Housing Supplementary Planning Document

Town & Country Planning (Local Planning) (England) Regulations 2012

Representation Form

Please return your completed form
by email: localplan@cornwall.gov.uk OR
by post: Cornwall Council, Local Plans Team, Pydar House, Pydar Street, Truro TR1 1XU OR
by hand: New County Hall reception (Truro) or any Cornwall Council One Stop Shop before 5pm on 6th May 2019

Fair Processing Notice
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Part 1
Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: Andrew O’Brien ...........................................................................................................

Organisation (if applicable): Andrew OBrien Consultancy ...........................................

Address: …..Tinners Croft, St Newlyn East, Cornwall …………………

Postcode: … TR8 5FG ..............................

Email Address: ...........................................................................................................

Telephone number: ...........................................................................................................
If an agent, the individual or organisation you are representing:

n/a..............................................................................................................................................................

Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document

(i) The adoption of the Housing Supplementary Planning document. Yes

**Part 2**

**Your comments**

You may append additional sheets if you need more space to respond to any of the questions.

1. Please set out below any concern(s) you have with the draft Housing Supplementary Planning document including any change(s) you consider necessary to address this concern(s).

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<th>Paragraph</th>
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</tr>
</thead>
<tbody>
<tr>
<td>86</td>
<td>[there is a minor Typo, the word ‘publicly’ is misspelt]</td>
</tr>
</tbody>
</table>

With regard to the public availability of economic viabilities, the clause currently only makes reference to NPPF requirements. As the SPD is intended to provide detailed supplementary guidance, I think this clause needs to be expanded to include the more specific Viability Guidance published by Government [Ministry of Housing, Communities & Local Government 6 March 2014, updated 24 July 2018]. This more accurately clarifies that a full EVA need not be publicly available; Government’s minimum EVA requirements are specified as an Executive Summary setting out the key elements of the assessment such as GDV, Benchmark land value, Landowner premium, Direct costs, Developer contributions, Developer return, and Residual value etc. The guidance therefore does allow more detailed and commercially sensitive viability information to be submitted confidentially, specifically for Local Authority expert officer assessment.

**Equality Monitoring Form**

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Consultation Deadline: 5pm on 6th May 2019
Dear Sir / Madam,

Housing Supplementary Planning Document

Bodmin Town Council welcomes the opportunity to comment on the above document. I can advise that this matter was considered by Bodmin Town Council’s Planning Committee when it met on 1 May 2019 and I have been instructed to write making the following response.

These comments are made from the perspective that Bodmin Town Council is one of the largest and most proactive town councils in Cornwall. The Town Council provides a range of high-quality services and facilities throughout the town and has a budgeted operational expenditure of £1.5 Million in the financial year 2019/20.

Defining affordable housing is difficult due to the many variations applied to it, however, The House of Commons (2018) defines it as “subsidised housing that meets the needs of those who cannot afford secure decent housing on the open market either to rent or buy” (House of Commons 2018 p 5)

The NPPF defines affordable housing as: ‘social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

The biggest issue with this definition is determining “affordability”. According to Rural Services Network (2019) many rural households cannot afford to pay anywhere near the open market prices or rents. Cornwall’s Local Plan identifies a local need of 30,910
required in Cornwall and is argued by Cornwall Council to be delivered through policy 8, which is negotiated through the planning policy process.

The conversion of open market units to affordable homes through s106 negotiated offsite contributions and other funding sources are linked to local needs assessment. A criterion is set out within the policy, however, the thresholds determined the impact upon the viability of applications for development.

An affordable home is affordable if you can afford to live in it, with hidden costs of bank transfer payments and maintenance charges all make independent living less affordable, especially for people on low incomes, further impacted on by poor local economies and deprivation levels. The national average of 35% determined affordable living will be a lot more difficult to pay in these circumstances than for someone on higher incomes, the NPPF definition to affordable housing is unlikely to take account of what occupants can afford to pay given income and dependents.

The Cornwall Local Plan housing evidence base briefing note 10 argues that reductions of social housing stock through right to buy schemes and less available low rent housing through the 10% threshold and proportional affordable homes compared to exclusive, high value homes is detrimental to delivering affordable low rent, secured housing. Under the circumstances any policy or guideline designed to provide access to housing at a reasonable cost in Cornwall, while protecting local connections and allowing local people to remain in the community they grew up in, should be fully supported by robust planning conditions by giving a fairer approach to determining the need for exclusive, high quality homes offering equality in the process (Rural Services Network 2019).

The conditions created by any planning document should be capable of allowing local people the opportunity to obtain suitable accommodation to service their needs. This local population has to be insulated against the disproportionately high residual property values created by the popularity of Cornwall as a holiday home destination.

The use of 106 condition to retain entry level property within the reach of locally connected first time buyers is essential but must not become restrictive so by default preventing families progressing up the housing structure. Proactive use of conditions can facilitate the transition of residents through the array of housing type and requirements by providing options to move on. A move to provide Extra care living can and will provide the opportunity for older, less mobile residents to maintain independence and free up large property with capacity beyond requirement allowing growing family's in overcrowded living arrangements to transition.

Communities experiencing development above 20% of existing population within the time frame of the Cornwall Development Plan should have a requirement placed on developers to provide extra care capacity.

Self-build opportunity should and could be the best option of preserving a community demographic. Self-build allows local people a tangible ability to build property suited to their needs and cement the connection with their local town or village. Any policy of guideline adopted by Cornwall Council must outline a vigorous plan to compel developers either directly or by financial contribution an obligation to provide serviced self-build plots, allocated in line with the requirements of property reserved by proven local connection.
Bodmin Town Council considers it imperative that Cornwall Council planning policy should and must take all reasonable steps to eliminate the practice of developers imposing ongoing financial liability on property purchasers. The practice of attaching contractual ground or service maintenance cost in perpetuity by freehold lease arrangements should be prevented at every opportunity. Robust adoption regulations should be used to compel developers to complete developments fully and the transfer into authority care with adequate financial mitigation.

Your kind assistance in this matter is much appreciated

Yours faithfully,

P Martin
Executive Support Officer
Housing Supplementary Planning Document

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Part 1
Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: Ed Brown

Organisation (if applicable): Cavanna Group Ltd

Address: Cavanna House, Riviera Park, Nicholson Road, Torquay, Devon

Postcode: TQ2 7TD

Email Address:
Telephone number: .................................................................

If an agent, the individual or organisation you are representing:

.................................................................

Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document

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<tr>
<td>Para 6</td>
<td>The comments should clarify that specialist housing and extra care housing (where demand exists) relates to sites of 200 or more dwellings in relation to policy 6.</td>
</tr>
<tr>
<td>Para 52</td>
<td>The principle is understood. However, where there is 0.7 of an affordable dwellings short (using the 8.7 house example provided) how is the 0.7 valued? Without clear guidance the Council and Applicant may not agree, which will hold up the delivery of housing. Will the Council keep an up to date register of affordable housing values on its website in order for applicants to plan ahead?</td>
</tr>
<tr>
<td>Para 68 first bullet point</td>
<td>The Council should provide details of suitable locations and up to date need for each sustainable location on its website in order for the applicant to plan ahead.</td>
</tr>
<tr>
<td>Para 68 second bullet point</td>
<td>What if there is a need for more than 15% affordable flats? The previous bullet point talks about need but this bullet point is dismissive of a possible greater need in consideration of affordable flats.</td>
</tr>
<tr>
<td>Para 71</td>
<td>Based upon need and providing for a broader range of accommodation the table should consider all bed spaces (persons) and have those set</td>
</tr>
<tr>
<td>Paragraph</td>
<td>Concerns, changes and reasons/evidence</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------</td>
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</table>
| Para 71  | out in the NDSS document. The persons size set out by the NDSS document should be evenly split per bed sized dwelling.  
|           | ![](image)  
| Para 73  | There is no clarification on the number of dwellings which triggers a smaller scheme. This should be provided.  
| Para 82  | The 75% trigger for open markets is out of kilter with the previous targets, being earlier than in relation to open market delivery. It is understood that the Council wants to see all affordable housing delivered and could still be achieved through an 85% trigger.  
| Para 98  | A three year time period should also apply to the “anywhere in Cornwall” sentence after which if the money has not been spent after a total period of 9 years it is returned to the applicant due to a lack of demand/ability to provide the housing in question.  

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Part 1
Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: .................. George Lewis MRICS........
Organisation (if applicable): Cornwall Community Land Trust
Address: .......................... 2 Prince’s St, Truro
Postcode: .......................... TR1 2ES
Email Address: ..........................
Telephone number: ..........................
If an agent, the individual or organisation you are representing:  N/A
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**Yes**

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<td>General</td>
<td><strong>Introduction</strong></td>
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<tr>
<td></td>
<td>Cornwall Community Land Trust (CCLT) welcomes Cornwall Council’s Housing SPD and looks forward to its early implementation. It will provide a large number of measures which help to reinforce the broader objectives of the Council and its housing partners to create an environment and set of planning tools which encourage the increased provision of affordable housing to meet the significant and persistently high level of housing need in the Duchy.</td>
</tr>
<tr>
<td></td>
<td>CCLT seeks a Housing SPD which:</td>
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<td></td>
<td>• Closes off any potential “loop-holes” which might enable the less scrupulous whose primary objective is to maximise market return of their land and attached planning permission through a “Trojan horse” misuse of a policy intended to enable affordable homes;</td>
</tr>
<tr>
<td></td>
<td>• Confirms that Policy 9 will always operate to maximise the number and proportion of affordable homes and discourage those who seek to maximise the proportion of open market properties on these sites;</td>
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<td></td>
<td>• Operates in a manner which discourages speculative land pricing on projects which should be for affordable housing;</td>
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<td></td>
<td>• Extends the application of Policy 9 (&quot;rural exceptions&quot;) to the edge of all communities – including all towns – where the local community seeks to maximise affordable homes for local people.</td>
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<td></td>
<td>• Celebrates the reduction in Housing Need and not just delivery of units.</td>
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<td></td>
<td>Whilst we welcome the majority of proposals in the SPD we remain concerned and unconvinced by some aspects of the proposals in respect of self/custom build homes which we perceive to be potentially counterproductive; ie in that it provides a route for the less scrupulous to subvert the purpose of Policy 9, drive projects which would fail to ensure homes on these sites remain affordable for locals in perpetuity</td>
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<tr>
<td>Paragraph</td>
<td>Concerns, changes and reasons/evidence</td>
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<td></td>
<td>and therefore choke-off the supply of sites for genuine schemes which do meet the need for affordable homes in perpetuity, like those advanced by CCLT.</td>
</tr>
</tbody>
</table>
|           | **Community Land Trusts**  
|           | We urge Cornwall Council to afford Community Land Trusts (CLTs) in general and Cornwall CLT in particular a status equivalent to that granted to housing associations/registered providers and are grateful for the inclusion of the Cornwall CLT in the list of Delivery Partners.  
|           | CCLT is a fully constituted Community Land Trust; a charitable organisation and a registered society under the Co-operative and Community Benefits Society Act 2014. It is governed by a Board of volunteers elected by Cornwall CLT’s shareholders/members at each AGM and has generated 236 properties to meet local housing need either through projects on its own, with local CLTs and/or with registered providers during the last 10 years. This accounts for around 25% of the volume delivered by CLTs nationally.  
|           | Given the Government’s increasing emphasis on community-led housing and CCLT’s close joint partnership working with the Council’s Affordable Housing Team and its mutually agreed contract to deliver a programme of affordable housing we believe it is appropriate to afford Cornwall Community Land Trust a status in the document which reflects its work, achievements and ambitions. |
| 12        | **Affordable rented housing**  
|           | CCLT welcomes the clear wording in this section and looks forward to working with Cornwall Council’s Officers to help deliver affordable homes for locals in perpetuity.  
| 16        | **Shared Ownership**  
|           | There is a concern that the capital receipts generated by Registered Providers from 100% staircasing do not always provide benefit in the local community.  
|           | Perhaps a paragraph can be inserted to encourage the larger national RP’s to reinvest any such receipts back into the Cornish Community.  
| 23        | **Discounted Market Sale**  
|           | The wording about Cornwall Council not supporting significant numbers of discounted sale properties on a single site is noted.  
|           | However there are instances where locally available evidence may suggest that there is more demand on a new scheme for discounted sale than for affordable rents. Similarly there may be a strong demand for affordable self-build properties.  
|           | Perhaps this section could be expanded to allow for some flexibility if such evidence is available.  
| 40        | **Rent to Buy**  
|           | CCLT welcomes the revised wording. Along with the National Community Land Trust Network, CCLT is exploring ways of delivering a
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<td>‘Rent to Discounted Sale’ model.</td>
</tr>
<tr>
<td>54</td>
<td><strong>Occupancy/Holiday use Restriction</strong></td>
</tr>
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<td></td>
<td>The reference in the Chief Officer’s Advice Note re. the Council not applying thresholds to lifting of holiday use conditions on dwellings, though welcome, does not go far enough. Each case should be judged on its own merit as the lower “bar” created for applicants claiming that a new properties would be used for the holiday letting trade is often used as an indirect route to create market housing in areas where permission would not otherwise have been granted.</td>
</tr>
<tr>
<td>54</td>
<td><strong>Proposals for affordable housing exception sites in Main Towns</strong></td>
</tr>
<tr>
<td></td>
<td>CCLT welcomes the inclusion of these sites but feels that in its current form the wording may be open to misinterpretation.</td>
</tr>
<tr>
<td></td>
<td>CCLT would welcome either the insertion of an additional paragraph which encourages maximising the percentage of affordable homes in ‘urban exception sites’ or the inclusion here of the same paragraphs that cover rural exception sites.</td>
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<tr>
<td></td>
<td>If the Council is in agreement on this, then perhaps Urban Exception sites could be included under a separate policy heading within the next draft of the Local Plan.</td>
</tr>
<tr>
<td>62</td>
<td><strong>Cluster Parish Approach</strong></td>
</tr>
<tr>
<td></td>
<td>CCLT is mindful that the current wording excludes individuals such as volunteer lifeboat crew who may have an important non-domiciliary connection with a parish.</td>
</tr>
<tr>
<td></td>
<td>There is a local lettings policy in Teignbridge which includes the following clause which may be of benefit here:</td>
</tr>
<tr>
<td></td>
<td>“A category of “community contribution” can be added to a local lettings plan allowing applicants to Devon Home Choice (who would otherwise have not qualified) to be added onto the Housing register in Band D. As part of this allocation plan Teignbridge District Council have agreed that the definition of community contribution can be expanded to meet the aspirations of the Denbury/Torbryan Community.”</td>
</tr>
<tr>
<td>75</td>
<td><strong>Leasehold &amp; Ground rents</strong></td>
</tr>
<tr>
<td></td>
<td>While the issues with leasehold arrangements and the background to the current MCHLG consultation on “Implementing reforms to the leasehold system in England” are understood, it is important to note that leases and ground rents are a useful tool for Community Land Trusts for creating the Asset Lock necessary for ensuring that homes remain affordable in perpetuity.</td>
</tr>
<tr>
<td></td>
<td>It should also be noted that CLTs and other community organisations are able to gain exemption from leasehold enfranchisement through the Community Right to Build Order as set out in the Localism Act.</td>
</tr>
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<tr>
<td></td>
<td>Furthermore it should be noted that in the MCHLG consultation document, CLTs are set to be exempted from the proposed ban on long leases:</td>
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<tr>
<td>2.22</td>
<td>There have been however, a small number of examples where an exemption has been called for. In a few cases we are minded to agree with those who have sought an exemption, but for others we are yet to be convinced and would like to see more detailed evidence provided. We want to continue this conversation through this consultation and take views on a set of proposed exemptions as well as seek any further evidence about the case for any additional exemptions.</td>
</tr>
<tr>
<td>2.23</td>
<td>We think there is a case to consider exemptions for the following types of development: a. Shared ownership properties; b. Community-led housing (Community Land Trusts, cooperatives and cohousing schemes); and c. Inalienable National Trust land and excepted sites on Crown land.</td>
</tr>
<tr>
<td></td>
<td>Further still, it should be noted that modest Ground Rents and in particular a householder’s ability to pay them - are a useful indicator of financial sustainability and can act as an early warning.</td>
</tr>
<tr>
<td></td>
<td>More information about that National CLT Network’s campaign on exemption from the proposed ban is available at</td>
</tr>
<tr>
<td></td>
<td>CCLT would request, therefore, that further reference is made in this section to the anticipated exemption for CLTs.</td>
</tr>
<tr>
<td>83</td>
<td><strong>Economic Viability Assessments</strong></td>
</tr>
<tr>
<td></td>
<td>There may be benefit to the introduction of a standardised approach, such as a template, to ensure that EVAs are produced in a consistent, comparable manner.</td>
</tr>
<tr>
<td>85 &amp; 113</td>
<td><strong>Price cap on plots on Rural Exception sites</strong></td>
</tr>
<tr>
<td></td>
<td>There are some slight differences in these paragraphs. To ensure consistency, perhaps the comments about no more than 10 times agricultural land value could be repeated in both.</td>
</tr>
</tbody>
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Name: Andy Shepley

Organisation (if applicable): David Jarvis Associates

Address: 1 Tennyson Street, Swindon

Postcode: SN1 5DT

Email Address: [Redacted]

Telephone number: [Redacted]
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1. Please set out below any concern(s) you have with the draft Housing Supplementary Planning document including any change(s) you consider necessary to address this concern(s).

You will need to say how the change(s) will address your concern(s) and it would be helpful if you could put forward your suggested revised wording to the text. Please also state which paragraph(s) your concern(s) and change(s) refers to.

