



Planning news for local councils and agents

Welcome to our Spring 2022 edition of the Local Councils and Agents newsletter

As a Local Planning Authority, we're still mostly working remotely. Various factors are keeping our workloads high particularly numbers of planning applications being considered and determined. Information on our working practices, such as Planning Committee arrangements, and more information can be found by searching for a topic on our [website](#). Latest updates are also posted on our [What's new in Planning?](#) page.

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Development Management update from Hayley Jewels, Head of Development Management

Personally I must admit that it has been a sad few weeks as we have said goodbye to some of our staff and colleagues who have left the Council as part of the reductions in workforce which were necessary across the Council to address the budget pressures. However, I am pleased to say that our validation times remain good, at 5 working days.

We are working hard to determine the large volume of planning applications and I am also pleased to say that we are currently determining 85% of applications within agreed timescales. Once again I thank planning agents for agreeing extensions of time on applications which is always really appreciated, but especially during this difficult period. As the application numbers settle, I am confident that we will find our feet again, but please do bear in mind that our officers are absorbing work from colleagues who have left and we are doing our best to work through this.

As part of the changes to the management structure the Development Management Service will sit within the Neighbourhoods Directorate. However, for planning application decision-making, there is no change as this remains under my management and Louise Wood remains as the Chief Planning Officer for all Local Planning Authority functions. Louise Wood's role now includes some housing functions with Adam Birchall in post as Head of Planning and Housing Policy, and I now welcome the building control, land charges, address management and countryside rights of way team into my Development Management Service with effect from 1st April. As the Council moves towards a leaner management structure with an emphasis on more cross-service working, we have prepared a structure chart for the Local Planning Authority for clarity. You can find our structure information on our [Contacts - team info and contact details - Cornwall Council](#) webpage.

Hello from Adam Birchall – Head of Planning and Housing Policy



I now look after the combined Planning and Housing Policy teams.

We cover a diverse range of work ranging from member, local council, and officer training, agent events, the local plan and other planning policy, housing strategy, maintenance of data, intelligence and statutory reporting, collection of s106 and CIL and oversight of its spend, support of major developments such as Nansledan, the Ecotown, and Langarth, and place shaping and infrastructure projects and planning.

We spend a lot of our time working in partnership with colleagues in other teams, services, directorates and organisations. The new Local Plan and associated work will be a really key focus for the team and we will be having to engage closely with communities, landowners and developers over the coming months and years.

Many of you will have been familiar with the excellent training and briefing sessions run by Peter Phillips over many years. Peter has now retired, but Chris Daly (who will also be familiar to many of you in different capacities) is taking over the reins to continue the good work of Peter, and with the support of colleagues like Nic, have an informative programme planned.



Planning Enforcement update

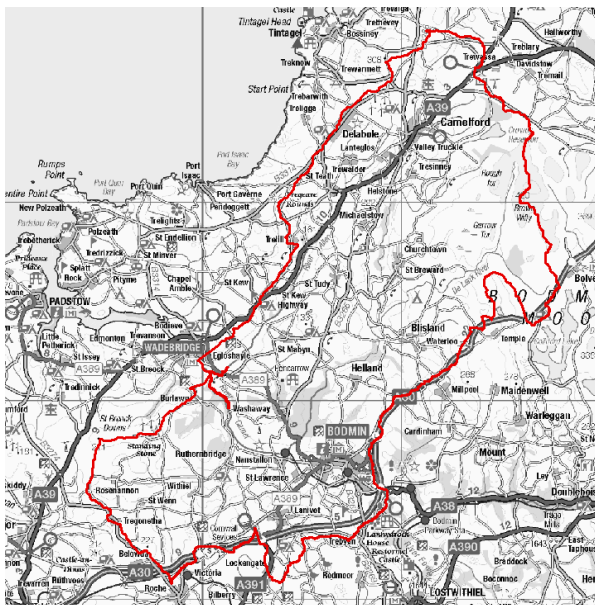
Updated Enforcement Plan: Planning Enforcement is a vital function of the Council's overall planning strategy and service. It underpins the planning decisions and policies of the Council while helping protect Cornwall's built and natural environment. We are pleased to publish our updated [Enforcement Plan \(March 2022\)](#).

