

# PADSTOW TOWN COUNCIL

Council Offices  
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Cornwall  
PL28 8DA

Kathy Pemberton  
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17 May 2023

**TO: MEMBERS OF THE PLANNING COMMITTEE**

Councillors Mrs J Colwill, P Curgenvan, Mrs J Dawe, R Higman, J O'Keefe, and Mrs T Walter

Dear Member

All Members of the Committee are hereby summoned to attend a meeting of the **PLANNING COMMITTEE** at the **Council Offices, Station House, Station Road, Padstow** on **Tuesday 23 May 2023 at 7.00pm** for the purpose of considering and resolving upon the business to be transacted as set out hereunder.

Yours faithfully

*K E Pemberton*  
Kathy Pemberton  
Town Clerk

## AGENDA

### Public & Press are invited to attend

1. **Election of Chairman/Vice Chairman**
  - i) To **ELECT** Committee Chairman
  - ii) To **ELECT** Committee Vice-Chairman (if Committee so wishes)
2. To receive **apologies for absence and announcements (if any)**
3. To receive **declarations of interest** relating to items on the agenda in accordance with Padstow Town Council's code of conduct.
4. **Public Participation:** to receive submissions from members of the public relating to items on the agenda, in accordance with the Council's code of conduct & standing orders.
5. **To agree the minutes** of the meeting held on **Tuesday 18 April 2023** (1-3)
6. **Committee Terms of Reference:** To review the Committee's terms of reference and make any recommendations for amendment to Council
7. **Planning** (5-6)
  - i. **To advise of Cornwall Council planning decisions:**
    - a) **PA22/08577 Seaway Trevone Road Windmill Padstow Cornwall PL28 8RZ** – Variation of Condition 2 (approved plans) of application no PA21/05118 dated 25.10.21 (Proposed extension and alterations to Seaways including works to the main dwelling, and conversion of existing garage to ancillary accommodation. **APPROVED**)

- b) **PA22/11280 6 Dennis Road Padstow Cornwall PL28 8DD** – To convert and extend the detached garage in to an Habitual Annex to the main house.  
**WITHDRAWN**
- c) **PA23/01094 5 Strand Street Padstow Cornwall PL28 8BU** - Refurbishment and alteration to 5 Strand Street (including the conversion of the existing outbuilding to annexe and re-build of the West gable wall).  
**APPROVED**
- d) **PA23/01095 5 Strand Street Padstow Cornwall PL28 8BU** – Listed building consent for refurbishment and alteration to 5 Strand Street (including the conversion of the existing outbuilding to annexe and re-build of the West gable wall).  
**APPROVED**
- e) **PA23/01870 1 St Saviours Lane Padstow Cornwall PL28 8BD** – Retrospective: replacement of existing perimeter driveway gates  
**REFUSED**
- f) **PA23/01871 1 St Saviours Lane Padstow Cornwall PL28 8BD** – Listed building consent for the retrospective replacement of existing perimeter driveway gate.  
**WITHDRAWN**

**ii. To discuss and decide on responses to the following planning applications from Cornwall Council:** (7-9)

- a) **PA23/02812 Memorial Hall Trevone Road Trevone Padstow** – Variation of Condition 2 (approved plans) of application no PA21/10664 dated 04.03.22 (Demolition of existing extension to the Memorial Hall, including entrance lobby, corridor and toilets, and erection of a detached hall with kitchen and disabled facilities)
- b) **PA23/02860 St Martins Dobbin Lane Trevone Padstow** – Render existing brickwork.
- c) **PA23/02878 Avalon Trevone Road Trevone Padstow** – Widening of existing gateway and creation of parking area at the front of the property.
- d) **PA23/03244 Treearne Farm St Merryn Padstow Cornwall** – Conversion / extension of barns to dwellings and construction of replacement dwelling in lieu of Class Q approval.
- e) **PA23/03399 Treearne Farm St Merryn Padstow Cornwall** – Construction of stone walls and installation of timber gates.
- f) **PA23/03330 18 Egerton Road Padstow Cornwall PL28 8DJ** – Variation of Condition 2 (approved plans) of application no. PA22/04147 dated 07.07.22 (Demolition of the existing 3-bed detached dwelling and replaced with a new 4-bed detached dwelling) (re-submission of application no PA23/00042 dated 23.02.23)