<table>
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<tr>
<td>83</td>
<td>Paragraph 83 states that NPPF makes it clear that where development accords with all relevant policies in an up-to-date plan, no economic viability should be required to accompany an application. The paragraph continues to state that affordable housing targets and CIL levels have been tested and as such the Council only expects an economic viability assessment to be submitted “in unusual circumstances” and that the onus is on the developer to demonstrate why the local plan policy is not viable. This partly reflects paragraph 57 of the NPPF which “assumes” viability if the plan (and the evidence underpinning it) is up-to-date. However, the NPPF only states that it is for the applicant to demonstrate whether “particular” circumstances justify the need for viability at application stage; it is considered that the reference to “unusual” circumstances goes beyond NPPF guidance and adds an unreasonable burden on the applicant. Evidence based viability can be quickly out of date if the underpinning evidence is reliant on sales and cost inflation rising at similar rates, leaving the plan open to criticism and challenge. The SPD should also recognise the high-level nature of viability assessments at Local Plan development stage. As detailed design is undertaken it is often the case that impacts such as additional costs, reduced densities, registered provider tenure requirements etc have a significant impact on scheme viability. Therefore, this paragraph should be amended and instead state the following: The NPPF is clear that where proposals for development accord with all the relevant policies in an up-to-date development plan (like the Cornwall Local...</td>
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<td>Plan; they are assumed to be viable. The affordable housing targets in Policy 8 are based on viability and have been Community Infrastructure Levy (CIL) tested. However, should an applicant consider that viability needs to be tested at application stage, the onus is on them to demonstrate why in their case site-specific circumstances mean the Local Plan policy is not viable, together with clear bespoke evidence.</td>
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<td>84</td>
<td>Paragraph 84 suggests that any viability assessment at outline application stage cannot be robust and therefore is “inherently flawed”. We fundamentally disagree with this. The Council cannot suggest, on the one hand, that at Local Plan stage there is sufficient certainty on these aspects to assume viability, but then at outline stage state that there is lack of detail to make any viability assessment sound. In our view, this is inconsistent. An applicant as a promoter, or developer, may require more certainty in terms of risk management at outline as well as at reserved matters, stage. Such risk will be determined by planning obligations, market conditions and costs. The NPPF promotes “deliverability” of development; the outline application stage is key to this and it is essential that all parties can be comfortable that the outline application is indeed able to be delivered against Policy (or not). If it is delayed until the detailed design stage, outline permission may be granted for unviable developments, which may themselves preclude other deliverable sites then coming forward. Therefore, paragraph 84 should be removed in its entirety.</td>
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<tr>
<td>85</td>
<td>Paragraph 85 provides a list of the Council’s requirements for any economic viability assessment. In the main these are in line with Government Policy and Guidance. However, we do not believe the Council should be defining set values for land at a per plot cost or a multiplier based on agricultural values for “rural exception sites”. This would be controlling market factors and may result in false viability results. Additionally, the Council states that it requires consideration of the NPPF and other relevant guidance relating to Viability Assessment. Issued in line with the NPPF was the Planning Practice Guidance (PPG) on viability, which is surprisingly not referred to in the SPD. Paragraph 85, where it relates to costs and land values has not crossed referenced the PPG, or, if such reference has been attempted, appears to have confused the separate aspects of costs and land value. The SPD should recognise the PPG and provide clarity to Councillors, developers and the community. As such the SPD should not dictate the basis in respect of land values and costs but should refer instead to the PPG as well as other relevant professional guidance (e.g. RICS) and best practice. The SPD should make it clear that the aim is to ensure a correct balance is made between the aspirations of developers and landowners, in terms of risk, and the</td>
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Concerns, changes and reasons/evidence

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<td>aims of the Council in terms of planning obligations and benefits but at the same time ensuring any proposal is achievable and, importantly, deliverable. Paragraph 85 should therefore be <strong>removed</strong> and replaced with text stating a requirement to follow both government and professional planning guidance and promote best practice in viability assessment; making it clear that the purpose of viability assessment is to strike a balance between all stakeholders and to ensure development is deliverable.</td>
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Paragraph 88 supports our view that a viability assessment should be warranted at outline stage, so that permissions are not granted subject to future testing. It may be that some reassessment is required at detailed stage, however if decisions are not informed correctly at outline stage, this could result in a situation where permissions which are assumed to be viable are used as a reason to delay or refuse potentially more viable sites.

This should be made clear within this paragraph in the SPD.

**Equality Monitoring Form**

Cornwall Council is committed to ensuring that our services, policies and practices are free from discrimination and prejudice and that they meet the needs of all the community. For us to check we are providing fair and effective services, we would be grateful if you would answer the following questions. **You are under no obligation to provide the information requested below, but it would help us greatly if you do.**

The information you provide on this Equality Monitoring Form will be processed in accordance with the requirements of the Data Protection Act 1998 and will not be passed onto any third party. At all times, it will be treated as confidential and used only for the purpose of equality monitoring. All sensitive personal information held by Cornwall Council is held safely in a secure environment. Thank you for your assistance.

**About you**

1. Please enter your postcode __________  
2. Please give your age _____________
3. How do you describe your gender?
   - Female ☐  Male ☐  Gender Fluid ☐  Non-Binary ☐
4. How do you describe your ethnic origin? (Please read carefully before selecting the ethnic group that you feel most closely reflects your background).
   - Asian or Asian British ☐  Black or Black British ☐
   - Cornish ☐  Mixed (e.g. White and Asian) ☐
   - Other British ☐  Other Ethnic Group ☐
5. Do you consider yourself to have a disability?  Yes ☐  No ☐

Is there anything we can do or put in place which would make it easier for us to offer you an equal service? (For example documents in large print, hearing loop etc).
Do you need someone to help you understand information? (For example someone to read documents with you or an interpreter)

6. It would help the Council to know of any barriers you have faced when dealing with us.

Any Questions?
If you have any queries relating to the consultation or the processing of data or would like the consultation material in a different format, please contact the Local Plans Team on localplan@cornwall.gov.uk or 0300 1234 151. Further information is also available at https://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/adopted-plans/planning-policy-guidance/housing-supplementary-planning-document/

Consultation Deadline: 5pm on 6th May 2019
RESPONSE TO HOUSING – SUPPLEMENTARY PLANNING DOCUMENT

The Supplementary Planning Document is a welcome addition Cornwall Council Planning procedures and processes. We agree with many of the proposed statements that clarify, at a detailed level, existing planning documents. Our overall reservation is that there are too many statements that remain open to a wide variety of interpretations and potential manipulation to justify developments, specifically through the use of affordable led Rural Exception Sites.

Crantock Parish Council offers the following comments, particularly based on our experiences during the recent Winstowe Terrace planning application and approval.

1. There is widespread use of the word “may” where, a more objective statement would be couched in terms of “shall”, “should” or “will”. The use of “may” suggests that a condition is only advisory rather than obligatory.

2. There should be a very clear statement that, where there is a “made” Neighbourhood Development Plan (i.e. a Plan that has passed through all stages of the formal process, including referendum, independent assessment and final Council approval) it becomes the primary planning document for those policies within its remit. A condition for final adoption of a Neighbourhood Development Plan is that it is fully compliant with both the Cornwall Local Plan and the NPPF (July 2018), and therefore, it becomes the principal vehicle through which local policies are defined.

3. We have little comment on the sections dealing with Affordable Housing Products. However, and we fully recognise that National policies dictate Cornwall Council policies in this respect, we believe that the principle of basing affordable housing prices (both buying and renting) on market prices is flawed for regions such as the Cornwall coastal “strip”. Market prices in these regions are higher than the norm for Cornwall/UK. This leads to a situation in which the price of affordable housing is unaffordable to those families in receipt of average levels of pay in these areas. It would be far more appropriate if affordable housing prices were based on salary/wage levels of those on the Housing Register. Under current rules there is a strong likelihood that only a few families on the Housing Register within the coastal strip will be able to afford houses on the new development and thus families from outside the local area will be the beneficiaries. Further, the coastal strip Housing Register numbers will not be reduced and there will be a continuing justification for yet more Rural Exception Sites.

4. Para 54. We believe this is an important issue. Cornwall Council has identified within the Site Allocations DPD, a number of specific towns/regions that will be the focus for investment in infrastructure, housing and attracting businesses. And yet, the large-scale developments within Newquay, with their attendant affordable houses, were specifically excluded from our planning considerations. As the majority of the Newquay (indeed all the DPD sites) sit within the urban/rural boundary, we believe that they must be included in future planning considerations within the surrounding rural settlements.

5. Para 58. We very much welcome the unambiguous statement relating to local need. Whilst we acknowledge that this repeats the statement within Cornwall Council Policy 9, we would point out that this was contradicted by the High Court in its
judgement against Crantock Parish Council. The judgement stated: “The interpretation of “local needs” for the purpose of Policy 9 must apply equally to policy H2 (of the Neighbourhood Plan). The supporting text to policy H2 understandably focusses on the needs of Crantock itself as it is the Crantock Neighbourhood Plan but that does not mean that "local needs" for the purposes of policy H2 are restricted to Crantock.” This must be clarified to remove any future ambiguity.

6. Para 60 states: “When assessing the housing need of an area, the Council may also take into account (amongst other things) other sites that may deliver homes to meet some of the identified local need.” We would recommend that this be stated more definitely as: “When assessing the housing need of an area, the Council will take into account (amongst other things) other sites that may deliver homes to meet some of the identified local need.”

7. Para 60. We agree with the methodology to be applied in assessing the housing needs of a parish/settlement. However, we have reservations about the three criteria stated for excluding sites.
   a. The NPPF is very clear on the definition of a deliverable site and renders the first criteria unnecessary. The use of the term “reasonable period” is far too subjective compared with the definition of deliverable within the NPPF.
   b. A site with outline permission has, in general, a prescribed term of validity and, therefore, fits within the over-arching NPPF definition. No site can ever be considered “immediately” deliverable.
   c. We note the inclusion of a definition of “stalled” within the glossary. **Stalled sites** — the Council considers a site to be stalled where it does not consider it to be deliverable within a reasonable period (as determined by the Council) and/or where following the grant of planning permission, no significant demonstrable progress is being made towards starting development on-site. In considering whether a site is stalled, the Council may have regard to (this list is not exhaustive):
      • whether a reserved matters application or the discharge of pre-commencement conditions have been submitted;
      • whether a site is or has been marketed without success;
      • whether an affordable housing scheme has been submitted;
      • whether a site appears in a developer’s build programme;
      • whether an RP is in advanced contractual negotiations for the transfer of the affordable housing.

The over-riding assessment question should be: “Is there sufficient time remaining on the validity of the planning approval for the developer to discharge, or at least advance the discharge of, all of the reserved matters?”

As is being demonstrated with the Pentire Green site in Crantock, it is not the period of time elapsed since approval (even when the dates are correct!) but whether there is sufficient time remaining for discharge of the reserved matters within the time-scales of what the NPPF considers to be a deliverable site. Further, if the Council is to make a judgement on any of the other criteria, such as the marketing of a site, then there must be evidence to support the conclusions. Again, Pentire Green is an example where a Case
Officer stated that the site had been subject to an unsuccessful marketing campaign; a claim vehemently denied by the agents.

8. Para 63. Whilst agreeing with the principles of clustering to deliver affordable housing to parishes with little or no available development potential, the statement “the Council considers that new affordable homes should generally be for the benefit of households in the parish in which the homes are built” directly contradicts the statement in Para 58. Additionally, noting the statement in Para 54 relating to the provision of affordable housing in urban, as well as in rural, areas, towns (such as the DPD examples) identified for significant infra-structure investment must be considered in any planning considerations for surrounding parishes/settlements. It is in these “hubs” where the majority of schools, doctors, dentists, employment etc. are either available or planned.

9. Para 66. Having experienced a number of developer “consultations”, we believe that there must be clear evidence that it has been a true consultation and not simply a meeting to justify “ticking the box” on the application form. Perhaps there should be feed-back forms to be completed by those being consulted? We would also suggest this paragraph be split into separate paragraphs (“The Council also recommends......”).

10. Para 83. Suggest adding (like Neighbourhood Development Plans and the Cornwall Local Plan) to emphasise the importance of the NDP in the process.

11. Paras 86, 87 and 88. These are extremely subjective. “unless justified by exceptional circumstances”. Such as? “In case of an improvement in market conditions”. To whose benefit? “Council considers to be below a reasonable return”. What is a reasonable return? All of these criteria appear to be “loaded” in favour of a developer having reasons not to expose their economic viability assessment to public scrutiny.

12. Para 89. The bullet “the location of the development is not in a sustainable location, particularly in relation to access to key services such as schools, medical facilities, employment;” raises the question of how such a site would get planning consent under an NPPF that stipulates that all development must be sustainable.

13. Para 89. Raises an important issue. Nowhere in this document is mention made of the role that environmental impacts, and in particular carbon emissions, have in the planning process. The above bullet lists key services to which residents require access. Siting developments at distance from such services increases carbon emissions, a fact that is contrary to National, and Cornish, Environmental Policies and yet the planning process appears to take no cognisance of this fact.

14. Para 98. “The Council will seek to spend...” This should be “The Council will spend.... unless......”?

15. Para 99. There is a need to be specific about the use of terms such as “small”, perhaps by quoting as a % of existing. The “...inference is clear...”. No, it is not. Similarly, there should be some guidance in Para 102 on what is considered to be a “large” development.

16. Para 101. Scale must be assessed on an aggregation of all developments expected within the time-span of the Cornwall Local Plan. Whilst an individual development may only represent a 5% increase in housing, three such development will result in something close to 15% over the period of the Plan. Again, Crantock has experienced three development approvals that individually appear to make
relatively small changes to the housing stock. However, collectively they represent close to a 25% increase. That does not appear to be of “appropriate scale”.

17. Para 104 and 105. Recommend that the statement be made clear: “That the majority of homes shall be affordable”. The current statement is immediately contradicted in Para 105 by quoting an absolute maximum of 50%; that is not a majority.

18. Para 106. What is defined as a “high value zone”?

19. Para 107 and Para 108. Fully agree with this approach and the insistence that “Applicants must... justify their proposals.”.

20. Para 112. It is unclear where this statement is leading and the obvious question is: “So what?” The inference is that far more detail is required in the initial outline planning application to justify what should be an exception to normal policies. If that is the case, it should be made clear at the beginning.

21. Para 113. As in previous examples, some guidance should be provided on the criteria that will be used to define “low or marginal”.

22. Para 115. Fully agree with the proposal to time-limit such developments and perhaps the timescales should be consistent with the validity of any pre-existing approvals.

Finally, a number of general observations based on our experience.

1. It would be extremely useful if developers (for developments over 10) complete a compliance matrix against every NDP Policy and CLP Policy. This will identify under which policies the application is being made, whether it is fully, partially or non-compliant and detailed references to evidence full/partial/non-compliance.

2. Where there are multiple Rural Exception Site developments there needs to be an objective assessment as to whether a development is being deliberately “stalled” in order to justify additional developments to meet an apparent “short-fall” in affordable housing.

3. The accuracy and currency of the Housing Register must be rigorous and robust if it is to be used as a primary planning reference. Crantock’s experience has seen the housing need fall from around 40 to 23 in just over 3 years while the number of approved affordable houses has increased from 15 to 56 (assuming a 50% out-turn for the latest Rural Exception Site).
Viability Assessments – page 20

Cornwall Council’s draft Housing Supplementary Planning Document (SPD) paragraph 83 to 88 refers to the NPPF and CLP Policy 8, and the requirement for economic viability to be demonstrated by the applicant where site specific circumstances mean that LP Policy provision cannot be met.

Made Neighbourhood Plans also form part of the Development Plan and will be given full weight in the determination of planning applications. Many Neighbourhood Plans across Cornwall are introducing Principal Home Restrictions (PHR) on new housing.

The imposition of a PHRs affects the economic viability, mortgageability and saleability of housing development. Uncertainty surrounding these factors creates high levels of risk for developers investing in locations where the PHR is actively being implemented on planning decisions.

Furthermore, there is currently no market evidence to support an applicant’s viability assessment and developers are therefore unable to effectively demonstrate that LP Policy provision cannot be met.

PHRs tend to be applied in areas where local housing needs are high due to local people being priced-out of the open market, and where the target levels of affordable housing also tend to be at the highest levels. This is resulting in the stalled delivery of larger sites.

While Neighbourhood Plans fail to take account of PHR’s effect on viability, the SPD provides an opportunity for Cornwall Council to properly plan and enable the delivery of housing sites, whilst providing assurances and certainty for developers looking to invest in Cornwall.

A good level of developer certainty over viability will also help define land values and avoid inflated fluctuations born by unrealistic speculation.

Cornwall Council’s Community Infrastructure Levy Charging Schedule achieves this successfully by making an explicit allowance for CIL liability in areas where the PHR is implemented.

The affordable housing SPD should also seek to properly clarify how PHRs are to be treated in terms of economic viability for affordable housing delivery.

Mirroring the CIL Charging Schedule, target levels of affordable housing in areas where the PHR is implemented should be set at the next lower charging zone ‘in order to reflect the uncertainty of the market impact of the Policy’. (CIL Charging Schedule 2018 page 6)

An explicit allowance will ensure a timely and efficient planning application process, while enabling the delivery of much needed affordable homes.

Andrew Golay MRTPI
Chartered Town Planner
Housing Supplementary Planning Document - Final

1. Recognition of individual settlements as the basis for local needs connection

Disappointingly the approach to local need and qualifying person remains the same as the Draft SPD ie to be based on local need and local connection with the parish, not with the settlement where the site is located.

This means that the justification for, and subsequent occupation of, an affordable led housing scheme on a rural exception site in for example Newlyn, Paul or Gulval would be related to the housing need in the whole of Penzance parish, not to the need or people in that village.

This would also be the basis for providing the affordable element on allocated sites, for example in Heamoor, Gulval or Eastern Green which means that those in need of affordable housing with a local connection to Heamoor or Gulval would not have any local connection priority over those in need in the whole of the town and parish when occupancy of any affordable homes was decided.