This Plan provides guidance for businesses, planning professionals and members of the public, and is intended to clearly set out the aims, standards and values that will be applied by our planning enforcement team. Its aim is to create the right balance between advice, assistance and enforcement to allow good development and to discourage unacceptable unauthorised activity.

Team changes: Countryside Access or Rights of Way have now joined with Planning Enforcement and are managed by Jon Drew, Group Leader. This has meant that our Appeals team have now moved to be managed by Chantal McLennan, Group Leader.

River Camel phosphates and nutrient neutrality

Following concerns set out in a letter received from Natural England in April 2021, over the levels of phosphates in the River Camel Special Area of Conservation, Cornwall Council paused the determining of planning applications that may give rise to additional phosphates within the catchment area of the river. The types of



development include new residential units, commercial development where overnight accommodation is provided and agricultural development where it is likely to increase in herd size. A planning application will only be able to proceed to a positive recommendation if the proposed development is able to demonstrate it is phosphate neutral or there is identified mitigation that can be secured. Natural England issued further letters and guidance in March 2022 to a number of other local authorities across the country regarding this issue; however, at this stage no further areas have been identified within Cornwall beyond the River Camel.

Around 78% of the phosphates entering the River Camel are a result of agricultural practices; only 9% results from built development discharged through waste-water treatment works, and 8% from septic tanks. Live planning applications including around 900 new homes are currently held up by this issue (with over 2000 new homes potentially effected in the medium to long term, as identified in the Cornwall Local Plan), including a number of strategic development sites in Bodmin.

Officers have been working proactively on this issue over the last year and appointed specialist consultants, Royal HaskoningDHV, to assist in preparing a Phosphate Management Strategy for the River Camel SAC. A Phosphate Calculator was published on 21 October 2021, which enables developments to calculate how much phosphate



their proposal would generate, and estimates the area needed for mitigation. Since the launch of the phosphate calculator, the Council has been able to progress some applications where it has been demonstrated the proposed development is phosphate neutral.

Royal Haskoning have also prepared a Draft River Camel Phosphate Mitigation Solutions Report, which is available on our [Nutrient neutrality in Cornwall - Cornwall Council](#) webpage. Please note: The phosphate calculations used in this report to determine the likely phosphate removal of solutions and estimate the phosphate loading from development come from the Cornwall Council River Camel Phosphate Calculator (published November 2021). Since undertaking this work Natural England have published further guidance (16th March 2022) for LPAs including a new calculator for the River Camel catchment. Cornwall Council consider that our original Cornwall Council River Camel Phosphate Calculator remains the most accurate way of calculating phosphate loading in the river camel catchment. However, some amendments to the calculator may be required to align with the new guidance which may result in some



of these calculations needing to be amended. A discussion on this will be commenced with NE which may take some time to finalise. In the meantime the Council wants to continue to progress out work on strategic mitigation. Therefore, this report remains in draft as there may be some change in the phosphate figures, but this does not change the underlying analysis of the most appropriate mitigation in the River Camel catchment and on that basis we are proceeding to publish this report and to continue to work on the next stage which will be developing an implementation strategy for the solutions taken forward by the Council.

The draft report sets out 16 potential phosphate management solutions that could potentially be used in the River Camel catchment, to reduce the level of phosphates entering the watercourse. These range from measures that could be implemented in the short term, to more complex measures that would require considerable design, monitoring and consenting and therefore have longer implementation timescales.

As an example, some of the shorter-term measures include: SuDS, Riparian buffer strips, and taking land out of agricultural use. Some of the medium to long term mitigation measures could include constructed wetland creation, wet woodlands, and water company improvements. The full list of options are set out in the report.

The Council continue to work closely with key partners including Natural England, South West Water, and the Environment Agency. Officers are also undertaking regular stakeholder engagement including workshops with officers, developers, agents, consultants, and landowners, as well as with other bodies including Westcountry Rivers Trust and the National Farmers Union.



The next steps will be progressing the broad range of options set out in the Draft Solutions Report into a Mitigation Plan and Supplementary Planning Document which will need to be agreed by Cabinet. This will include advice for developers on projects they can deliver as well as strategic projects that the Council may deliver using S106 funds. Progressing this work will be a priority throughout the remainder of 2022.