- 8. Government consultations on planning matters:** (9-25)
- a) Introduction of a **use class for short term lets** and **associated permitted development rights.**
  - b) **Environmental Outcomes Reports** – a new approach to environmental assessments.
  - c) Proposed Planning Changes: **new Infrastructure Levy**

**9. Future Meetings (commencement of each 7.00 pm unless specified below):**

Tuesday 13 June 2023	Tuesday 12 December 2023
Tuesday 11 July 2023	Tuesday 9 January 2024
Tuesday 8 August 2023	Tuesday 13 February 2024
Tuesday 12 September 2023	Tuesday 12 March 2024
Tuesday 10 October 2023	Tuesday 9 April 2024
Tuesday 14 November 2023	

**PADSTOW TOWN COUNCIL**

**Minutes of the Planning Committee meeting held on Tuesday 18 April 2023 in the Council Chamber, Station House, Station Road, Padstow at 7.00 pm**

**Present:** Councillors J O'Keefe (Chairman), R Higman (Vice Chairman), P Curgenvan, Mrs J Dawe and Mrs T Walter

**In Attendance:** Mrs S Daly (Assistant TC/Assistant RFO and Minute Taker) and 1 member of the public

**P2022/68 Apologies and Announcements:** Apologies were received from Councillor Mrs Colwill. There were no announcements.

**P2022/69 Declarations of Interest:** There were no declarations of interest.

**P2022/70 Public Participation:** 1 member of the public attended the meeting and addressed Committee in objection to agenda items 5 iii) b) PA23/01870 1 St Saviours Lane Padstow Cornwall PL28 8BD and 5 iii) c) PA23/01871 1 St Saviours Lane Padstow Cornwall PL28 8BD. A photograph of the gates was shown to Committee and comments made included:

- Property is a listed building and permission should have been obtained first. Has submitted objections to the application online which the Chairman confirmed Committee had viewed;
- Feel gates are completely inappropriate and consider that at 82" tall they are well over the 6' maximum. In addition, gates border a highway.
- Consider gates are not a "like for like" replacement and are in a conservation area;
- Consider that retrospective planning application is a recognition of guilt and not a request for planning permission;
- Feel gates have changed entire look of area and invite scrutiny from those with nefarious intentions for second homes.
- Concern also that if retrospective permission is granted this would set legal precedent for unsympathetic, offensive and illegal works in area.

**P2022/71 RESOLVED** that the **Minutes** of the meeting held on **Tuesday 14 March 2023** be signed as a true record.

**P2022/72 Planning**  
**i. The following Cornwall Council planning decisions were noted:**  
a) [PA23/00690](#) **4 Moyle Road Padstow Cornwall PL28 8DG** – Demolition of existing garage to be replaced with new ground floor extension, internal alteration works & replacement roof covering with the proposed addition of photovoltaic panel on south elevation.

**APPROVED**

- b) [PA23/01057](#) **Land East of 1 Sarahs Meadow Padstow Cornwall PL28 8LX** – Application for Permission in Principle for the construction of a dwelling. **REFUSED**
- c) [PA23/00670](#) **4 Lodenek Avenue Padstow Cornwall PL28 8EP** – Two – storey side extension to semi-detached property incorporating a new utility and dining room at ground floor level and a repositioned larger bedroom at first floor level. **REFUSED**
- d) [PA23/02206](#) **Caravan Creekview Creddis Farm high Lanes Wadebridge Cornwall PL27 7SA** – Non material amendment in relation to decision notice PA20/07449 dated 10.11.20 for proposed materials update. **APPROVED**

**ii. The following application for tree works submitted to Cornwall Council was note:**

- a) [PA23/01281](#) **The Granite House Hill Street Padstow Cornwall PL28 8EB** – Works to trees within a conservation area: The reduce 2x Sycamore trees (T1 & T2) and 1 x Norway Maple tree (T3)

**iii. RESOLVED to make the following planning application responses to the Planning Authority (Cornwall Council):**

- a) [PA22/11280](#) **6 Dennis Road Padstow Cornwall PL28 8DD** – To convert and extend the detached garage in to an Habitual Annex to the main house.