There is reference to schemes being of an "appropriate scale" to the settlement but "appropriate" can still be related to the level of need in the parish. This has already proved counter productive in gaining community support in some instances.

Cornwall Local Plan (Strategic Policies and Site Allocations DPD recognise the importance of maintaining the separate identities of the different communities within Penzance parish; the emerging objectives and policies in the Penzance Neighbourhood Plan carry forward this recognition.

Para 57 says - "It should be noted that Neighbourhood Development Plans cannot vary the criteria used to determine local housing need (or eligibility to access such homes once built), as this is set by strategic policy contained within the Local Plan and the Council’s strategic housing allocation policy - and must be consistently applied throughout Cornwall to all affordable tenures."

However, the adopted Local Plan policies do not rule out connection with the settlement - Policy 9 in the Cornwall Local Plan Strategic Policies document (Rural Exception sites) refers to the first and future occupation of the affordable housing provided being secured for those with a housing need and a local connection to the settlement or parish ….

The SPD identifies the Council’s local connection policies following from Policy 9; it could include criteria relating to the settlement, in larger parishes where there is more than one settlement, to be applied consistently across Cornwall;

In addition, the Council’s strategic housing allocation policy (how housing officers decide on the allocation of homes to people?) could follow from adopted planning policy.

This approach affects other larger parishes as well as Penzance

For example St Just (which includes Pendeen), St Ives (which includes Lelant and Halsetown), Hayle (which includes Angarrack and Phillack), …..+ others across Cornwall including larger rural parishes which include more than one village community.

2. para. 54." Although the principle of an affordable housing-led (in accordance with Policy 9) approach in those main towns set out in Policy 3 is not specifically outlined in the Local Plan; it is not the Plan’s intention to limit affordable housing led windfall development to being solely in rural areas nor to reduce the opportunities to meet housing need. To do so would prevent Registered Providers, developers and philanthropic land owners from bringing forward land for affordable housing-led sites on the edge of Main Towns, where the need for such housing is often most acute."
This is a positive change, a variation on the wording of Policy 9, which is welcomed, providing there is a distinction between local connection to the main town and the villages that fall within the parish as recognised in Cornwall Local Plan.

The definition of Local connection influences other considerations – for example people whose local connection is with Newlyn can be allocated to housing in Heamoor (on the wider parish basis) but are cut off from family support in their community with social and cost implications.

3. Vacant Building Credit

para 51. "The Vacant Building Credit (VBC) is designed to encourage the effective re-use of land by re-using sites for housing that have been previously developed. Where a vacant building is brought back into use or is demolished to be replaced by a new building, the developer will be offered a financial credit equivalent to the existing gross floorspace of the vacant building, against the calculation of any affordable housing obligation."

This is positive in encouraging re-use of buildings or sites and is supported.

Concerns (Draft SPD) – for reference

Cornwall Local Plan refers to “local needs” and “local connection policies”.

Policy 9 in the Cornwall Local Plan Strategic Policies document (Rural Exception sites) refers to the first and future occupation of the affordable housing provided being secured for those with a housing need and a local connection to the settlement or parish in line with the Council’s local connection policies.

The Draft SPD does not include details of local connection policies in either the text or the Glossary. “Housing Needs Surveys” in the glossary refers only to a Parish.

While many rural parishes are focused on one small town or village others include a number of separate settlements. Penzance parish, for example, includes Newlyn, Mousehole, Paul, Heamoor and Gulval as well as Penzance town and a number of smaller hamlets.

Different affordable housing policy approaches are relevant to the different communities within Penzance parish and community support, especially for exception sites on the edge of villages, is a significant factor. Community support is likely to be dependent on the housing to be provided being directly related to people with a need in, and connection with, the community. Equally it is important that people with a need to live in the town or in a specific village are provided for in or on the edge of that settlement rather than in a locality where they have no specific connection or family support.

It is important, therefore, that the definitions of “local need” and “local connection”, and how they are to be implemented, are included in the SPD and are related to individual settlements.

The Draft SPD should include definitions of local need and local connection that relate to the relevant settlement or parish.

In parishes that include more than one settlement, including those focused on main towns, “local need” and “local connection” should relate to the relevant settlement or community rather than to the parish.
In such parishes Housing Needs Surveys, and other evidence of local need, should also be related to the relevant settlement, not the parish as a whole.
Housing Supplementary Planning Document

Town & Country Planning (Local Planning) (England) Regulations 2012

Representation Form

Please return your completed form
by email: localplan@cornwall.gov.uk OR
by post: Cornwall Council, Local Plans Team, Pydar House, Pydar Street, Truro TR1 1XU OR
by hand: New County Hall reception (Truro) or any Cornwall Council One Stop Shop before 5pm on 6th May 2019

Fair Processing Notice
The feedback provided will enable Cornwall Council to finalise the draft Housing Supplementary Planning document and will be retained for the life of the plan. Full names and comments provided will be published online and in hard copy.

By completing the Representation Form and submitting it to the Council you are giving your consent to the processing of your personal data by Cornwall Council and that any information received by the Council, including personal data (but excluding personal contact details and any signatures), may be put into the public domain, including on the Council’s website. Publication will not include any information which you provide on the accompanying Equality Monitoring Form which will be retained for up to three months from the close of the consultation.

Part 1
Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: ELEANOR GIGGAL (TOWN CLERK)

Organisation (if applicable): HAYLE TOWN COUNCIL

Address: COMMUNITY CENTRE, 58 QUEENSWAY, HAYLE

Postcode: TR27 4NX

Email Address: 

Telephone number: 
If an agent, the individual or organisation you are representing:

Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document

(i) The adoption of the Housing Supplementary Planning document.  

| Yes/ No |

**Part 2**

**Your comments**

You may append additional sheets if you need more space to respond to any of the questions.

1. Please set out below any concern(s) you have with the draft Housing Supplementary Planning document including any change(s) you consider necessary to address this concern(s).

You will need to say how the change(s) will address your concern(s) and it would be helpful if you could put forward your suggested revised wording to the text. Please also state which paragraph(s) your concern(s) and change(s) refers to.

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<td><strong>At its full council meeting on 18 April 2019, Hayle Town Council resolved to support the Housing Supplementary Planning Document.</strong></td>
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2
Housing Supplementary Planning Document

Town & Country Planning (Local Planning) (England) Regulations 2012

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Part 1
Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: .......................................................................................................................... Helston Town Council
Organisation (if applicable): ..........................................................................................
                                  The Guildhall, Helston, Cornwall
Address: ..........................................................................................................................

..............................................................................................................................................
TR13 8ST
Postcode: ..........................................
Email Address: ..................................................................................................................
Telephone number: .............................................................................................................
If an agent, the individual or organisation you are representing:

................................................................................................................................................................................................................................................................................
Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document

(i) The adoption of the Housing Supplementary Planning document.  

Yes ☐ No ☐

Part 2
Your comments
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<td>Helston Town Council supports Cornwall Council’s adoption of the Housing Supplementary Planning document.</td>
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Equality Monitoring Form

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About you

1. Please enter your postcode ________
2. Please give your age ________
3. How do you describe your gender?
   - Female ☐
   - Male ☐
   - Gender Fluid ☐
   - Non-Binary ☐
4. How do you describe your ethnic origin? (Please read carefully before selecting the ethnic group that you feel most closely reflects your background).
   - Asian or Asian British ☐
   - Black or Black British ☐
   - Cornish ☐
   - Mixed (e.g. White and Asian) ☐
   - Other British ☐
   - Other Ethnic Group ☐
5. Do you consider yourself to have a disability?  Yes ☐  No ☐

Is there anything we can do or put in place which would make it easier for us to offer you an equal service? (For example documents in large print, hearing loop etc).

_______________________________________________________________________

Do you need someone to help you understand information? (For example someone to read documents with you or an interpreter)

_______________________________________________________________________

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Consultation Deadline: 5pm on 6th May 2019
Dear Local Plans team

Thank you for providing Highways England with the opportunity to comment on Cornwall Council’s Housing SPD, which provides guidance to support the policies within the Adopted Local Plan and the Site Allocations DPD.

Having reviewed the document, I can confirm that we have no comments.

Regards
Gaynor

Gaynor Gallacher
South West Operations – Assistant Planning Manager (Highways Development Management)
Highways England | Ash House | Falcon Road, Sowton Ind. Estate | Exeter | EX2 7LB
Tel: 
Web: http://www.highways.gov.uk
GTN: 

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Consider the environment. Please don’t print this e-mail unless you really need to.
Within "Strategic Policies" – policy 6, page 5/6 – "Housing Mix" - Illogan Parish Council therefore welcomes the clear wording of expectations for housing developments of 10 or more dwellings and would welcome a strengthening of this to commit to a delivery of this. As to the refinement of this at policy 8 (addressing "affordable housing"), Illogan Parish Council, through a memorandum to the Divisional Member notes carefully "the various target levels of affordable housing in each zone ", has received current figures and understands that this is subject to continuing review and re-vision.

Illogan Parish Council therefore suggests that it would be very helpful that a method be identified by which any such shifts could be regularly shared with Local Councils expressing an interest in them. It is further noted that (at point 7) "the affordable housing requirement set out in the Local Plan has been tested and the plan is considered up to date ". In the light of the concluding note that this is 'for an applicant', the request for those 'shifts' would be constructive, helpful and re-assuring for a given Civil Parish as a matter of course.

Paragraph 9 following - " affordable housing products" – lays out the broad parameters of Local Plan policy 8 concerning new affordable housing. Illogan Parish Council would suggest that a clear commitment to a 'protocol' as to an argued explanation would be helpful when a special case might arise – possibly as an automatic prompt for a pre-application presentation.

The related issue of affordable housing design – particularly paragraphs 65 and 67 (pages 16/17) are welcomed and supported but, again, there is concern at the weak wording (line 1) of " should typically" – especially concerning regarding " apply the nationally described space requirements". Illogan Parish Council suggests that this should be a requirement and fully recognises the use of 'described' instead of 'prescribed' is unfortunate. Therefore, and in general terms, the strictures at point 69 concerning the intentions of L.P. policy 13 that "requires all affordable housing to meet..." is strongly supported.

Equally, even stronger wording could be substituted in point 70 – regarding possible " policy intentions are not circumvented by...'. It is suggested that some phrasing as "attempts to circumvent will not be allowed" might be substituted.

Should not there be clear cross-reference to point 107, page 25 – policy 9 sites, citing affordable-housing-led exception sites with its clear exposition regarding justification ? This section is appraised as being very important and is strongly supported in all that it says and conveys.

Might there not also be a cross-reference to the linked material on page 27 and point 116 – 'entry level exception sites'. This practice is also very important in the case of the closely related topic of "self-build and affordable housing" (points 155 ff – pages 34 – 36).

The further note (paragraph 13 - 'social rented housing') with its reference to the "national rent regime" prompts an enquiry as to the sharing of the rates in discrete figures as likely for Cornwall because of the very low earned income levels here. Additionally, there seems to be a consequential possibility of generating a non-progressive distribution of Housing Benefit as well as effectively potentially flattening real demand / supply for potential tenants.

Illogan Parish Council therefore welcomes the note at paragraph 36 ("starter homes") as to planning authorities should not seek section 106 contributions that would otherwise apply to developments on under-used or unviable industrial or commercial land not allocated for housing. But Illogan Parish Council strongly recommends that this noting should be strengthened
into a firm policy and commitment. Starter Homes and Exception Sites are of particular interest to Illogan Parish Council with a fully functioning and carefully constructed NPD.

Illogan Parish Council welcomes the space and detailed consideration given to specialised housing and associated aspects – pages 28 to 34 – and the given reference at the start of point 119 to high quality safe and sustainable accommodation..., for the disabled ...etc. In view of this, it is suggested that there should be other emphasis – that is to say elsewhere in the Document – specifically on sustainability and construction standards from an environmental point-of-view and in terms of materials. This would accord well with the recently adopted Commitment by Cornwall Council as a Zero Carbon goal and fuel uses.

Kind Regards

Sarah

Sarah Willsher
Clerk to Illogan Parish Council
Unit 2
Wheal Agar
Tolvaddon Energy Park
Tolvaddon
Camborne
TR14 0HX

Tel: [redacted]

Important: This e-mail and attachments are intended for the above named only and may be confidential. If they have come to you in error you must not take action based on them, nor must you copy or show them to anyone; please contact enquiries@illoganparishcouncil.gov.uk and delete the message from your system immediately.

Please note that this e-mail may be subject to recording and/or monitoring in accordance with the relevant legislation and may need to be disclosed under the Freedom of Information Act 2000.

Security Warning: It is the responsibility of the recipient to ensure that this e-mail and any attachments are virus free. Illogan Parish Council will not accept liability for any damage caused by a virus. You should carry out your own virus checks before opening any attachment.
Housing Supplementary Planning Document

Town & Country Planning (Local Planning) (England) Regulations 2012

Representation Form

Please return your completed form

by email: localplan@cornwall.gov.uk OR

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by hand: New County Hall reception (Truro) or any Cornwall Council One Stop Shop before 5pm on 6th May 2019

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Part 1

Your contact details

You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: James Biscoe

Organisation (if applicable): N/A
Address: ..............................................................................................................................

........................................................................................................................................

Postcode: ..........................................................................................................................

Email Address: ..................................................................................................................

Telephone number: .............................................................................................................

If an agent, the individual or organisation you are representing:

..............................................................................................................................................

Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document

(i) The adoption of the Housing Supplementary Planning document. Yes

Part 2

Your comments

You may append additional sheets if you need more space to respond to any of the questions.

1. Please set out below any concern(s) you have with the draft Housing Supplementary Planning document including any change(s) you consider necessary to address this concern(s).

You will need to say how the change(s) will address your concern(s) and it would be helpful if you could put forward your suggested revised wording to the text. Please also state which paragraph(s) your concern(s) and change(s) refers to.

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Concerns, changes and reasons/evidence</th>
</tr>
</thead>
</table>
| Attachment | I note from the attached document that the vast majority of the comments made on the previous iteration of this document are merely “Noted”

