



North Coast Cluster Group (NCCG)

(The NCCG includes Crantock, Cubert, Newquay, Perranzabuloe, St.Agnes, St.Allen, & St Newlyn East Town and Parish Councils)

Clerk: Claire Evans
Kensmead
Rhubarb Hill
Holywell Bay
Nr Newquay
TR8 5PT

Cornwall, City, Town, and Parish Councils

9th January 2019

Dear Councillor/Clerk,

Crantock Neighbourhood Plan situation

Reference: North Coast Cluster Group letter (County Conference) dated 25th November 2018, and various preceding letters.
CALC letter dated 29th November 2018, to Rt Hon J Brokenshire MP
Minister for Housing Communities and Local Government

The Crantock High Court Hearing of 13th December 2018, seeking a Judicial Review, has been unsuccessful. The judgement being that the council had no reasonable grounds to anticipate a successful review.

The judgement centered on whether “Local Need” within the Crantock Neighbourhood Plan was specific to “Local Connection” Crantock families on the Cornwall Homechoice Register, or whether “Local Need” within the Crantock Neighbourhood Plan referred to the “Local Need” Cornwall wide, within the Cornwall Local Plan. Crantock had made allowance in the plan for 45 affordable houses.

There was also some doubt as to whether previous permissions on other sites that are still within planning permission condition deadline date, could be given weight, unless building and/or completion of the site had started/taken place. (Cornwall Council described “Stalled” sites).

One of the original two affordable led sites (59 houses, 30 affordable homes), is currently being built, the other (30 houses, 15 affordable homes) is due to start build in the next two months.

Therefore, whether a “Local Need” for the whole of Cornwall outweighed the need to protect agricultural green field outside of the designated settlement boundary.

At the time of the Hearing, the Local Homechoice in need figures for Crantock was 26 families (figures provided by Cornwall Council), and the number of houses already granted through the two other Affordable Led Sites were 45 affordable houses (along with the usual accompanying 44 open market houses). The additional 22 houses from the latest outline permission, would bring the affordable housing provision total to 67 houses, in order to accommodate 26 local Crantock connection families.

The Crantock Neighbourhood Plan specifically allocated land previously outside of the settlement boundary for the building of 45 affordable (plus 44 open market) homes.

Neighbourhood Plans in Cornwall

An immediate concern, outside of Crantock, would seem to be the relevance of the judgement to other Neighbourhood Plans and Rural Exception Sites in both Cornwall, and further afield.

It should be borne in mind that there are various stages of check and balance to negotiate in order for a Neighbourhood Plan to reach final permission (as at Crantock). Advice and guidance is provided by Cornwall Council and independent advisors, and official examination, public consultation, and referendum has to take place, all scrutinized and recommended by Cornwall Council. Followed ultimately, by the grant of planning permission for the Neighbourhood Plan by Cornwall Council itself.

It might seem easy to suggest that the Crantock Neighbourhood Plan Affordable Housing Rural Exception Site policy was a one off error or oversight, missed by lax procedures at the independent examiner and Cornwall Council stages through the four years of consultation and application. But this suggestion would be incorrect.

There are 21 completed neighbourhood plans, with three more at referendum stage, and five more at examination stage. All are available for public scrutiny on the Cornwall Council planning portal, and all are/were under Cornwall Council scrutiny.

Three of the plans are for city and town councils who recognize that Rural Exception Sites are specific to “smaller towns and parishes”. For instance, included within the Liskeard Neighbourhood Plan: “For the avoidance of uncertainty this Neighbourhood Development Plan makes it clear that POLICY 9 of the Cornwall Local Plan (Adopted November 2016)’, which provides for ‘affordable led rural housing exception sites’ ‘outside but adjacent to the existing built up areas of smaller towns, villages and hamlets’ does not apply to Liskeard”.

The plans for Rame Peninsular, Withiel, and St Erth all include policies for affordable exception sites outside of the settlement boundary, but do not mention the “local” connection in those actual policies. One other plan predates the (then) emerging Cornwall Plan and therefore the Rural Exception Site Policy 9.

This leaves 22 independent Neighbourhood Plans that specifically identify Affordable Rural Exception scenarios where “Local Need” is identified as “local Need” to that specific designated Neighbourhood Plan area. The meaning of “Local Need” in each case is either expressed specifically within the one or two sentence wording of the individual policy statement, or expanded further within the explanation of that policy statement.

A precis of the affordable housing rural exception site policy for those 22 independent neighbourhood plans is attached (and below). Given that 22 out of a total of 25 applicable neighbourhood plans have specific statements on "Local Needs" (90% once the major city/towns or older plan are discounted), then it would not be unreasonable to assume that the same percentage of neighbourhood plans currently in the pipeline will include the same features/references.

There are over 80 more neighbourhood plans designated on the Cornwall Council Planning Portal, but details of the proposed plans and policies therein are not yet publicly available. It would not be unreasonable to expect that 90% of those plans (discounting large towns), will also include a specific statement on "Local Needs". 95 or more other council areas remain, that have yet to apply for a designated neighbourhood plan.

We await reply to the CALC letter to the Minister for Housing Communities and Local Government of 29th November with interest.

The current question has to be, whether the local community knew that "Local Need" meant Cornwall Wide "Local Need" at the various referendum, examination, and public consultation stages, and whether the Local Community, steering groups, and referendum electorate were informed by Cornwall Council that "Local Need" would mean Cornwall Wide "Local Need".

Town and parish councils might wish to review their current or planned neighbourhood plans, to see whether they fit the required purpose, as stated at referendum or public consultation, and whether urgent amendment and explanation to the community is required.

It might well be concluded that a statement is required from Cornwall Council on the meaning of "Local Need" within a Neighbourhood Plan, specifically with regard to Rural Exception Site policies.

However, the North Coast Cluster Group request of 25th November for a County conference on this, and many other pressing planning issues, was again rejected by the Planning Portfolio Holder by e-mail on 26th November.

Yours sincerely

Alan Percy BEM. Chairman

Copy to:

Planning Portfolio Holder, Cornwall Council
Louise Wood, Planning, Cornwall Council