More information will be published on our webpages:

- [Temporary pause on development in the River Camel Special Area of Conservation - Cornwall Council](#)
- [Types of development and applications affected - Cornwall Council](#)
- [Considering an application in the River Camel catchment area - Cornwall Council](#)
- [River Camel phosphate management strategy - Stakeholder workshops - Cornwall Council](#)
- [Nutrient neutrality in Cornwall](#)

We are updating these pages regularly so please keep a look out for latest news.

Update on Prosperous Cornwall 2050

Prosperous Cornwall 2050 has been developed as a new way of working to ensure that plans and strategies across the council have the same direction of travel and complement each other. It brought together three vital areas housing, transport, and planning. This was necessary to ensure that the plans that we shape over the next decades fit together, support the Council's priorities and help Cornwall and its communities adapt to future challenges and climate change. The plans were agreed at the full Council Meeting on 12 April 2022.

Planning and Housing has used this collaboration to create the 'Plan for our Places' – a Spatial Strategy for Cornwall. This has helped to begin to gather evidence and trigger conversations as work towards the next Cornwall Local Plan begins.

The 'plan for our places' helps our thinking on how planning can address the challenges for Cornwall, including post-Covid recovery, the Climate and Biodiversity Emergencies and the housing emergency, all of which have had, and will continue to have, a fundamental impact on the way that we live, work and travel. It will also set the strategy for how planning will work with communities for a carbon neutral Cornwall, where everyone can start well, live well and age well and to meet the four priority outcomes of:

- A brilliant place to be a child and grow up
- A thriving, sustainable Cornwall that offers a secure home, a decent income and a great environment for all
- Vibrant, safe and supportive communities where people help each other live well
- An empowering and enterprising Council that delivers great value for money

The plan will be published shortly on our Let's Talk Planning pages: [Prosperous Cornwall 2050: Creating a plan for our places | Let's Talk Cornwall](#)



Developer Contributions update

CIL Payments to Local Councils

Local Councils will be receiving a CIL Neighbourhood payment of £373,507.70 this month. The amount being passed to local Councils has steadily been increasing since Cornwall Council started charging CIL in January 2019, and brings the total passed to Local Councils to nearly £1.3m.

Made twice a year in April and October, the CIL Neighbourhood payments are made automatically to any Town or Parish Council where CIL liable development has commenced and made a CIL payment to Cornwall Council in the preceding six-month period. Local Councils receive 15% of the amount Cornwall Council receive from a development, or, where there is a fully adopted Neighbourhood Development Plan, this increases to 25%.

More information about the CIL Neighbourhood payments can be found at www.cornwall.gov.uk/cil and then select '[Town and Parish Councils](#)' from the menu options.

CIL Fund – Round 2

Community groups can apply for up to £100,000 to fund infrastructure projects that will benefit children and young families as Cornwall Council launches its second CIL Fund round.

The first round, held in 2020, saw £623,000 awarded to fourteen local infrastructure projects across Cornwall that helped communities towards achieving more low carbon living. These included improved access routes at Newquay Community Orchard, installation of solar panels at Stithians Community Centre, and the creation of an electric car club in Bude.

A further £500,000 is now available through a competitive application process which launched on Monday 4 April. Town and parish councils, constituted community groups and not for profit organisations will be invited to bid for between £20,000 and £100,000 CIL funding to deliver local infrastructure projects.

Unlike the first round, this year there is an Expression of Interest stage where potential fund applicants can submit a brief summary of what their project is and what it will achieve. This will help to ensure that communities only spend time and effort in working up a full application for eligible and appropriate projects.

This year we are seeking to support infrastructure projects that support children and young people. We are open to ideas on what this might be, but the project must involve delivery of infrastructure that helps to alleviate the cumulative impact of development on an area, or helps development to come forward, as well as having a children and young people focus.

The initial Expression of Interest stage is now open and will run until 5pm on Thursday 23 June, after which eligible projects will be invited to submit a full application. Applications must then be submitted by the end of October, and the successful projects are expected to be announced early 2023.



All information, forms and guidance on submitting an Expression of Interest are available at www.cornwall.gov.uk/cil.

Brilliant Building Control

In case you missed it earlier this year, we were delighted for our LA Building Control team who won LABC Team of the Year!



Judges considered the challenges faced by the team as well as customer feedback. LABC Chief Executive, Lorna Simpson, had this to say: “These new style awards reflect LABC’s new focus on skills, quality and competency and reflect the best in construction from a technical perspective. Cornwall Council Building Control faces various challenges including its geography, climate and age and nature of its

building stock. Their longstanding partnership approaches and commitment to service excellence is shown by the amount of positive feedback they receive.”