I observe also that people and organisations who responded as making no comment are included in the count of those who made comments. To me saying No Comment, while it is a response of sorts, is clearly not a comment. It does not say or imply that they agree with the contents. |
<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction. I am not convinced that what is happening here is really about planning to meet the housing needs of communities. Social housing development is omitted and affordable housing hedged around with many caveats and restrictions and linked to building masses of non affordable housing. The over arching aim, bearing in mind that ultimately it is Central Government which dictates how many houses shall be built where, is still trying to kick start the economy by building loads of houses. The truth is that Cornwall does not need 52 500 houses as it stands and what is going on is planning for a transfer of substantial numbers of people from other places to Cornwall. Whether this is advantageous to Cornwall as a place and its economy is secondary if not lower down the hierarchy. Essentially we are rushing round to make a central government policy work, or at least to try and limit the detriment which it inflicts.</td>
</tr>
<tr>
<td>4</td>
<td>NPPF, what a glorious thing that is. How many times has it been revised and rebooted already with little if any consultation?</td>
</tr>
<tr>
<td>5</td>
<td>Strategic policies. I am still unable to perceive a strategic link in the Local Plan between employment and housing. People need jobs which pay them sufficient incomes to be able to buy houses. This is not happening despite all the affordable housing side of the policy such that demand for social housing is increasing and not being met.</td>
</tr>
<tr>
<td>10</td>
<td>Perpetuity; The definition provided in the glossary is unacceptable. It says that the benefits shall be available for future eligible households. Perpetuity means for ever not just for the (limited) future, it is unequivocal. The definition offered also allows revision of what constitutes eligibility so it has two loopholes. Para 10 also states that the houses should be secured in perpetuity where appropriate. Two more loopholes. In perpetuity is scattered across this document like pepper. What is the cumulative impact of the poor definition multiplied by each use of the phrase?</td>
</tr>
<tr>
<td>22</td>
<td>‘Shared ownership homes are common in Cornwall....’ How is this defined? Percentage of all properties? Percentage of sales of new homes? What constitutes common?</td>
</tr>
<tr>
<td>Paragraph</td>
<td>Concerns, changes and reasons/evidence</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>37 and 38</td>
<td>This is a brave stance and applauded. Will HMG allow it? Judicial review ahead? The notion of starter homes was destroyed by D Cameroon as I recall who said that what made something affordable as that someone could afford it?</td>
</tr>
<tr>
<td>49</td>
<td>I hope that self contained dwelling is defined somewhere?</td>
</tr>
<tr>
<td>58</td>
<td>Housing need will always be considered at the parish or town level. Does this apply to cluster parish analysis which I see referred to below? If so always in that sentence might be a problem?</td>
</tr>
<tr>
<td>62</td>
<td>Cluster parish approach. Why does this somehow seem like gerrymandering of the data? I do not see an adequate definition of where and when this approach might be applied so it could be whipped out at any point where someone finds its results beneficial to their purposes?</td>
</tr>
<tr>
<td>64</td>
<td>NB it is the Council according to this paragraph who decide when to cluster or not!</td>
</tr>
<tr>
<td>66</td>
<td>I do not see why pre application is preferred over Outline Planning. Outline planning is an established process with all the systems and checks and balances which Pre App lacks. Perhaps that is why pre app is preferred?</td>
</tr>
<tr>
<td>75</td>
<td>Surely the Council can overcome this by not granting planning consent unless the freehold is included? Justify this action on affordability grounds.</td>
</tr>
<tr>
<td>80</td>
<td>How will this be enforced if the design etc of affordable homes is the same standard as market ones?</td>
</tr>
<tr>
<td>83</td>
<td>Viability assessments. This seems unnecessarily discriminatory. Surely in the interest of transparency if for no other reason an economic viability assessment should be done for all proposed dwellings. The</td>
</tr>
<tr>
<td>Paragraph</td>
<td>Concerns, changes and reasons/evidence</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>88</td>
<td>conditions laid out in para 88 surely also dictate an assessment for all applications?</td>
</tr>
<tr>
<td>94</td>
<td>This seems to see the Council shouldering the duty of the developer and not necessarily recovering the full cost. What are the criteria for triggering this process? The process of recovering the funds is laid out but not that I can see how it is agreed to operate it.</td>
</tr>
<tr>
<td>97 bullet 1</td>
<td>A discretionary decision is always a bad thing. It can lead to accusations of bias for or against one developer compared to another. Can this not be obviated in some way?</td>
</tr>
<tr>
<td>97 bullet 3</td>
<td>I thought retention of the freehold was not preferred. Surely Council could use this as a lever to promote non retention?</td>
</tr>
<tr>
<td>98</td>
<td>It is curious how often these cascades end up on the most open step for what ever reason whether it be housing allocation or payments such as these.</td>
</tr>
<tr>
<td>99</td>
<td>This should be defined as ten two bedroom dwellings or less. Otherwise it is discretionary and open to debate about scale etc. Considering the distributed pattern of development in Cornwall the need for sites expanding the developed area by more than 10 such dwellings is unlikely to be for local needs.</td>
</tr>
<tr>
<td>104 onwards</td>
<td>If this were to work as seems to be implied then the numbers of market housing units would be far short of the government imposed 52 500. There are simply not enough genuine local needs affordable housing people. This then links back to how local affordable need is evaluated which is still a weak part of the package.</td>
</tr>
<tr>
<td>110</td>
<td>Pre Application is not a god process from the point of view of the community as only sketchy information is provided and the community is expected to signify agreement albeit not being formally consulted via their parish council.</td>
</tr>
<tr>
<td>113</td>
<td>And yet a Pre App could be processed which provides even less information. Surely not a good thing?</td>
</tr>
<tr>
<td>116</td>
<td>This seems to suggest that in rural areas the landowner must make a significant contribution to lowering the cost of affordable homes? Where land is adjacent to settlements surely the market would value that more highly than more distant parcels precisely because of its location and thereby likelihood of getting planning consent? The glossary suggests that entry level homes are cheaper again. So are these cheaper than affordable and starter homes? This is unclear.</td>
</tr>
<tr>
<td>124</td>
<td>The difference between Specialist Housing and Extra Care is not clear especially when the paragraphs on Specialist Housing include</td>
</tr>
<tr>
<td>Paragraph</td>
<td>Concerns, changes and reasons/evidence</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>131</td>
<td>comments about the Council working to secure development of Extra Care places. The building regulations and design specifications should require that all new homes are wheelchair friendly. Built in at the start these requirements are much cheaper than retrofitting them.</td>
</tr>
<tr>
<td>136</td>
<td>All such homes should be 2 bedroom so that if needs be a carer or friend or relative can be accommodated thereby obviating the removal of the occupant to a care facility as long as possible.</td>
</tr>
<tr>
<td>149</td>
<td>If the spec was wheelchair friendly throughout this would be unnecessary.</td>
</tr>
<tr>
<td>155</td>
<td>Why is self build only considered in rural areas? A house is a house rural or urban so why not urban self build?</td>
</tr>
<tr>
<td>157</td>
<td>What constitutes self build? Does the person who will occupy the premises have to actually mix the cement and lay the blocks themselves? What then happens when they come up against say, plumbing or electricals or roofing if they do not have the skills? If this is not defined surely there is scope for someone to go self build when in fact what they are doing is hiring contractors to do the work and saving themselves a lot through being designated self build? A council provided site and service scheme would be very attractive I am sure. How long does the property have to be occupied by the self builders? I can see circumstances where, for instance, a family grows, that more space may be needed.</td>
</tr>
<tr>
<td>158</td>
<td>Why have several options? Why not lay down a clear path to follow.</td>
</tr>
<tr>
<td>167</td>
<td>OK this is the CIL relief requirement what about the other conditions are they all three years’ occupancy?</td>
</tr>
<tr>
<td>Appendix 3</td>
<td>Local connection criteria. This is a problem from the start having a moving target. The whole Homechoice register is questionable so to base further conditions on that is bound to be shaky.</td>
</tr>
<tr>
<td>Appendix 4</td>
<td>Extra care space standard. So the items at the bottom of the table are optional. Guest room, gardens, and car parking for staff and visitors. These must all be obligatory.</td>
</tr>
<tr>
<td>Glossary</td>
<td>Staled sites. What constitutes ceased? How long does there have to be no demonstrable progress before cessation is identified?</td>
</tr>
<tr>
<td>Paragraph</td>
<td>Concerns, changes and reasons/evidence</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>I see no reference to what action the Council will take when sites stall. What options are there available to the Council?</td>
<td>Single plots and individual needs dwellings. This is an invitation to sporadic development in the open countryside which has been a long standing result to be avoided. Every farmer wanting to retire on his own land. Every farmers’ son wanting a house. I see nothing about conditions on the occupation or sale of such properties. This is an open goal waiting for arrivals. Why bother with much of the local plan and all its accoutrements if you have this option available. Developers must be celebrating.</td>
</tr>
</tbody>
</table>
**Equality Monitoring Form**

Cornwall Council is committed to ensuring that our services, policies and practices are free from discrimination and prejudice and that they meet the needs of all the community. For us to check we are providing fair and effective services, we would be grateful if you would answer the following questions. **You are under no obligation to provide the information requested below, but it would help us greatly if you do.**

The information you provide on this Equality Monitoring Form will be processed in accordance with the requirements of the Data Protection Act 1998 and will not be passed onto any third party. At all times, it will be treated as confidential and used only for the purpose of equality monitoring. All sensitive personal information held by Cornwall Council is held safely in a secure environment. Thank you for your assistance.

**About you**

1. Please enter your postcode __________  
2. Please give your age __________

3. How do you describe your gender?

   - **Female** □   
   - **Male** □   
   - **Gender Fluid** □   
   - **Non-Binary** □

4. How do you describe your ethnic origin? (Please read carefully before selecting the ethnic group that you feel most closely reflects your background).

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   - **Black or Black British** □
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Consultation Deadline: 5pm on 6th May 2019
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**Part 1**
**Your contact details**
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: Mr D S Dunlop
Organisation (if applicable): D2 Planning Limited
Address: Suite 3 Westbury Court, Church Road, Westbury on Trym, Bristol
Postcode: BS9 3EF
Email Address: 
Telephone number: 

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If an agent, the individual or organisation you are representing:

Jackamax

Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document

(i) The adoption of the Housing Supplementary Planning document.  

Yes / No

Part 2
Your comments
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</thead>
<tbody>
<tr>
<td>6</td>
<td><strong>Policy 9</strong></td>
</tr>
<tr>
<td></td>
<td>Policy 9 specifically allows for exception sites to be delivered which provide affordable housing. We have been involved in a number of such sites and provide thoughts on the implementation of this policy. In practice providing 50% affordable housing on such sites becomes extremely unattractive to open market purchasers. This happens where a management company is in place and open market purchasers think that they are subsidising the site’s amenities for the affordable housing. This is particularly the case as the Registered Providers are only willing to pay a fixed price for these contributions which falls well short of what is required. Accordingly, the viability of these schemes going forward is questioned. The SPD should address this issue.</td>
</tr>
<tr>
<td>9-10</td>
<td><strong>Affordable Housing Definition</strong></td>
</tr>
<tr>
<td></td>
<td>The NPPF published in February 2019 sets out the definition of Affordable Housing in Annex 2 Glossary. It is defined as: -</td>
</tr>
</tbody>
</table>
Concerns, changes and reasons/evidence

“housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions: -

a) Affording housing for rent
b) Starter homes
c) Discounted market sales housing
d) Other affordable routes to home ownership”

It is important to ensure that the SPD covers all of these definitions for affordable housing and that provision is made for all types of affordable housing. Whilst the SPD identifies the various types of affordable housing it is unclear how certain types of affordable housing will be provided in practice.

36-39

Starter Homes

Objections are lodged to this part of the SPD on the basis that it is apparent that the guidance does not comply with paragraph 21 of the NPPF. The NPPF confirms that starter homes should be considered as part of the suite of affordable housing provision in a given area. The SPD essentially states that it might be acceptable and paragraph 39 concluded that it will not be acceptable on exception sites. This is totally contrary to the advice in the NPPF and the SPD should look to facilitate such schemes particularly as it is a good way of assisting development for local people particularly in rural areas.

52

Rounding Up the Affordable Housing Provision

It is recognised that Policy 8 requires between 25% - 50% affordable housing to be provided on a site depending on the Value Zone the site is located. However, where a site is situated on the edge of a settlement and clearly the houses are being provided for that settlement, then the rate to be applied should be that which applies to the settlement, even though the site may be located in the higher value zone.
<table>
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<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>Furthermore, we do not believe that it is correct to round up affordable housing from a point below 5 percentage. This will not assist the delivery of affordable housing particularly on sites where the viability is marginal.</td>
</tr>
</tbody>
</table>

**62-64**  
**Cluster Parish Approach**  
It is accepted that the need for affordable housing in rural areas should be for the benefit of the local households. It is also accepted that where these local households do not come forward for affordable housing then a wider search should be undertaken e.g. Parish wide etc. However, there should also be a recognition that in some circumstances, the affordable houses will not be occupied and accordingly consideration should be given to changing the tenure of these properties to say open market.

**72-74**  
**Design & Distribution of Affordable Housing**  
It is a well established principle of the design of affordable housing should be ‘tenure blind’ and indistinguishable from open market properties. With regards clusters of affordable housing, the advice is overly prescriptive and we believe that there will be circumstances where clusters greater than 6-8 dwellings will be appropriate. Furthermore, larger clusters which will be tenure blind have greater efficiency in terms of management for the Registered Providers.  
The cluster of affordable housing and its position in relation to open market dwellings is extremely important particularly with regards the overall viability of schemes. This is an important consideration which must be taken into consideration.

**79-82**  
**Phasing**  
Concern is expressed at the suggested phasing triggers. This should be treated on a site by site basis. The desired timing of the delivery of affordable housing at the start of a particularly larger site only works to strain cashflow particularly where other up front infrastructure and financial contributions are required. The
<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Concerns, changes and reasons/evidence</th>
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<tbody>
<tr>
<td></td>
<td>requirements set out in paragraph 66 can potentially stall a site and accordingly they should be deleted.</td>
</tr>
<tr>
<td>83-88</td>
<td><strong>Viability Assessment</strong></td>
</tr>
<tr>
<td></td>
<td>The Cornwall Local Plan predated the publication of the NPPF in July 2018. It is therefore wrong to suggest that no viability assessments would be accompanied with any applications. Clearly, once the Local Plan review has followed the advice in the NPPF then that represents a change in circumstances but it would be incorrect to adopt such an approach now. Indeed, rather than accept the delivery of affordable housing it would be the opposite effect.</td>
</tr>
<tr>
<td>85</td>
<td>The reference to £10k per plot is unrealistic especially on smaller sites. The land owner simply does not get the return required to allow the dals to be completed. This figure should be updated rather than leaving it to the developers to subsidise the issue.</td>
</tr>
<tr>
<td>95-96</td>
<td>A fixed enabling activity fee seems extremely high and should be re-examined. The exception clause is welcomed but it is at the Council’s discretion. A clear set of criteria should be provided when it is to be applied.</td>
</tr>
<tr>
<td>124</td>
<td>We do not believe the extra care homes should be subject to affordable housing. The dwellings are meeting a specific need in the housing sector and accordingly should be exempt from providing affordable housing.</td>
</tr>
</tbody>
</table>

**Any Questions?**
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**Consultation Deadline: 5pm on 6th May 2019**
Housing Supplementary Planning Document

Town & Country Planning (Local Planning) (England) Regulations 2012

Representation Form

Please return your completed form
by email: localplan@cornwall.gov.uk  OR
by post: Cornwall Council, Local Plans Team, Pydar House, Pydar Street, Truro TR1 1XU  OR
by hand: New County Hall reception (Truro) or any Cornwall Council One Stop Shop before 5pm on 6th May 2019

Fair Processing Notice
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By completing the Representation Form and submitting it to the Council you are giving your consent to the processing of your personal data by Cornwall Council and that any information received by the Council, including personal data (but excluding personal contact details and any signatures), may be put into the public domain, including on the Council’s website. Publication will not include any information which you provide on the accompanying Equality Monitoring Form which will be retained for up to three months from the close of the consultation.

Part 1
Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: Cllr Ashley Wood

Organisation (if applicable): Lanner Parish Council

Address: 

Postcode: 

Email Address: 

Telephone number: 

If an agent, the individual or organisation you are representing:

Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document

(i) The adoption of the Housing Supplementary Planning document.  Yes

Part 2
Your comments
You may append additional sheets if you need more space to respond to any of the questions.

1. Please set out below any concern(s) you have with the draft Housing Supplementary Planning document including any change(s) you consider necessary to address this concern(s).

You will need to say how the change(s) will address your concern(s) and it would be helpful if you could put forward your suggested revised wording to the text. Please also state which paragraph (s) your concern(s) and change(s) refers to.

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<tr>
<td>Foreword</td>
<td>We wish to repeat our suggestion that, for clarity, the term “affordable housing” should be written as “Affordable Housing”. This is because the term now has a prescribed meaning which is different from the general understanding of the word “affordable”. It covers a range of “products” as identified further on in the document and is really an umbrella term for various types of discounted rents and prices. This is recognised in the SPD in paragraph 14 where what might be “genuinely affordable” is differentiated from “affordable” a a generic term.</td>
</tr>
<tr>
<td>Paragraph 1</td>
<td>It is a fact that planning for new housing is not simply for “meeting the housing needs of our communities” and the document should be honest on this point. It is also about meeting the anticipated needs of inward migration into the county and the demand for second/holiday homes. There is nothing wrong with this, but the document should present an honest picture which properly reflects the analysis in the Local Plan.</td>
</tr>
<tr>
<td>Paragraph 5</td>
<td>In line 4, insert “a” between “of” and “minimum”.</td>
</tr>
<tr>
<td></td>
<td>The time since the start of the Local Plan period is now such that insertion of “from 2010 – 2030” in substitution for “by 2030” would aid clarity.</td>
</tr>
<tr>
<td></td>
<td>As at April 2018, it is understood that completions, extant permissions, allocations and anticipated “windfalls” totalled 57,993 (a 10% excess over the base housing requirement – providing a reasonable buffer against stalled sites). It should be possible to update that figure to April 2019 to check progress in delivery.</td>
</tr>
<tr>
<td>Paragraph</td>
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| Paragraph 14 | The document “Delivering the Cornwall Local Plan” anticipated providing new “garden villages” in addition to the Local Plan housing requirement. Although the figure in the Local Plan is a minimum, there appears to have been no justification as to why these planned “garden villages” should be counted as additional to the basic housing requirement rather than part of it. Such justification would seem to be essential for the integrity of the Plan and this SPD.  
Line 3: change full stop for a comma.  
It is not clear whether the discount to open market rent on a Social Rent is fixed or will it vary if and when the income of the household varies relative to average income.  
Unlike Affordable Rented housing, service charges are usually separate from pure rent and added on to the Social Rent. What is the policy with regard to service charge on Social Rent tenancies? Is it capped or controlled in some other way? |
| Paragraph 15 | |
| Paragraph 17 | There was no response to our previous question as to how the Council will seek to encourage more Social Rent housing. Is it unfair or inaccurate to assume that this can only be done by accepting a greater proportion of open market housing on sites than would normally be the case?  
Remove the comma in Line Six. |
| Paragraph 38 | The opening words “In general” are superfluous. |
| Paragraph 41 | Capital P for Policy 9, line 3 for consistency |
| Paragraph 47 | Capital P for Policy 9, line 7 |
| Paragraph 48 | “use classes order” should read “Use Classes Order” |
| Paragraph 55 | The substitution of “appropriate scale” for “smaller scale” significantly changes its meaning. The NPPF, refers to “small sites” not “small scale” in any event; but “appropriate scale” in the context of a town could be interpreted as a site of some significance in size. A small site, in common parlance, reflects, for example, the cut-off point whereby a development site incurs a charge for affordable home contribution: that is, 10 dwellings. Use of “appropriate scale” could result in an “exception site” many times that size spilling into open countryside. Such larger sites should be allocated sites in the Local or Neighbourhood Plan. They would be quite outside any concept of “windfall”.  
The words “appropriate scale” should be replaced by “small site” to have conformity with NPPF. We are reminded that the Examiner of the Local Plan “raised an eyebrow” over past use of exception site policy to justify developments of 40 – 90 dwellings.  
To date, the words “Neighbourhood Development Plans cannot vary the criteria used to determine local housing need” have been employed to remove any scrutiny of the accuracy or methodology employed by the Affordable |
<table>
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<tr>
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</table>
| Paragraph 58 | Housing Officer in the application of data obtained from the HomeChoice register and other housing registers. Lanner has shown in the past that a very high percentage of households on the register with a local connection to the parish have no desire to actually live in the parish. This could be for any number of reasons. Employment may be some distance away. There is little purpose in someone taking up a property at a discounted rent if that requires high transport costs. Many young people do not wish to live too close to their parents. One partner in a relationship may wish to live in a different location because they do not have close ties with the subject parish (that is, a household can have more than one “local connection”). It’s about building houses in the right places. An unwillingness to rationally discuss the needs of a community with that community is a very sad state of affairs and signals bad planning. This paragraph demands to be rewritten to allow meaningful and transparent interpretation of data conducted within the democratic process. There is nothing within the Cornwall Local Plan which prevents this from happening. This paragraph reinforces the belief that “local needs housing” is quantified simply by reference to the summation of households on the register with a local connection to a particular parish and nothing more. That is the number of houses that can/will be built irrespective of whether or not applicants actually want to live in that location. This is a recipe for poor planning. It is simply not vigorous enough.
<p>| Paragraph 59 | There is also little motivation for any Local Housing Needs Survey to be undertaken if, as is implied here, it will only be taken into account if it increases the perceived need for local housing. The process needs to be re-thought to include much greater community engagement without pre-determination and an acceptance of local variation from a standard methodology. The cascade principle was essentially constructed to tackle second or subsequent lettings to prevent voids. It was also a safety net should local needs change between site identification and completion of the development. As it stands, the employment of the cascade principle underwrites bad planning and lazy assessment of the level of truly local need or it is a tool for deliberately using rural exception site policy to meet needs outside the parish. This has been the experience of Lanner and Stithians where in a failed attempt to fill “local needs housing” with local people, new houses have been offered to existing social housing tenants with a view to selling on the houses which they already occupy as open market housing. In both these cases barely two-thirds of the built new homes went to people with a local connection. A methodology which produces results much closer to real local needs is a prerequisite to the integrity of Policy 9. |
| Paragraph 60 | In line with recent government guidance, sites should not be considered stalled or undeliverable if a detailed planning permission is in force and three years have not elapsed since it was granted. If a site is not considered to be deliverable or to have stalled, the Planning Authority should provide sound reasons for declaring it so. There needs to be a clear process in arriving at this decision so that it is not seen as arbitrary. To prevent a proliferation of |</p>
<table>
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<tr>
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</table>
| Paragraph 62 | permissions, all sites declared stalled or undeliverable should be capable of having their permission rescinded (without compensation).

