the town and on the proposed A30 link road.”*

2.37 We consider that this paragraph could be misleading, as it suggests that office development at the West Carclaze Eco-community could be counted towards the requirement for St Austell. However the Eco-Community has its own identified land requirement, and this has been reflected in the requirement for St Austell. Consequently we consider that the paragraph should be deleted.

### **3. Omission sites**

3.1 The Inspectors have made it clear that omission sites will not be considered through this examination. Nevertheless, we have highlighted a number of issues in relation to the supply of housing and employment land in St Austell and the Eco-Communities.

3.2 The logical solution for any residual requirement to be met is our client's site on the northern edge of St Austell (as put forward through our representations to the Submission Version). An appeal was dismissed by the Secretary of State on the 1st November 2011 for 1,300 dwellings on the site (ref: APP/D0840/A/10/2130022). The Secretary of State concluded that there were no site specific constraints to the site coming forward and that the proposal would represent sustainable development. The only reason for dismissing the appeal was prematurity i.e. at that time it was considered that a site of that scale should be brought forward through the Local Plan.

3.3 Our client has put forward a number of different options for the development of the site, including the following:

- Option 1: Allocation of the entire Northern Expansion (up to 1,300 dwellings; employment, education, C2 & retail uses; and a community transport hub)
- Option 2: Allocation of the land rear of Cornwall College (southern parcel for up to 300 dwellings, employment and education uses)
- Option 3: An alternative development based on meeting needs as required

- Option 4: Future direction of growth

3.4 The site is capable of addressing housing and employment land supply deficiencies within the plan as identified in St Austell and the Eco-Communities, and could be allocated through main modifications.