You can read more about the awards here: [LABC Building Excellence Awards 2021 winner: Local Authority Building Control Team of the Year | LABC](#)

For the latest updates and news from Cornwall Council building control, please keep an eye on our [Building control news and training - Cornwall Council](#) webpage.



[Chris Stanbury’s Building Control blog: Some musings on FLOS \(aka significant changes to the Building Regulations\) coming into force on 15 June 2022:](#)

This type of content is always as dry as a tourist’s foot after a day of sight-seeing in St Ives, so here is a brief summary of what Building Control see as some of the more interesting highlights, with a bit of wit thrown in to sweeten the pill.... This isn’t an exhaustive list of all the changes, but if nothing else, at least some of the headlines!

This summer will see some significant changes to some parts of the Building Regulations as well as two new parts being added ... the changes coming into force on 15th June 2022 have been coined the ‘FLOS’ update, and are as follows:

- Introduction of significantly updated Part **F** – Ventilation
- Introduction of significantly updated Part **L** – Conservation of Fuel and Power *(and related significant changes to the SAP Energy assessment methodology for newly formed dwellings)*
- Introduction of new Part **O** – Overheating



- Introduction of new Part S – Infrastructure for Charging Electric Vehicles

If you want to know how pasties relate to Part O, and why you need gin for Part S as well as imminent implications of the changes, [then read on](#)

Changing Places – more provision for Cornwall

Residents in Cornwall will soon benefit from six new Changing Places toilets that will be installed following a successful bid for Government funding.

Cornwall Council submitted the funding bid after receiving proposals from several Town and Parish Councils, with input from residents and their carers who use these facilities.



A Changing Places toilet is a larger, more accessible toilet for disabled people and their carers whose needs are not met by standard accessible toilets. Nearly £236,000 has been awarded by the Government for new facilities in Falmouth, Redruth, Seaton, St Ives, Truro and Wadebridge.

The council will also be working closely with Muscular Dystrophy UK, the government's Changing Places delivery partner, to make sure all the facilities meet the high specification required to be a Changing places facility so that they meet the needs of users and carers.

Organisations looking to install a changing places toilet can find more information at [Changing Places Toilets \(changing-places.org\)](http://changing-places.org) and [Changing Places Toilet Guidance](#).

Planning Agents Forums 2022

Our first Planning Agents Forum this year was held on Thurs 17 March. The programme included:

- Development Management update:
 - Area Planning Teams
 - Permitted Development Rights changes
 - Submission changes, validation, tips to avoid invalid submissions
- Policy update:
 - Future planning changes
 - Prosperous Cornwall 2050
 - Climate Emergency DPD
 - Cornwall Design Guide – December 2021 and updated Chief Officer Note
 - Neighbourhood Planning: new arrangements and design coding
 - European Sites Mitigation SPD – appropriate assessments
- River Camel phosphates update with our consultants, Royal HaskoningDHV

Presentations are available on our [Planning Agents Forums](#) webpage.



Upcoming forums

We will start planning for our Autumn event shortly so if you have any topics you would like us to consider including, please email Nic Phillips at positiveplanning@cornwall.gov.uk

If you are a planning agent submitting regular applications to Cornwall Council and you wish to know more or subscribe for notifications, please email positiveplanning@cornwall.gov.uk in the first instance.

Local Council Planning training

Since our last newsletter we facilitated a session for Local Councils with the Environment Agents on 22 March. Content in their Roles and Responsibilities presentation includes:

- Relationships with placemakers and outcomes sought through growth and development
- Role in town and country planning
- Approach to development management
- Local Flood Risk standing advice

The slides are published on our [Local Council Planning Conferences](#) page on Cornwall Council's website.

We will add details of next training sessions for local councils to the [Local Council Planning Conferences](#) page too.

Modular training videos

You can find modular training videos for local councils on the [Local Council Planning Conferences](#) webpage. Recently we have added Jon Drew's super informative **Planning Enforcement and Compliance** and **Planning Appeals** videos. These are uploaded to YouTube and are available for clerks and councillors to use for themselves and for training others.