This is very welcome.

The drafting of this paragraph is a backward step from the previous draft (paragraphs 50 – 52). The inference from the new wording is that housing may be acceptable in unsustainable locations. What is intended though is that some locations cannot support sustainable development by virtue of their geography and/or infrastructure. In such cases, “local connection” may be applied on a Cluster Parish Approach. The drafting needs to be more precise and explicit. Brevity is not always beneficial.

In fact, Paragraph 62 could be simply deleted and with the words “As outlined above” removed from Paragraph 63, the latter can be renumbered. Paragraph 63 spells out the Cluster Parish Approach perfectly clearly without ambiguity and makes Paragraph 62 redundant.

Insert “to” between “sold” and “an” in line 4.

Change “Lanning Authority” to “Planning Authority”

Line 4 – the word “usually” is superfluous.

Whilst the NPPF does not define ‘small’ it does not relate that term to “scale” and the two terms may well be in conflict. Excepting a Cluster Parish Approach, scale on its own could suggest a site for 30 or more dwellings would be permissible on the edge of a larger village or a small town. This would not be a small site though as inferred in the NPPF. A small site is more likely to be understandable by relating it to the size of a standard development where an affordable house contribution would be triggered. That is to say, a small development is for 10 dwellings or less. This is thoroughly in keeping with the philosophy behind rural exception sites. The matter of scale is ancillary to but not equal to the concept of small. So, for example, a small development may nonetheless be inappropriate because of its scale or physical impact on the village or town which it adjoins. This distinction needs to be made. The distinction is alluded to in Paragraph 100 but is then obfuscated in Paragraph 101.

Scale is about proportionality. Size is obviously a key element in assessing scale but scale must not determine size. Scale can also be affected by topography: that is, apparent scale. It is site specific and should not be considered a mathematical ratio between the proposed number of dwellings and the existing number of dwellings within the community. Otherwise there will be an army out there armed with slide-rules seeking precedent to justify inappropriate developments no longer “small”.

Capital P for Policy 9 in line 1

Capital P for Policy 9 in line 1
Concerns, changes and reasons/evidence

**Local Connection Criteria**

Insert “a” between “part of” and “community-led”

For the purpose of clarification, should an extra paragraph be provided to underline that, subject to the application of the cascade principle where necessary, local connection with regard to rural exception sites means a connection to the parish in which the rural exception site is located?

Housing Needs Surveys can provide so much more than a “snapshot” to supplement the data from the HomeChoice Register. An ideal would be a form issued to every household in the parish PLUS one to everyone outside the parish with a local connection who is on the HomeChoice Register. The form should add the instruction: “this survey is sent to you because you have a connection to X parish. If you would wish to be considered for an affordable home located within the parish, please complete and return the survey. If you are seeking an affordable home but in a different parish or town please indicate your preferred location.”

---

**Equality Monitoring Form**

Cornwall Council is committed to ensuring that our services, policies and practices are free from discrimination and prejudice and that they meet the needs of all the community. For us to check we are providing fair and effective services, we would be grateful if you would answer the following questions. **You are under no obligation to provide the information requested below, but it would help us greatly if you do.**

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**About you**

1. Please enter your postcode __________
2. Please give your age __________
3. How do you describe your gender?
   - Female ☐
   - Male ☐
   - Gender Fluid ☐
   - Non-Binary ☐
4. How do you describe your ethnic origin? (Please read carefully before selecting the ethnic group that you feel most closely reflects your background).
   - Asian or Asian British ☐
   - Black or Black British ☐
   - Cornish ☐
   - Mixed (e.g. White and Asian) ☐
   - Other British ☐
   - Other Ethnic Group ☐
5. Do you consider yourself to have a disability?   Yes ☐  No ☐
Is there anything we can do or put in place which would make it easier for us to offer you an equal service? (For example documents in large print, hearing loop etc).

_______________________________________________________________________

Do you need someone to help you understand information? (For example someone to read documents with you or an interpreter)

_______________________________________________________________________

6. It would help the Council to know of any barriers you have faced when dealing with us.

Any Questions?
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Consultation Deadline: 5pm on 6th May 2019
Housing Supplementary Planning Document

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Part 1
Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: ...Mrs Melanie Kilby (Clerk / RFO)

Organisation (if applicable): Linkinhorne Parish Council

Address: ...

Postcode: ...

Email Address: ...

......................................................................................................................................................................................................................
If an agent, the individual or organisation you are representing:

Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document

(i) The adoption of the Housing Supplementary Planning document.  Yes

Part 2
Your comments
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<tr>
<td>Housing Supplementary Planning Document Adoption Consultation April 2019 Response on behalf of Linkinhorne Parish Council</td>
<td>Linkinhorne Parish Council (LPC) welcome the opportunity to provide comments on the pre-adoption draft of the Housing SPD. LPC are broadly supportive of the document subject to the following observations. We find that the Housing SPD has a bias towards the provision of affordable housing. We recognise the importance of provision of all forms of housing aimed at bridging the affordability gap in Cornwall however this is not the only substantial housing issue facing the community. The Parish of Linkinhorne is situated in South East Cornwall and is part of the Caradon Community Network Area (CCNA).</td>
</tr>
<tr>
<td>Paragraph 123</td>
<td>Concerns, changes and reasons/evidence</td>
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<tr>
<td>Linkinhorne parish covers an area of 3207 hectares with a population of 1,541. In common with the CCNA it has an older than average population when compared with Cornwall or England. Percentages in the 65 – 74 age band are 13.5, 11.6 and 8.6 respectively. (NOMIS 2011 Census)</td>
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<tr>
<td>“Housing our Aging Population” a research/policy paper prepared for the Local Government Association (September 2017) highlighted a number of key facts:</td>
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<tr>
<td>• The number of people over the age of 65 is forecast to rise over the next decade from the current 11.7 million to 14.3 million by 2025.</td>
<td></td>
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<tr>
<td>• The vast majority live in the mainstream housing market, accounting for a third of all homes and 60% of household growth.</td>
<td></td>
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<tr>
<td>• Only 0.6% of over 65s live in housing with care.</td>
<td></td>
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<tr>
<td>The paper also highlighted a number of initiatives aimed at addressing the issue which we believe need to be considered for inclusion within the Housing SPD.</td>
<td></td>
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<tr>
<td>Meeting the needs of an aging population must therefore be a critical element of housing and planning policy not just for our parish but the County as a whole. We are therefore disappointed to find that there is no reference to “Lifetime” homes. We believe it is not sufficient to rely on the forthcoming changes to Part M of the Building regulations to address this matter. (Parliamentary answer 16th April 2019.)</td>
<td></td>
</tr>
<tr>
<td>Paragraph 123 of the Housing SPD acknowledges the fact of the aging population but translates this into a statement on Extra Care Housing. The small section on housing without Care gives little indication as to how this is to be delivered. We would draw attention to the Parliamentary Written Answer of 15 April with regard to the importance government places putting appropriate policies in place.</td>
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<tr>
<td>We welcome the section on Self and Custom Build but believe it is not sufficiently ambitious, e.g. it does not recognise that a substantial number of the elderly are asset rich and are in a position to create/provide housing of a type capable of meeting the needs of the elderly. We would add that we are not currently convinced that Cornwall’s approach to maintaining a self-build register based on planning permission for one or two dwellings meets the governments objective. Furthermore, the statement in paragraph 153 is contrary to government guidance.</td>
<td></td>
</tr>
<tr>
<td>The Introduction section covering the NPPF references the “traditional” aspects of housing without properly referencing the full range of the Government’s agenda set out in the NPPF February 2019. We note that the NPPF in its current form post dates the adoption of the Cornwall Local Plan and therefore the SPD provides an opportunity to properly reflect the changing...</td>
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<td>Paragraph</td>
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<td>emphasis on housing delivery and types of housing to be delivered as set out in Section 5 and Annex 2. With regard to the delivery of affordable housing on exception sites and/or other forms of exception site housing whether special needs, local needs, extra care, custom or self-build, etc. when privately owned need to be subject to a number of legal limitations in order to ensure that the “exception” that led to the grant of planning permission is maintained. However, we are concerned that with regard to discounted sales values care is taken not to create a value structure which results in near or actual negative equity. We are not convinced that the current method of calculation avoids the pitfall whereby a mortgagee would refuse a loan because of the risk of negative equity arising from any attempts at further sales of any given property. We would hope therefore that the Council have ensured that the proposal for discounting have the support of the majority of lenders.</td>
</tr>
<tr>
<td></td>
<td>Linkinhorne Parish Council suggests that definitions for the terms Adjacency and Rounding Off are added to the SPD. At the recent “Meet the Planners” event at Liskeard 28th February 2019 there was presentation on the planning issues linked with the terms &quot;Rounding off and Adjacency&quot;. Recent issues within our Parish associated with the definition of Adjacency have highlighted the potential for flexibility in interpretation of meaning which we feel requires clarification.</td>
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<tr>
<td></td>
<td>We note that Cornwall Council declared &quot;A climate emergency&quot; 23rd January 2019. Neither the overall statement nor the design section of the SPD has a requirement for developers, architects or planners to ensure that all new properties are designed with a significantly reduced carbon footprint. We believe that failure to address this “emergency” is a significant lost opportunity to promote renewable energy supply capability and carbon neutral house designs.</td>
</tr>
<tr>
<td></td>
<td>Linkinhorne Parish Council April 2019</td>
</tr>
</tbody>
</table>
Cornwall Council is committed to ensuring that our services, policies and practices are free from discrimination and prejudice and that they meet the needs of all the community. For us to check we are providing fair and effective services, we would be grateful if you would answer the following questions. **You are under no obligation to provide the information requested below, but it would help us greatly if you do.**

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**About you**

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_______________________________________________________________________

Do you need someone to help you understand information? (For example someone to read documents with you or an interpreter)

no

_______________________________________________________________________

6. It would help the Council to know of any barriers you have faced when dealing with us.

   ___none__________________________

   ___
**Any Questions?**
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**Consultation Deadline: 5pm on 6th May 2019**
Cornwall Council  
Local Plans Team  
Pydar House  
Pydar Street  
Truro  
TR1 1XU  

3rd May 2019

Dear Sir / Madam,

Housing Supplementary Planning Document

I write on behalf of LiveWest who are looking to deliver up to 400 new affordable homes per annum in Cornwall, subject to being able to secure suitable opportunities.

LiveWest submitted comments on a previous draft of the document in October 2018 regarding the proposal to restrict shared ownership in perpetuity in certain circumstances. The main reasons for our concern remain and these are: the more limited market that restricted shared ownership commands, our concern for purchasers when attempting to secure mortgages at competitive loan rates and the problems that a restricted form of lease can create when shared owners look to sell-on their share. We think that restricted shared ownership creates less beneficial terms for ownership and creates artificial barriers to home ownership in Cornwall.

In Designated Protected Areas we have previously discussed with the council that homeowners need to be able to staircase to 100%, without the obligation on the freeholder to re-purchase. There are provisions agreed with Homes England that allows this to take place where grant funding is provided to a scheme.

Taking the above into account, we are concerned about the current wording of paragraphs 20 and 21 within the revised draft of the document.

**Paragraph 20** currently mixes issues related to exception sites with those that relate to shared ownership homes supported by public grant funding. LiveWest accepts that shared ownership homes that are defined as affordable in any Section 106 Planning Obligation in respect of an exception site are required to be affordable in perpetuity in accordance with the National Planning Policy Framework (NPPF). However, shared ownership homes that are delivered outside of any Section 106 Planning Obligation on an exception site, but with the support of grant, would not be required to be provided in perpetuity. The two should not be confused.
We also think that Paragraph 20 is not clear about what is meant by ‘developer subsidy’. LiveWest recognises and accepts the principle of public grant having to be recycled in the event of staircasing, but does not recognise the concept of ‘developer subsidy’ and would suggest that this wording be removed or redrafted to refer specifically to public grant funding.

We would suggest rewording of this paragraph as follows:

‘Shared ownership homes, when required through a Section 106 Planning Obligation, must be provided in perpetuity when provided on rural exception sites’ (Delete all text after)

In respect of paragraph 21 which addresses Designated Protected Areas (and given the existing provisions that exist with Homes England in respect of granting waivers where grant funding is provided to support the delivery of shared ownership homes in DPA’s) we would like to see the wording revised as follows:

‘On sites with Designated Protected Areas – except where otherwise agreed with Homes England (or any successor body) in respect of waiver provisions being applicable – there is a requirement for such homes to remain as affordable homes in perpetuity and not to be lost to the open market. (Rest of text retained)

In addition to these points, we note that the requirement for affordable homes for sale to be retained as affordable in perpetuity is not imposed in the adopted Local Plan. A Supplementary Planning Document should not seek to impose new requirements to existing policy.

Yours faithfully,

Katie Wakefield
Development Planning Manager
Hi

I have been instructed by Lostwithiel Town Council to resubmit the Council’s previous comments submitted on 28 November 2018 and to ask for an explanation why these comments have not been incorporated into the revised Housing Supplementary Planning Document.

Sandra

Mrs S Harris
Town Clerk
Lostwithiel Town Council
Taprell House
North Street
Lostwithiel
Cornwall
PL22 0BL
Part 2

Your comments

You may append additional sheets if you need more space to respond to any of the questions.

1. Please set out below any concern(s) you have with the draft Housing Supplementary Planning document including any change(s) you consider necessary to address this concern(s).

You will need to say how the change(s) will address your concern(s) and it would be helpful if you could put forward your suggested revised wording to the text. Please also state which paragraph(s) your concern(s) and change(s) refers to.

General Comments

It is inappropriate to put out a document as complex as this without providing an opportunity for a face-to-face conversation with Cornwall Council staff. Lostwithiel Town Council suggests that, in future when responses are required to such a document, a number of engagement events should be set up.

From the point of view of a potential purchaser ‘Affordability’ cannot be defined simply on the basis of purchase price. The affordability of a property depends on levels of pay and unemployment, both of which are significant factors in Cornwall. A house is not affordable at any price to someone on low wages and unable to raise a mortgage.

This applies even in the case of shared ownership and rented property, as it is the total outlay relative to income that is important.

Lostwithiel Town Council has received examples where the weekly wage of members of the community is too low to render any of the affordable schemes to permit home ownership. The Town Council considers that there should be included in the mix in any development which qualifies for an affordable element, a proportion of houses whose discount relates to individual earnings rather than area average earnings.

Paragraph-specific comments

24
Lostwithiel Town Council would like to see this proviso applying to all sites; not restricted to exception sites and Designated Protected Areas.

25
Lostwithiel Town Council does not agree with shared ownership being Cornwall Council’s preferred solution. It supports the concept of shared ownership, but it does not result in ‘affordable’ housing remaining affordable in perpetuity. The Draft SPD proposes that gains be ‘recycled’ into designated affordable schemes elsewhere. So, gains from affordable housing lost in Lostwithiel could be recycled into schemes in, say, Penzance or Saltash - so, how does this help people in Lostwithiel? The plan is not even specific that the designated sites must be in Cornwall. If the intention is to geographically restrict the recycling then the SPD should be clear on this point.

Even if recycling is within the same local council area, it means that an area would constantly have to find new sites for development. In the case of Lostwithiel, if we lost affordable housing from within our development boundary, we would have to find land outside the boundary that is large enough in area to accommodate a development capable of delivering the requisite replacement affordable housing. Our Neighbourhood Plan currently identifies land for development allowing 300% above Lostwithiel’s minimum requirement. This SPD policy would mean that percentage rising even further. This is a policy for continuing housing growth, even if there is no open market demand: and if there is no demand there would be no development and no replacement affordable housing.

The proposal to recycle gains also means a time lag between losing the affordable housing and a new site becoming available, even if development were to be possible because of a sudden unexpected (and quite massive) growth in demand for open market housing.

38
Para 38 states “A tapered penalty equivalent to the original level of discount of the purchase price will be payable if the property is sold within the first year of purchase; reducing by 20% of that discount (by value) in each subsequent year until year 6 when the property can be sold with no penalty.”

Which? (the Consumer Association) says
“Starter homes might not be the best option for those who are looking to move up the property ladder quickly, however, as buyers wouldn’t be allowed to sell homes on at full market value until 15 years after they are purchased (updated August 2018)”

Lostwithiel Town Council wonders which is the correct figure.

There is a concern that these do not add to the stock of in-perpetuity affordable housing. Lostwithiel Town Council thinks they should.

44
If the rent is subsidised then why not restrict the value on re-sale?

53
Only if the community supports this in their Neighbourhood Plan; if there is one. The community should remain in control and not have affordable houses designated for purchasers from neighbouring areas imposed on them.

54
The affordable housing mix should be as specified in the Neighbourhood Plan if there is one.
Can it be made more explicit that, should a developer discover unanticipated costs, these costs cannot be used to negotiate a lower proportion of affordable housing.

106
It would be useful if the SPD encouraged development of C3 extra-care housing (independent living) which could convert to C2 (institutionalised living) accommodation.

139
Exception sites should be used only where land, identified for development in a community’s Neighbourhood Plan, is inappropriate.

145
If land is identified for development, in a Neighbourhood Plan, it should be a planning requirement that self-build plots are made available on such land and only if there is no uptake could they be part of any Rural Exception development.

146
Comment as above. Rural Exception sites should not be identified while there is still land identified in a Neighbourhood Plan which could accommodate self-build houses.

157
Off-site affordable housing should not be provided outside of land identified for development in a Neighbourhood Plan.

Equality Monitoring Form
Cornwall Council is committed to ensuring that our services, policies and practices are free from discrimination and prejudice and that they meet the needs of all the community. For us to check we are providing fair and effective services, we would be grateful if you would answer the following questions. You are under no obligation to provide the information requested below, but it would help us greatly if you do.

The information you provide on this Equality Monitoring Form will be processed in accordance with the requirements of the Data Protection Act 1998 and will not be passed onto any third party. At all times, it will be treated as confidential and used only for the purpose of equality monitoring. All sensitive personal information held by Cornwall Council is held safely in a secure environment. Thank you for your assistance.

About you

1. Please enter your postcode

2. Please give your age N/A
3. How do you describe your gender? N/A

4. How do you describe your ethnic origin? (Please read carefully before selecting the ethnic group that you feel most closely reflects your background). N/A

5. Do you consider yourself to have a disability? N/A

6. Is there anything we can do or put in place which would make it easier for us to offer you an equal service? (For example documents in large print, hearing loop etc). N/A

Do you need someone to help you understand information? (For example someone to read documents with you or an interpreter) N/A

7. It would help the Council to know of any barriers you have faced when dealing with us.
Dear CC Local Plan Team,

In the Foreword of the SPD document, you state:

“Good quality housing is vital and it is important that our housing stock is appropriate to meet the needs of our communities;”

In that regard, could you please therefore explain to me the following:

1- why did CC Building Control allow Persimmon, Taylor Wimpey and other developers to build so many substandard and even dangerous homes in Cornwall over recent years, as highlighted by both the local and national press?

2- I understand from ONS statistics that deaths continue to outnumber births in Cornwall, so given the additional 52,500 new homes planned for Cornwall in 2010-30, can you please define “our communities”, as here in Falmouth, most new houses seem to go to non-Cornish residents rather than to our own children and other locals.

3- given the Local Plan started in 2010, and we’re now in 2019, how many units have already been built in this period and what happens in 2030, or when you reach the 52,500 target?!!

Yours sincerely,
Lowena Tremore
Housing SPD – comments from Mawnan Parish Council

Paragraph 47
Could we have specific confirmation of how “sub-division” will be viewed? Will it be specifically to the active site, or in the context of local geography? We are well aware of developments that skip a section of land, then put in at a later stage to annex two developments.

Paragraph 53
We would like to see any amendment that changes an existing holiday let into a permanent home having to meet the same criteria as a new build – is it suitable & Necessary for the location.

Paragraph 56 / 61
We are happy that a definition of Local Need has finally been provided but still feel that the Band D/E numbers used by planners to justify building outlandish numbers of homes because of a purported parish need still needs to be addressed. We have almost 85% of our total registered social housing applicants on bands D &E (usually 1 bedroom ) that know they have no chance of a local home … even when they see developments going up in the village.

Paragraph 58 (Appendix 3) –
We would be happier to hear that, especially in the case of exception sites, priority is to be given to meeting the immediate local needs, rather than the current system of allocation in conjunction with level of need. The only way these developments get passed through the parish planning is to fill immediate local needs – but more times than not this does not happen and our communities at large feel that we are providing housing in our parishes for incommers, not the children of existing residents.

Paragraph 72
Originally there was a provision for the amount of land that market sales homes could be granted as part of a development. We cannot see in the current documents any reference to this continuing – only that where affordable housing is part of a development it should be “tenure blind”. WE are also worried that the other conditions – such as wildlife corridors - always seem to come out of the social housing part of the development. Can this be addressed?

Paragraph 79
Where phasing of development takes place who has the authority (or will) to stop this condition not being adhered to in the name of selling more market value homes? We had a phased development where they tried to change the number of phase 1 open market homes to occupied before the affordables were even started, then ignored any communications asking them to stop.

Paragraph 109
We would like to see it made a REQUIREMENT that any outline planning permission application has to have consultation with the parish council/community at its heart. We have too many outline applications going through that change significantly from the indicative drawing and/or statements made to go along with the initial application – in some cases doubling the number of dwellings that are finally built.
The following additional comments have come from our Neighbourhood Planning group as we are in the process of drafting our initial NDP document.

Generally, the provisions of the SPD are welcomed and supported by the Mawnan NDP Steering Group and we only have a few specific comments: -

1. Para 47. The proposal that subdivision of sites will not be acceptable is to be particularly welcomed as it aligns with the NDP proposed policy of not permitting the “daisy chaining” of single sites to form a larger site.

2. Para 58 and Appendix 3. The allocation of affordable housing. The methodology should be reviewed and amended to ensure that housing is allocated to people with a primary parish connection regardless of level of need. The current system does not achieve that result.

3. Para 59 Cascade. Need to reinforce and emphasise the connection between a) parish need and b) what is built and c) allocation of property to residents of the parish.

4. Para 67 1 and 2 bed single storey dwellings to be welcome. Is supported.

5. Para 99 Rural exception sites. The policies contained in an NDP should be given greater priority and appear earlier in the list of matters to be considered. We particularly agree with the proposition that the scale of a proposed development should be proportionate to the settlement and/or level of affordable housing need and that applicants should be required to carefully justify their proposals to the Council and the community.

6. Para 107. We agree that the dwelling and tenure mix must be aligned to local need not simply driven by viability and maximising value and developer return.

7. AONBs. Should be given greater reinforcement in the SPD. The Local Plan is quite clear that the priority is to preserve the AONBs, irrespective of housing need, hence why there are no targets for AONBs. This re-emphasis will help to ensure there is no undue policy pressure to accommodate any development that could harm the AONBs.
Dear Ellie

Planning consultation: Draft Housing Supplementary Planning Document (SPD)

Thank you for your consultation on the above dated 05 April 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have no specific comments to make on the draft housing supplementary planning document.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Carol Reeder on [contact information redacted] or [contact information redacted]. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Carol Reeder
Lead Adviser
Devon Cornwall and Isles of Scilly Area Team
Natural England
Polwhele
Truro
TR4 9AD
Housing Supplementary Planning Document

Town & Country Planning (Local Planning) (England) Regulations 2012

Representation Form

Please return your completed form by email: localplan@cornwall.gov.uk OR by post: Cornwall Council, Local Plans Team, Pydar House, Pydar Street, Truro TR1 1XU OR by hand: New County Hall reception (Truro) or any Cornwall Council One Stop Shop before 5pm on 6th May 2019

Fair Processing Notice
The feedback provided will enable Cornwall Council to finalise the draft Housing Supplementary Planning document and will be retained for the life of the plan. Full names and comments provided will be published online and in hard copy.

By completing the Representation Form and submitting it to the Council you are giving your consent to the processing of your personal data by Cornwall Council and that any information received by the Council, including personal data (but excluding personal contact details and any signatures), may be put into the public domain, including on the Council’s website. Publication will not include any information which you provide on the accompanying Equality Monitoring Form which will be retained for up to three months from the close of the consultation.

Part 1

Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: Peter Burton
Organisation (if applicable): ............................................................................................................................

Address: ............................................................................................................................................................

Postcode: ............................................

Email Address:
struggle-

Telephone number: 

If an agent, the individual or organisation you are representing:

Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document:

(i) The adoption of the Housing Supplementary Planning document. Yes/ 

Part 2

Your comments

You may append additional sheets if you need more space to respond to any of the questions.

1. Please set out below any concern(s) you have with the draft Housing Supplementary Planning document including any change(s) you consider necessary to address this concern(s).

You will need to say how the change(s) will address your concern(s) and it would be helpful if you could put forward your suggested revised wording to the text. Please also state which paragraph(s) your concern(s) and change(s) refers to.

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Concerns, changes and reasons/evidence</th>
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<tbody>
<tr>
<td></td>
<td>It is pointless commenting on individual paragraphs as the whole document is flawed by its basic premise of accelerating development without regard for the inevitable disastrous consequences. However, what I will say is that a different approach altogether is needed:</td>
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<tr>
<td></td>
<td>It is not disputed that there is a pressing need for the right houses in the right locations for the right people. However:</td>
</tr>
<tr>
<td></td>
<td>1. I would define the right houses as well built units specifically for social rent (as in council houses) to replace those sold off under right to buy.</td>
</tr>
<tr>
<td></td>
<td>2. I would define the right locations as wherever possible brownfield sites close to places of work and public transport links.</td>
</tr>
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<td></td>
<td>3. I would define the right people as those unable to raise deposits or sustain open market mortgages.</td>
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<tr>
<td>Paragraph</td>
<td>Concerns, changes and reasons/evidence</td>
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<td></td>
<td>The fatal flaw in the Council’s approach to planning is that allowing speculative developers to build virtually unlimited numbers of what are now proving in many instances to be sub standard overpriced homes on greenfield sites simplistically overlooks the emerging evidence that <strong>all this does is to ramp up inward migration that merely adds to our problems by constantly overwhelming infrastructure that is already struggling to keep pace with current demand.</strong></td>
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<td></td>
<td>The result of the hopeless approach taken by the Council is that the very people in actual need of housing (e.g. low waged locals) are further excluded from the property market while failure to act on the second homes scandal adds further insult to already grievous injury.</td>
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<td></td>
<td>I argue in the strongest possible terms that Cornwall Council’s first duty of care in the housing arena MUST be to its own people who pay council tax and who really do need practical help to house themselves decently, which the private rental sector often fails to deliver in an affordable manner without resorting to housing benefits which could be more than the social housing rental level. ‘Help to Buy’ and housing benefit have proven to be direct subsidies to developers and private landlords which have developed into expensive rackets underwritten by taxpayers to no benefit to anyone except the ultimate recipients.</td>
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<td></td>
<td>Its second duty of care should be to rigidly ensure that every open market home built in Cornwall by speculative developers is FULLY fit for purpose and of merchantable quality which clear evidence confirms that many are not (source Persimmon Dissatisfied Customers).</td>
</tr>
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<td></td>
<td>It is time that Cornwall Council grew a backbone and took a robust stand against the environmental, cultural and economic degradation its acquiescence to government dictat is causing. Until it does, it will be increasingly held in contempt by the public it purports to serve.</td>
</tr>
</tbody>
</table>
Concerns, changes and reasons/evidence

Equality Monitoring Form

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About you
Any Questions?

If you have any queries relating to the consultation or the processing of data or would like the consultation material in a different format, please contact the Local Plans Team on localplan@cornwall.gov.uk or 0300 1234 151. Further information is also available at https://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/adopted-plans/planning-policy-guidance/housing-supplementary-planning-document/

Consultation Deadline: 5pm on 6th May 2019
Dear Sir/Madam,

**HOUSING SUPPLEMENTARY PLANNING DOCUMENT RESPONSE TO CONSULTATION**

In accordance with emails dated 03/05/19, please find set out below comments made on behalf of our client group comprising Kier Living, Inox, Waddeton Park Ltd, Greendale, Devonshire Homes Ltd and Carnon Ltd.

**General Comments**

Guidance has to be interpreted on a case by case basis having regard to the relevant facts of that particular case - it’s not possible to set strict rules/policies as this SPD seeks to do.

There is far too much use of words such a ‘must’ for the document to be an SPD - for example the document seeks to change basic housing policy definitions:

“Affordable housing for rent must meet the NPPF definition and meet all of the following conditions.....”. There should be a full stop after definition. (paragraph 11).

Other statements made are simply not correct in law. For example:

“Shared ownership may be provided by either Registered Providers of the Local Authority.” (paragraph 17)
When there are many examples, both nationally and in Cornwall, of shared ownership products being delivered by a wider range of providers. There is no legal or policy basis to exclude such providers in Cornwall. This SPD ‘definition’ is a def facto policy that will create a ‘cartel’ amongst the Council and their preferred RP’s.

There are other ‘anti-competitive’ policy measures that are included in the document that seek to constrain and undermine the intent of Government policy. For example:

“Discounted market sale homes will be sold for prices based on the guideline discount percentage for the relevant value zone.” (paragraph 24). The NPPF has a simple ‘at least 20%’ test that can be assessed on a case by case basis.

And,

“Where the Council does not consider that the discounted price will be affordable based on local purchasing power the product will not be supported” (paragraph 26).

“The Council will typically only encourage discounted ownership homes as 2 and 3 bed houses...(paragraph 29)

And,

“In general in the absence of any further details from the Government, the Council will not generally support starter homes as part of an affordable housing obligation because we are not satisfied that they are affordable in Cornwall.” (paragraph 38)

It is not for the Council to choose to ignore elements of Government policy in this way.

This list is not exhaustive, but is sufficient to demonstrate the unlawfulness of the approach being taken by the Council.


**Scope**

Such policies and others that, whilst not necessarily unlawful if they had been brought forward and demonstrated as reasonable through the plan making process (but they have not) are unjustified. There are also and inflexible new policies that can only be taken forward via a local plan review. For example:

“On sites of 10 or more affordable homes the following should be considered:

- in suitable locations where there is a need, a minimum of 10% of affordable units will be sought as either single storey dwellings or ground floor flats;
- generally no more than 15% of the affordable housing mix should be provided as flats;
- the needs of small households can be met in different ways, for example;
  - homes that can be easily extended or adapted over time,
  - units that meet a 1 bed need but provide more space than a typical 1 bed/2 person home to encourage downsizing,
  - one and a half bedroom homes which have an additional modest room for use as an office or ancillary accommodation for visiting family or carers”.

is plainly a policy, not ‘guidance’.

And, there a number of determinative policy statements that have no place in an SPD, for example:

“no 2 bedroom flats for rent will typically be supported above 1st floor level (other than in exceptional circumstances and accessible by a lift); coach houses are only acceptable if a single garage below is part of the property and allocated/sold to the same household. Coach houses are considered to be flats.” (paragraph 74)

Paragraphs 81 and 82 show little flexibility.

There are numerous examples where the clear intent of the Council is to use the planning process to go beyond the reasonable considerations of planning and to
‘front load’ other matters into overly complex legal agreements and negotiations, at the cost of expediency in planning. For example:

“the Planning Authority will not support any new affordable houses being sold on a leasehold basis, unless they are sold using the standard Homes England Registered Provider Shared Ownership Lease.” (paragraph 77).

The Council’s approach to viability assessment (set out at paragraphs 83-88) is unworkable. It may be that assessing economic viability at the outline stage is inherently flawed (paragraph 84), but less so than at the plan making stage (and plan making assessments are relied upon by the Council throughout this document).

The Council are not the arbiters of viability (paragraph 88), which is inconsistent with paragraph 83 and the provisions of the NPPF.

The Council cannot be so definite and broad brush about appropriate land values (such as they are at paragraph 106) in relation to affordable led housing schemes.

It is unreasonable to expect detailed applications to be submitted for rural exceptions sites. Since the principle of such development is at issue, and land values will inevitably be low, then it’s wholly unrealistic for the approach set out at paragraphs 109-115 to be followed).

The suggested approach to self and custom build is confused with affordable housing. Whilst the two are not necessarily exclusive, more often than not they are. It is not for the Council to control price of self/custom build plots.

The document is clearly a development management policy which is intended to guide the determination of applications for planning permission.
Relevant Regulations

Regulations 5 and 6 of The Town and Country Planning (Local Planning) (England) Regulations 2012 ("the 2012 Regulations") provide, insofar as relevant:

“(1) ...the documents which are to be prepared as local development documents are -

(i) the development and use of land which the local planning authority wish to encourage during any specified period;
(ii) the allocation of sites for a particular type of development or use;
(iii) any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and
(iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission;

(2) For the purposes of section 17(7)(za) of the Act the documents which, if prepared, are to be prepared as local development documents are -

(i) relates only to part of the area of the local planning authority;
(ii) identifies that area as an area of significant change or special conservation; and
(iii) contains the local planning authority’s policies in relation to the area; and

6. Any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b) is a local plan.”

For ease of reading I have, in the quote above, coloured in red those kinds of document which Regulation 6 says must be prepared as a DPD.

The significance of a document having to be prepared as a DPD is, firstly, that it must follow the statutory process for the adoption of DPDs (including submission to the Planning Inspectorate for examination in public) and,
secondly, that once adopted it forms part of the development plan for the purposes of s.38(6) of the Planning and Compulsory Purchase Act 2004.

**Relevant Case Law**

Regulations 5 and 6 of the 2012 Regulations have been the subject of recent consideration by the High Court in *R (Skipton Properties Ltd) v. Craven DC* [2017] JPL 825 and *R (William Davis Ltd) v. Chanwood Borough Council* [2017] EWHC 3006 (Admin). In each case, the Court found that the Council had acted unlawfully in adopting a document as something other than a DPD. These judgments, which consider the earlier case-law on the subject, represent the latest word on how the regulations are to be interpreted and applied.