The latest video, added last week, is from Jackie Smith, Principal Drainage Officer from the Local Lead Flood Authority: [Sustainable Drainage – an overview for Local Councils](#) is specifically targeted at local councils as the audience and includes:

- an overview of drainage
- role of the Local Lead Flood Authority
- Sustainable Drainage Systems (SuDS) with real examples, design and maintenance requirements
- Critical Drainage Areas and what they mean

We are building up a YouTube video resource [here](#) for Local Councils – it's worth a look and giving those videos a try. If you think of other topics, please email us at positiveplanning@cornwall.gov.uk and we will consider them.

Planning Induction training

Planning Induction training presentations and Q&As are available on the website at [Local councils - Cornwall Council](#)



Day in the life of a planning application

[Day in the Life of a planning application](#), the online training resource developed by the Cornwall Planning Partnership has been updated to help display/function on some mobile devices and include latest link updates.

Planning Validation update and important process changes

As Planning continues to move further towards working digitally and helping to achieve the Council's aims of becoming Carbon Neutral some of our processes have changed.

As you will know from the 1 April 2022 Planning stopped accepting applications which can be submitted via the Planning Portal by email. Thank you to all the agents for their support in making this change successful.

During the start of the Covid-19 pandemic a move towards dealing with all applications electronically was introduced due to compulsory home working for all staff. This brought a big challenge but one which we adapted to quickly. As a result of applications being received electronically we will be introducing some changes to requirements on plans which have briefly been outlined below. Separate comms will be sent to all agents providing more detail in the near future.

Scaling from plans. We will no longer accept any plans that state Do Not Scale (or any other variation of wording with Do Not Scale included).

Scale Bars – We will be requesting that all plans have a scale bar provided

Redacting and Formatting of Plans – Removal of personal details, plans in correct orientation, ensure documents are labelled correctly

Changes to the way planning applications are submitted

From 1 April, planning applications which can be submitted via the Planning Portal (www.planningportal.co.uk) are no longer accepted by email. Pre-applications and Do I Need Planning Permission submissions continue to be accepted via email along with any other application types which cannot be submitted via the Planning Portal. Application types which are not available for submission via the planning portal can be viewed here:

[Consent types not available through the online system Planning Portal](#)

Advantages in submitting applications via the Planning Portal include:

- the ability to pay the fee at the time of submission
- the mandatory fields to complete on the planning portal significantly reduce the risk of the application being invalid on receipt
- the document repository and workflow tool for customers can be used as a management tool for agents
- the planning portal system is fully integrated with our back office system meaning documents are added straight away

As a result the applications are registered and validated much quicker for customers and agents, helping to get to a quicker planning decision.



Changes to the way comments on applications are submitted

From 1 April 2022 public comments on planning applications submitted via email are no longer accepted. We ask customers to submit comments electronically via the online planning register <https://planning.cornwall.gov.uk/online-applications>.

The benefit of submitting comments via the website's online planning register include:

- Comments are immediately added into the back office system and automatically uploaded to the website
- The comments are immediately available for the planning officer to view and consider
- There is no delay in receiving comments due to staff absence

Meaning that the risk of comments being delayed such that they are not considered as part of the application is removed.

Customers can also use the online register to track the progress of the application they have commented on and they can be alerted of the decision if they 'track' the application. Further information on how to track an application can be found here [Online planning register - Cornwall Council](#)

Never miss Planning News again ...

If you would like to receive notifications and a link to these newsletters when they are published, please contact us at positiveplanning@cornwall.gov.uk.

Useful links

Quick links to pages on our website you may find useful:

[Contact us](#) including the latest map for the area planning teams

[Online Planning Register](#)

[Planning Agents Area](#)

[Planning Agents Forums](#)

[Planning Committees](#) – link to main Committees webpage

[Neighbourhood Development Plans](#) and [latest NDP ebulletins](#)

[Day in the Life of a planning application](#)

[Role of Local Councils in Planning](#)

[Local Council Planning Conferences](#)

[Cornwall Planning Partnership](#) including guidance for local councils on:

- guiding principles for early stage pre-app discussions with developers
- working together protocol for Cornwall Council, local councils and developers on pre-application discussions
- guiding principles for post-decision community engagement

[Planning Enforcement](#) (including the latest [quarterly activity reports](#))



We're always looking for ways to improve our communications with you so if you have any feedback on this newsletter, we'd love to hear it. Please send any comments to positiveplanning@cornwall.gov.uk

April 2022

<https://www.cornwall.gov.uk>