*Skipton Properties* was a judicial review challenge to a local planning authority’s adoption of a document which, in the absence of any adopted development plan policy relating to affordable housing, sought to require 40% affordable housing provision on sites of five or more dwellings. The Council argued that the document fell within Regulation 5(1)(a)(iii) and therefore did not need to be a DPD. Jay J. rejected that argument. At para. 75 he held:

"if the document at issue contains statements which fall within any of (i), (ii) or (iv) of regulation 5(1)(a), it is a DPD. This is so even if it contains statements which, taken individually, would constitute it an SPD or a residual LDD. This conclusion flows from the wording "one or more of the following", notwithstanding the conjunction "and" between (iii) and (iv)."

Accordingly, as Jay J. reiterated at para. 90, the focus is not on whether the document has features which fall within the description set out in Regulation 5(1)(a)(iii), but whether it has features which fall within Regulation 5(1)(a)(i),(ii) or (iv) and/or 5(2)(a) or (b) – in which case it must be a DPD.
At para. 92 he held that the document in question fell within Regulation 5(1)(a)(i):

"The correct analysis is that the NAHC 2016 contains statements in the nature of policies which pertain to the development and use of land which the Defendant wishes to encourage, pending its adoption of a new local plan which will include an affordable housing policy. The development and use of land is either "residential development including affordable housing" or "affordable housing". It is an interim policy in the nature of a DPD. It should have been consulted on; an SEA should have been carried out; it should have been submitted to the Secretary of State for independent examination.

At para. 93, he went on to consider whether it could also be considered to fall within Regulation 5(1)(a)(iv). Having held at para. 93(2) that the word "and" in "site allocation and development management policies" was disjunctive, meaning that a document only needed to contain one or the other of these kind of policies in order to fall within (iv), he held at para. 95(5)-(6):

"(5) The real question which therefore arises is whether the NAHC 2016 contains development management policies which guide or regulate applications for planning permission. It may be seen that the issue here is not the same as it was in relation to regulation 5(1)(a)(i) because there is no need to find any encouragement; this provision is neutral.

(6) I would hold that the NAHC 2016 clearly contains statements, in the form of development management policies, which regulate applications for planning permission."

William Davis concerned a SPD which amongst other things contained a policy setting out the housing mix that the local planning authority expected to see in new developments, including local plan allocations. At para. 61 Gilbart J. expressed agreement with the analysis of the Regulations given by Jay J. in Skipton Properties, commenting that it:

"reflects the basic underlying policy of the legislation and of the code, namely that the development plan is the place in which to
address policies regulating development. That is what this policy undoubtedly did, albeit that CBC describe it as a starting point. As Mr Lewis pointed out, the policy in HSPD 9 undoubtedly requires the applicant for permission to show that the mix set out in the policy is not the one to use.”

At paras. 62-64 Gilbart J. continued:

“62. Mr Stinchcombe's first argument – i.e. that the policy relates only to matters falling within sub-paragraph (iii) - is unsustainable. The mix of housing proposed in an application could lead to a refusal on the grounds that it is unacceptable, or on an outline application could lead to the imposition of a condition applying a particular mix. In either case, the way in which that land would be developed is affected. A housing mix policy is thus "a statement regarding... the development of land" and falls within sub-paragraph (i). It also falls within the scope of development management and probably within the scope of site allocation. It will undoubtedly be used "in the determination of planning applications." It thus falls within sub-paragraph (iv) as well.

63. That being so, it is unnecessary to interpret (iii). There is nothing in the Regulations which require the interpretation of the sub-paragraphs in an exclusive manner. I agree with Jay J that the drafting of these Regulations is very poor, and can lead to confusion, or to lengthy arguments on interpretation with not much regard being had to the realities of development control. It is in that context that I refer to the concept of the Planning Code, and within it to the role of the development plan, and to the importance given by the code to proper examination of the development plan, and to the fair consideration by an independent person of objections and representations made. From the point of view of all types of participant in the planning process, the process of development plan approval and adoption is important. Individual planning applications, appeals and inquiries will, save in unusual cases, be focussed on the effect of developing the site in question. Development plan processes, including the independent examination, also look at issues relating the wider pattern of development, and at policies which apply across the Local Plan Area, as well as the site-specific issues relating to sites where there
is objection to their inclusion or omission. The Code, including that in its current form, maintains that principle.

64. If the CBC arguments were to prevail, then arguments on the overall mix of housing across the LP area, and across differing sites, would have as their "starting point" or "preference" as Mr Stinchcombe put it, or a "presumption" as Mr Lewis put it, a particular mix of housing which the LPA would want to see achieved. Whatever the choice of noun, that is a policy which could, and if my interpretation of the Regulations is correct, should have been open for debate within the Local Plan context. Although the text of the CLPCS referred to a mix, it was, no doubt quite deliberately, omitted from the policy, CBC then accepting that it should not figure within it. While I accept that subsequent evidence has come forward from a strategic housing assessment, that cannot be a reason for using an SPD as the vehicle for making an alteration.”

**Legal Compliance Conclusions**

Having regard to the intended nature and function of the (as illustrated in the passages set out in the foregoing section of this letter) it is plain that the document may only lawfully be adopted as a DPD. Applying the analysis of Jay J. in *Skipton Properties* and Gilbart J. in *William Davis*, it is plain beyond sensible doubt that the document falls within Regulation 5(1)(a)(iv) on the basis that it will contain development management policies which are intended to regulate applications for planning permission.

Given the significance which the Council intends to place on the document in future development control decisions the mischief identified by Gilbart J. in *William Davis* is also applicable here, namely that the policies in the document need to be tested through the statutory process for preparing DPDs, including submission for examination by an independent Inspector.
Accordingly, if the Council continues on its’ current course of adopting the document as SPD, rather than as a DPD, it will be acting unlawfully and the adoption of it is likely to suffer the same fate in an application for judicial review as the documents that were the subject of the High Court challenges in *Skipton Properties* and *William Davis*.

Please treat this letter as an objection to the draft document.

Kind regards,

David Seaton, BA (Hons) MRTPI  
For PCL Planning Ltd  
e:
Dear Sirs

RE: CORNWALL HOUSING SPD ADOPTION CONSULTATION

We represent Rentplus UK Ltd, an innovative company providing affordable rent to buy housing for hard-working people aspiring to home ownership with an accessible route to achieve their dream through the rent - save - own model, renting at an affordable rent and a gifted 10% deposit upon purchase.

We are pleased to note the changes that have been made to the SPD following the previous consultation in 2018. Rentplus is keen to work with Cornwall Council to maximise delivery of affordable housing that genuinely meets local housing needs across the county, in the right places. The Housing SPD is an effective mechanism for the Council to set out how it intends to interpret the adopted policies in relation to the revised NPPF and we therefore welcome much of the document.

Our comments below are focused on those areas which may stifle the delivery of much-needed affordable housing by reducing the capacity for housing associations to fund development in the short and over the longer term.

It is notable that the references throughout the document to the NPPF should be to the revised version published in February 2019 as this fully replaced the earlier July 2018 document. References to intermediate housing should also be deleted in favour of affordable housing for sale, as the NPPF no longer uses the term intermediate except in relation to the form of rent charged on rent to buy. This change would ensure better consistency between the guidance and the Framework.

References to securing all affordable housing in perpetuity across Cornwall should also be removed, as this document does not form policy and should not seek to impose a new requirement. Such matters were fully covered in the Skipton Properties Ltd. v Craven District Council (2017) High Court judgement, in which it was reiterated that guidance produced by local planning authorities should not include policy. It is also important for references to securing affordable housing in perpetuity are removed as the sole reference to this in the NPPF is in relation to rural exception sites.

Entry-level exception sites are not restricted in the same way, and should not be fettered by long term planning obligations as this additional delivery mechanism is aimed at speeding up delivery on the edge of towns for first-time buyers and renters. The new definitions of affordable housing are very clear in the subsidy recycling and long-term retention policies of individual tenures, such that these should not be replicated in local policy or guidance, or further restricted. We recommend that the Council undertake further minor amendments to the SPD to remove references to securing affordable housing in perpetuity except on rural exception schemes, and strip out the lengthy and unnecessary definitions of affordable housing tenures, except where the Council wishes to set out additional local guidance on their delivery.

The text on rent to buy set out at paragraph 40 is supported; Rentplus is engaging with affordable housing providers across the South West to deliver homes that local people can afford to rent and save towards purchase. This is a very important diversification of the affordable housing market as not all
households require social rented housing, while many will not be able to afford shared ownership or shared equity housing for reasons, critically including the inability to save for the initial mortgage costs and deposit. The Rentplus model of rent to buy was brought about in direct response to this challenge facing families across Cornwall, some of whom are already in social or affordable rented housing, but could with the period of affordable rent in a Rentplus home afford to save for ownership.

This model frees up existing affordable housing for others in need, diversifying local housing stock and adding value to existing housing association development programmes where the added capital allows grant and other funding to be focused on more marginal schemes. Working in direct partnership with housing associations is a cornerstone of the Rentplus model, enabling existing providers to target housing where it is needed and offer further choice to their householders.

The amendment to paragraph 41, confirming that rent to buy delivery will be permitted on rural exception sites where the ‘subsidy’ element of a sales receipt is returned to Cornwall Council or guaranteed for investment in additional affordable housing in Cornwall is a pragmatic response to policy, and ties in with the Rentplus model of reinvesting sales receipts in additional affordable housing delivery. It does however conflict with national policy which permits the delivery of market housing to cross-subsidise affordable housing delivery on rural exception sites, without restriction. We suggest that the delivery of rent to buy should remain unrestricted where this is used to cross-subsidise delivery of other affordable housing tenures on RES. This will have the added benefit of reducing the need for open market housing delivery, while meeting further local need for affordable rented and ownership tenures.

We look forward to working alongside Cornwall Council to deliver affordable rent to buy housing across the county to meet local housing needs. We would like to be notified when the SPD is adopted; please notify Tetlow King Planning as agents of Rentplus by email only to consultation@tetlow-king.co.uk.

Yours faithfully

MEGHAN ROSSITER BSc (Hons.) MSc MRTPI
ASSOCIATE DIRECTOR
For and On Behalf Of
TETLOW KING PLANNING
consultation@tetlow-king.co.uk
Housing Supplementary Planning Document

Town & Country Planning (Local Planning) (England) Regulations 2012

Representation Form

Please return your completed form
by email: localplan@cornwall.gov.uk OR
by post: Cornwall Council, Local Plans Team, Pydar House, Pydar Street, Truro TR1 1XU OR
by hand: New County Hall reception (Truro) or any Cornwall Council One Stop Shop before 5pm on 6th May 2019

Fair Processing Notice
The feedback provided will enable Cornwall Council to finalise the draft Housing Supplementary Planning document and will be retained for the life of the plan. Full names and comments provided will be published online and in hard copy.

By completing the Representation Form and submitting it to the Council you are giving your consent to the processing of your personal data by Cornwall Council and that any information received by the Council, including personal data (but excluding personal contact details and any signatures), may be put into the public domain, including on the Council’s website. Publication will not include any information which you provide on the accompanying Equality Monitoring Form which will be retained for up to three months from the close of the consultation.

Part 1
Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: ...David Andrew Yates..........................................................................................................................

Organisation (if applicable): Saltash Neighbourhood Plan Steering Group..........................

Address: ...The Guildhall Lower Fore Street Saltash ...........................................................
............................................................................................................................................................................

Postcode: ...PL12 6JX..........................................

Email Address: ......................................................................................................................................

Telephone number: ............................................................................................................................
If an agent, the individual or organisation you are representing:

Saltash Neighbourhood Plan Steering Group on behalf of Saltash Town Council

Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document

(i) The adoption of the Housing Supplementary Planning document. Yes

Part 2
Your comments
You may append additional sheets if you need more space to respond to any of the questions.

1. Please set out below any concern(s) you have with the draft Housing Supplementary Planning document including any change(s) you consider necessary to address this concern(s).

You will need to say how the change(s) will address your concern(s) and it would be helpful if you could put forward your suggested revised wording to the text. Please also state which paragraph(s) your concern(s) and change(s) refers to.

<table>
<thead>
<tr>
<th>Paragraph</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Having considered the Housing Supplementary Planning Document Consultation Statement and the HOUSING Supplementary Planning Document Adoption Consultation dated April 2019 the Saltash Neighbourhood Plan Steering Group has no further comments to make on the Housing Supplementary Planning Document.</td>
</tr>
</tbody>
</table>
Cornwall Council is committed to ensuring that our services, policies and practices are free from discrimination and prejudice and that they meet the needs of all the community. For us to check we are providing fair and effective services, we would be grateful if you would answer the following questions. **You are under no obligation to provide the information requested below, but it would help us greatly if you do.**

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### About you

1. Is there anything we can do or put in place which would make it easier for us to offer you an equal service? (For example documents in large print, hearing loop etc).

    __________ N/A __________

2. Do you need someone to help you understand information? (For example someone to read documents with you or an interpreter)

    __________ N/A __________

3. It would help the Council to know of any barriers you have faced when dealing with us.

    __________
Any Questions?
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Consultation Deadline: 5pm on 6th May 2019
Housing Supplementary Planning Document

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Part 1
Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: Stephen Reynolds

Organisation (if applicable): SHED (Save Heamoor from Excess Development)

Address: 

Postcode: 

Email Address: 

Telephone number: 

If an agent, the individual or organisation you are representing: N/A
Please let us know whether you wish to be notified via the address/email address you
have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document

(i) The adoption of the Housing Supplementary Planning document.  Yes / No

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<td>57/58/59</td>
<td>We are disappointed that Cornwall Council has not responded to previous representations made by ourselves and Gulval Village Community Association on the issue of housing need, affordable housing eligibility and local connection within a large, multi-community parish such as Penzance. Paragraph 58 as drafted states that “housing need will always be considered at the parish or town level”, and paragraph 59 that “new affordable homes are, in the first instance, only available to households with a local connection to the parish in which the site is located”. By setting the scope at parish rather than settlement level, this policy fails to take account of the very wide range of parish size within Cornwall, with parish electorates varying from 62 to over 16,000. While assessing need and eligibility for affordable housing at parish level may be appropriate for the many smaller rural parishes across Cornwall, it is not appropriate for a large parish containing multiple, dispersed communities, each with its own distinctive character and identity. This is a particularly problematic issue for the villages of Heamoor and Gulval, which lie within Penzance parish and also within the Penzance “Main Town” area in the Cornwall Site Allocations DPD (CSADPD). Both villages are destined under the CSADPD to receive large housing allocations (640 dwellings for Heamoor, 98 for Gulval). The allocations are very large relative to the size of the existing communities (the increase in the number of households would be over 50% in the case of Heamoor and over 25% in the case of Gulval, based on 2011 census data). This means that residents in these two villages are expected to absorb development on a massive scale.</td>
</tr>
<tr>
<td>Paragraph</td>
<td>Concerns, changes and reasons/evidence</td>
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|           | However, if the current wording of paragraphs 58 and 59 is applied then it is possible that none of the affordable housing units included in those site allocations would be allocated to residents in the village where the development is sited. That's because “local connection” would be assessed across the whole parish of Penzance rather than the specific community. Consequently, households with a connection to (for example) Newlyn could end up taking the entire affordable housing quota in Heamoor or Gulval. There is already considerable local opposition to the Heamoor site allocations, and this would inevitably (and rightly) increase further if households with a connection to the village were to be denied priority in the affordable housing allocation. We would argue strongly that in the Penzance parish, the "cascade" methodology should be applied starting in the first instance with the settlement in which the site is located, followed by the rest of the parish, and finally any household with a connection to Cornwall. In parallel, housing need should also be assessed at the level of the individual community or settlement. To do otherwise would be seriously detrimental to the interests of residents in the communities of Heamoor and Gulval. By creating large new developments in which potentially no homes at all would be accessible to existing residents of the host communities, the existing policy as drafted would also be in conflict with:  
- Strategic Aim 9 as stated in paragraph 3.8 of the CSADPD: "to ensure the settlements of Penzance, Newlyn, Heamoor, Gulval and Long Rock maintain their individual and distinctive characters";  
- Objective 5 of section PP1 (West Penwith Community Network Area) of the Cornwall Local Plan Strategic Policies 2010-2030: "maintain the separate identities between Penzance, Newlyn, Heamoor, Gulval and Longrock". The obvious way to enable need and eligibility to be determined at settlement/community level rather than parish level would be to allow Neighbourhood Development Plans to include a policy to this effect, so that eligibility policies can truly reflect the wishes of the community. Finally, we would point out that our proposed approach is entirely consistent with Policy 9 of the Local Plan strategic Policies, which refers to a local connection to the settlement or parish:  
“The Council will secure the first and future occupation of the affordable homes to those with a housing need and local connection to the settlement or parish in line with the Council’s adopted local connection policies.” |
Equality Monitoring Form
Cornwall Council is committed to ensuring that our services, policies and practices are free from discrimination and prejudice and that they meet the needs of all the community. For us to check we are providing fair and effective services, we would be grateful if you would answer the following questions. **You are under no obligation to provide the information requested below, but it would help us greatly if you do.**

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About you

1. Please enter your postcode __________ 2. Please give your age __________

3. How do you describe your gender?

Female ☐ Male ☐ Gender Fluid ☐ Non-Binary ☐

4. How do you describe your ethnic origin? (Please read carefully before selecting the ethnic group that you feel most closely reflects your background).

Asian or Asian British ☐ Black or Black British ☐

Cornish ☐ Mixed (e.g. White and Asian) ☐

Other British ☐ Other Ethnic Group ☐

5. Do you consider yourself to have a disability? Yes ☐ No ☐

Is there anything we can do or put in place which would make it easier for us to offer you an equal service? (For example documents in large print, hearing loop etc).

_______________________________________________________________________

Do you need someone to help you understand information? (For example someone to read documents with you or an interpreter)

_______________________________________________________________________

6. It would help the Council to know of any barriers you have faced when dealing with us.

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Consultation Deadline: 5pm on 6th May 2019
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Part 1
Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: Peter Rylett

Organisation (if applicable): St Erth Parish Council

Address: 25 Fore Street, St Erth, Cornwall

Postcode: TR27 6HT

Email Address: 

Telephone number: 
If an agent, the individual or organisation you are representing:

Please let us know whether you wish to be notified via the address/email address you have provided (or other specified address/email address) of the following for the draft Housing Supplementary Planning document

(i) The adoption of the Housing Supplementary Planning document.  

**Yes**

**Part 2**

**Your comments**

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<tr>
<td>62 to 64</td>
<td>St Erth Parish Council does not consider that the circumstances in paragraph 63 (i.e. when a Cluster Parish Approach is appropriate) apply to this parish.</td>
</tr>
<tr>
<td>72</td>
<td>While the aim that affordable house designs are the same as equivalent open market houses is laudable, it conflicts with the fundamental need to minimise the cost of affordable housing. Past experience also suggests that affordable houses usually appear bland and lack local distinctiveness. This paragraph should be amended accordingly.</td>
</tr>
<tr>
<td>76</td>
<td>It contains a spelling mistake.</td>
</tr>
<tr>
<td>104 to 108</td>
<td>In practice it seems the target that at least half the houses on “rural exception sites” are affordable is almost always only just met. The Parish Council asks that the SPD says that proposals must exceed this minimum target significantly so that “rural exception sites” actually achieve their intended purpose and justification.</td>
</tr>
<tr>
<td>110 to 113</td>
<td>The Parish Council agrees that it is difficult to assess the impacts and benefits of outline applications for “rural exception sites” because important details are lacking and/or may change once outline permission is granted. The Parish Council asks that paragraph 113 is amended to say that outline applications should not be made for such developments, and that if any are submitted Cornwall Council will use its powers under Article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to obtain all the necessary details.</td>
</tr>
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3. How do you describe your gender?
   - Female ☐  Male ☐  Gender Fluid ☐  Non-Binary ☐

4. How do you describe your ethnic origin? (Please read carefully before selecting the ethnic group that you feel most closely reflects your background).
   - Asian or Asian British ☐  Black or Black British ☐
   - Cornish ☐  Mixed (e.g. White and Asian) ☐
   - Other British ☐  Other Ethnic Group ☐

5. Do you consider yourself to have a disability?  Yes ☐  No ☐

Is there anything we can do or put in place which would make it easier for us to offer you an equal service? (For example documents in large print, hearing loop etc).
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_______________________________________________________________________

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Consultation Deadline: 5pm on 6th May 2019
Dear Sir/Madam

RE: CORNWALL HOUSING SPD CONSULTATION

We represent the South West Housing Association Planning Consortium which includes all the leading Housing Associations (HAs) across the South West. Our clients’ principal concern is to optimise the provision of affordable housing through the preparation of consistent policies that help deliver the wider economic and social outcomes needed across the South West region.

General Comments

Since the publication of the Draft SPD in 2018 the National Planning Policy Framework (NPPF) has been further revised, in February 2019, replacing the version published in July 2018. References throughout the SPD should refer to the 2019 version for clarity.

As with our previous comments, we consider there to be no need for paragraphs 11 to 43 which are unnecessarily descriptive of the various affordable housing tenures. There is no need for the SPD to replicate the affordable housing definitions set out in Annex 2 of the NPPF, therefore, to ensure the document's longevity and consistency, the SPD should only refer to the national definition, bar in relation to providing a local ‘view’ or details such as Cornwall Living Rent.

Affordable Housing in perpetuity

As also previously noted, the SPD makes numerous references to the need for affordable housing to be retained in perpetuity which is an approach that is inconsistent with the Local Plan and NPPF. The Local Plan correctly makes only one reference to securing affordable housing in perpetuity, at paragraph 2.58, stating that these are to be secured on rural exception sites only, which falls in line with provisions made in Annex 2 of the NPPF.

The purpose of an SPD is not to set additional policy, nor are they permitted to do so. By making repeated references to requiring affordable homes to be secured in perpetuity, the SPD is actively seeking to introduce new requirements to the Council’s existing affordable housing policy. National policy refrains from securing all affordable housing in perpetuity as it can cause various issues for affordable housing providers, and purchasers when attempting to secure mortgages for such restricted properties. Implementing this policy instrument makes affordable home ownership much harder to deliver and will negatively impact the rate of affordable housing delivery across Cornwall.

We ask again for the SPD to remove all references to retaining affordable housing in perpetuity unless explicitly relating to rural exception sites.
Types of Development Subject to Affordable Housing Obligations

Paragraphs 48 and 49 of this section seek to impose new policy by demarcating which forms of housing will be required to contribute to affordable housing. As the Local Plan sets no such policy it would be inappropriate to introduce any text in the SPD on this matter. We ask that this be removed, pending a review of the Local Plan as supported by an appropriately robust viability appraisal.

Affordable Housing Design

We support the changes to the guidance on house type and size guidance, now set out at paragraph 68, as these are no longer prescriptive and considered less limiting to the form of development that can be delivered. Seeking consideration of the Council’s preferences in relation to site suitability and need is a more appropriate framework for discussing scheme proposals with developers. The guidelines at paragraph 71 are however more rigid, with the potential to limit scheme potential in those cases where smaller properties may be needed, or only possible due to site circumstances. The Council should seek to fully monitor implementation of this guidance, and review the SPD where need arises.

We are in support of paragraphs 72 and 73 with regard to tenure blind design and clustering as opposed to pepper-potting on residential schemes. Clustering assists with the management and maintenance of affordable housing by Registered Providers and should therefore be encouraged where possible in order to increase management efficiency. The encouragement of pepper-potting in groups of two or more is an appropriate response to the need for scheme management and maintenance; lesser pepper-potting should be avoided as this makes management more difficult. Regarding smaller sites, if the development is tenure blind then pepper-potting should not be needed to be implemented and clustering would remain appropriate in most situations.

Entry-Level Exception Sites

The final bullet point of paragraph 117 expects all affordable housing delivered on entry-level exception sites to be secured in perpetuity. As the purpose of these schemes is to deliver entry-level homes to first-time buyers or renters, these support delivery of all four of the tenure categories described in Annex 2 of the NPPF. This includes starter homes, discounted market sales housing and other affordable routes to home ownership; the requirements in the definitions of each do not require their retention in perpetuity and therefore the Council is seeking to implement a specific local policy contrary to national policy. The in perpetuity requirement should be removed from the SPD.

We would like to be notified when the Affordable Housing SPD is adopted, by email only to consultation@tetlow-king.co.uk. Please ensure that the South West HA Planning Consortium is retained on the planning policy database, with Tetlow King Planning listed as its agent.

Yours faithfully

ANNIE GINGELL BSc (Hons.)
PLANNER
For and On Behalf Of
TETLOW KING PLANNING

consultation@tetlow-king.co.uk

Cc: Aster Group
    Coastline Housing
    Guinness Partnership
    LiveWest
    Westward Housing Group
    Sam Irving – Head of Housing Delivery and Development
Hi Ellie
Thank you for allowing the extension, but I can confirm that Truro City Council’s Planning Committee voted unanimously to note the Housing Supplementary Planning Document with no further comment.
Kind regards
Rachael

Rachael Dartnell
Planning Clerk & Mayor’s Secretary
Truro City Council
Municipal Buildings
Boscawen Street
Truro TR1 2NE
Direct line: 
Planning Inbox: planning@truro.gov.uk

---Original Message---
From: Inglis-Woolcock Eleanor On Behalf Of EP&E Local Plan
Sent: 09 April 2019 10:52
To: Rachael Dartnell
Subject: RE: Housing Supplementary Planning Document

Dear Rachael,

Many thanks for your email, if you can get your response to the team by 9am on Friday 10th that is fine.

Kind regards,
Ellie Inglis-Woolcock | Principal Development Officer (Local Plans) Cornwall Council | Planning & Sustainable Development
www.cornwall.gov.uk | 3B Pydar House, Pydar Street, Truro, TR1 1XU

Important Notice that may affect your planning application: From 1 January 2019, Cornwall Council will be a Community Infrastructure Levy (CIL) Charging Authority, and any new development could be liable to pay a CIL. Visit www.cornwall.gov.uk/cil now to find out how CIL may affect your development.
To keep up to date with changes in the Planning & Sustainable Development Service, please check What’s new in Planning

---Original Message---
From: Rachael Dartnell
Sent: 08 April 2019 10:07
To: EP&E Local Plan
Subject: Housing Supplementary Planning Document

Good morning
We have received notification of the above consultation which ends on Monday 6 May. We will be taking it to our Planning Committee meeting on the evening of Thursday 2nd May, but we were wondering if it would be possible to get an extension until the end of the week (so close of play on 10 May 2019) in order for us to compile the responses?
I look forward to hearing from you.
Kind regards
Rachael
This e-mail and attachments are intended for above named only and may be confidential. If they have come to you in error you must take no action based on them, nor must you copy or show them to anyone; please e-mail us immediately at enquiries@cornwall.gov.uk.

Please note that this e-mail may be subject to recording and/or monitoring in accordance with the relevant legislation and may need to be disclosed under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Security Warning: It is the responsibility of the recipient to ensure that this e-mail and any attachments are virus free. The Authority will not accept liability for any damage caused by a virus.
Housing Supplementary Planning Document

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Your contact details
You must complete this page for your representation to be accepted. The Council cannot accept anonymous representations.

Name: ____________________________ Mrs Fiona Drew (Clerk to the Parish Council) ____________________________
Organisation (if applicable): ____________ Zennor Parish Council ____________________________
Address: ________________________________________________________________________________
Postcode: ________________________________________________________________________________
Email Address: ____________________________________________________________________________
Telephone number: ________________________________________________________________________
If an agent, the individual or organisation you are representing:

Zennor Parish Council

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(i) The adoption of the Housing Supplementary Planning document.  

Yes / No

**Part 2**  
**Your comments**

You may append additional sheets if you need more space to respond to any of the questions.

1. Please set out below any concern(s) you have with the draft Housing Supplementary Planning document including any change(s) you consider necessary to address this concern(s).

You will need to say how the change(s) will address your concern(s) and it would be helpful if you could put forward your suggested revised wording to the text. Please also state which paragraph(s) your concern(s) and change(s) refers to.

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Concerns, changes and reasons/evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>We agree that ‘good quality housing is vital’ but the document is strong on quantitative measures and market requirements, and lacks much qualitative evaluation. This is a shortcoming overall and could be corrected with the introduction of Design Review with integration to Cornwall’s Landscape Character, and Impact Assessments. We would hope to see the SPD providing proper evaluative guidelines for the implementation of the Strategies of the Local Plan.</td>
</tr>
<tr>
<td>Para 1</td>
<td>Mentions quality, and the term is used as aspirational within the document without any means of evaluation of the quality of design for implementation, or the impact of the development.</td>
</tr>
<tr>
<td>Para 5</td>
<td>This makes clear that this document serves to meet the housing <em>market</em> needs of 52,500 new homes in Cornwall by 2030. As the local plan covers the period 2010 to 2030, one third of the time has been expended and it appears from the sketchy monitoring that as much as one third has already been achieved. It would helpful to make this explicit. While the majority of these homes are provided by commercial house-builders, there are number of alternative measures set out in Strategic Policies including some to enable affordable homes.</td>
</tr>
<tr>
<td>Para 6</td>
<td>Policies 7 to 10 do not provide enough protection to the quality the design of new housing provision in areas of exceptional environmental quality. Rather than reinforcing the need to safeguard landscape quality, they rely on existing safeguards such as AONB. Already there are precedents that breach this.</td>
</tr>
<tr>
<td>Paragraph</td>
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<tr>
<td>Para 7</td>
<td>The Document claims to have tested the affordable housing requirement and the Plan is up to date. However we can find no reference to IMPACT on availability of dwellings arising from the increasing number of houses used to let or as second homes. Our view is that an Impact Assessment should be undertaken. For example in Zennor a number of permissions have been granted to make new dwellings by conversion of old farm buildings (perhaps 6 in the last 5 to 10 years), but in the last year 6 or 7 houses previously in full-time occupation have been bought for holiday lets/second homes. This means there is a net loss of available residential dwellings over 5 years, despite increase the overall numbers.</td>
</tr>
<tr>
<td>Para 10</td>
<td>Agree that affordable homes should be secured in perpetuity.</td>
</tr>
<tr>
<td>Para 11 – 44</td>
<td>No comment other than this is a clear account of current options but misses the concept of 'Co-Housing'. Suggest that there is an additional section to cover this. In addition Live-Work units may also be an imaginative way to provide affordable homes in an area of high self-employment.</td>
</tr>
<tr>
<td>Para 45</td>
<td>It should be made clear that a S106 legal agreement is normally only part of a planning permission for a commercial development. Include S106 definition in the Glossary. It should be explicit that this means large areas of land must be available to commercial development in order to achieve affordable homes in this way.</td>
</tr>
<tr>
<td>Para 46 – 52</td>
<td>No comment</td>
</tr>
<tr>
<td>Para 53</td>
<td>No comment</td>
</tr>
<tr>
<td>Para 54 – 55</td>
<td>n/a to Zennor</td>
</tr>
<tr>
<td>Para 56</td>
<td>The need is well established but should be reviewed with an Impact Assessment of increased numbers of houses transferred to holiday lets or second homes.</td>
</tr>
<tr>
<td>Para 58 – 61</td>
<td>There has been recent urgent need to provide affordable homes to buy or rent in Zennor and as part of a cluster. This has been a direct result of existing housing stock being sold for holiday or second homes. This market led approach of laissez-faire, leads to damage of this environment as a section of the AONB will be given over to house building and lost as landscape forever.</td>
</tr>
<tr>
<td>Para 62 - 64</td>
<td>Cluster parish makes sense if decision making fully involves all parishes concerned. In addition in the circumstances described above, an exhaustive study should be made of alternative options including: - the purchase of these houses as they become available with a Community Trust Fund and to be let as affordable; - the possibility of providing additional housing by conversion of</td>
</tr>
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| Para 65 – 98 | Existing unused farm buildings, or replacement of disused;  
- small scale infil of one or two dwellings at a time.  
We think that this is likely to apply to a number of parishes within AONB, and requires its own implementation procedures to be added to this document.  
These paragraphs offer no guidance on how to evaluate good design. A procedure should be included. |
| Para 99 – 103 | Rural Exception Sites are of grave concern within an AONB. They are also set on the edge of a Village and thus risk being ghetto-ised. Our view is that alternative options should be considered that are more fragmented, small in size and scale, and integrated. In addition it is essential that this should always be a once-only decision of exception, not to be repeated in that village. |
| Para 101 | Mentions scale when it means numbers, and there no mention of scale as in size or ‘massing’ or in relation to infrastructure. |
| Para 104 | The assertion that Affordable Housing is not market led, is plainly erroneous and misleading. The subsidy for affordable housing is only available from the housing market as described elsewhere in the SPD in relation to S106. The detail of the individual Affordable House schemes may well be responsive to local needs and environment, but their very existence is market dependent. |
| Para 104 – 107 | In our view, these paragraphs need some re-writing to avoid misleading the public. |
| Para 109 – 115 | This section is very worrying as the process described is the very one that should not be necessary if Rural Exception sites are not to override the AONB. It is clearly an invitation to make outline applications in all rural areas, and some will be large and numerous. There needs to be more robust protection for the environment, the landscape character of Cornwall, the AONB and other safeguards afforded to the quality of the landscape.  
The section is over complicated in its procedures, and will not afford the protection it implies.  
**Propose the removal of the Rural Protection Schemes and replace with a more sensitively written proposal.** |
<p>| Para 116-169 | No comment |
| Appdx 1, 3, 4 | No comment |</p>
<table>
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<tbody>
<tr>
<td>Appdx 2</td>
<td>Do not understand</td>
</tr>
<tr>
<td>Glossary</td>
<td>Include explanations of S106, and Community Infrastructure Levy.</td>
</tr>
<tr>
<td>Missing info</td>
<td>Methodology for Monitoring progress.</td>
</tr>
<tr>
<td>Missing info</td>
<td>Dates to meet targets.</td>
</tr>
</tbody>
</table>
Equality Monitoring Form
Cornwall Council is committed to ensuring that our services, policies and practices are free from discrimination and prejudice and that they meet the needs of all the community. For us to check we are providing fair and effective services, we would be grateful if you would answer the following questions. You are under no obligation to provide the information requested below, but it would help us greatly if you do.

The information you provide on this Equality Monitoring Form will be processed in accordance with the requirements of the Data Protection Act 1998 and will not be passed onto any third party. At all times, it will be treated as confidential and used only for the purpose of equality monitoring. All sensitive personal information held by Cornwall Council is held safely in a secure environment. Thank you for your assistance.

About you
1. Please enter your postcode ________ 2. Please give your age ___________
3. How do you describe your gender?
   - Female ☐  Male ☐  Gender Fluid ☐  Non-Binary ☐
4. How do you describe your ethnic origin? (Please read carefully before selecting the ethnic group that you feel most closely reflects your background).
   - Asian or Asian British ☐  Black or Black British ☐
   - Cornish ☐  Mixed (e.g. White and Asian) ☐
   - Other British ☐  Other Ethnic Group ☐
5. Do you consider yourself to have a disability?  Yes ☐  No ☐

Is there anything we can do or put in place which would make it easier for us to offer you an equal service? (For example documents in large print, hearing loop etc).

_______________________________________________________________________

Do you need someone to help you understand information? (For example someone to read documents with you or an interpreter)

_______________________________________________________________________

6. It would help the Council to know of any barriers you have faced when dealing with us.

Any Questions?
If you have any queries relating to the consultation or the processing of data or would like the consultation material in a different format, please contact the Local Plans Team on localplan@cornwall.gov.uk or 0300 1234 151. Further information is also available at https://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/adopted-plans/planning-policy-guidance/housing-supplementary-planning-document/

Consultation Deadline: 5pm on 6th May 2019