**NOT SUPPORTED until the appropriate planning information is provided.**

- b) [PA23/01870](#) **1 St Saviours Lane Padstow Cornwall PL28 8BD** – Retrospective: replacement of existing perimeter driveway gates **NOT SUPPORTED i) totally out of character with street scene; ii) inside a conservation area; iii) concern for setting a precedence; iv) concerns over excessive height and bulk; and v) painting will not improve situation or make it visually better.**

- c) [PA23/01871](#) **1 St Saviour Lane Padstow Cornwall PL28 8BD** – Listed building consent for the retrospective replacement of existing perimeter driveway gates. **NOT SUPPORTED i) totally out of character with street scene; ii) inside a conservation area; iii) concern for setting a precedence; iv) concerns over excessive height and bulk; and v) painting will not improve situation or make it visually better.**

- d) [PA23/01920](#) **Prideaux Place Tregirls Lane Padstow Cornwall** – Works to trees covered by a Tree Preservation Order, namely, group of 9 no mixed species trees (Ash, Elm, Sycamore) to be felled to ground level to enable ground level to be reduced for wall repairs. **SUPPORTED**

- e) [PA23/01995](#) **13 Raleigh Road Padstow Cornwall PL28 8ET** – Erection of first floor extension to existing annexe. **SUPPORTED**

f) **PA23/02302 4 Barrys Lane Padstow Cornwall PL28 8AU** –  
Proposed rear single-storey extension and associated alterations to  
existing dwelling house (amended design to approved PA22/10916)  
**SUPPORTED**

g) **PA23/02303 4 Barrys Lane Padstow Cornwall PL28 8AU** –  
Listed Building Consent for proposed rear single-storey extension and  
associated alterations to existing dwelling house (amended design to  
approved PA22/10916)  
**SUPPORTED**

h) **PA23/02305 25 Egerton Road Padstow Cornwall PL28 8DL** –  
Construction of single-storey extension and alterations to existing  
dwelling.  
**SUPPORTED**

**P2022/73**      **Planning Protocol For Local Councils:** Cornwall Council's updated  
planning protocol for local Councils was noted.

**P2022/74**      **Date of Next Meeting:** TBC.

The Chairman closed the meeting by thanking Committee members for  
their hard work over the last 12 months and acknowledging the  
increasing workload of the Planning Committee.

Meeting closed at 7.18 pm

## **Terms of Reference for the Planning Committee**

### **Membership**

- The Committee will consist of 6 elected Councillors and the first item of business at its first meeting after the Annual Town Council meeting each year will be to elect a Chair for the year. It will also elect a Vice-Chair, if thought appropriate, although any elected member can preside by agreement in the Chair's absence. A quorum will be a minimum of 3 elected members.
- The Committee shall be able to constitute sub-committees and working groups to study any aspect of the Committee's sphere of activity and members of the public can be co-opted on to assist with the recommendations.

### **Records of Proceedings**

- The Committee will meet on the 2<sup>nd</sup> Tuesday of each month at 7pm
- Additional meetings will be arranged as required.
- Written minutes will be taken to record the Committee decisions and will be received at the next full council meeting and signed as a true record of the meeting at the next committee meeting. The Town Clerk will be responsible for arranging meetings and for the recording and distribution of minutes. The minutes will be available on the Town Council website.

### **Responsibilities**

The Committee **will have full delegated powers** in respect of –

1. The Council's response to all applications for development within Padstow Town Council area (including Listed Building, Conservation Area consent, consent for advertisement displays etc) received from Cornwall Council.
2. A response to consultation documents regarding tree preservation and other matters regarding general land development,
3. The consideration of all appeals against planning refusal by Cornwall Council within Padstow Town Council area and the submission of comments to the relevant bodies,
4. The consideration of any proposals for new and any review of Cornwall Council structure plans, local plans and any other consultation document of a planning nature,
5. The appointment of a member of the committee to represent the Council at Cornwall Council planning meetings as appropriate.
6. The consideration of recommendations of sub-committees, working groups etc under the control of the Planning Committee,
7. Consultation with other relevant bodies with similar interests including other Town Council committees and sub-committees and consideration of their recommendations,

### **To make recommendations to Full Council**

1. Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy.

**Agenda item 7i: To advise of Cornwall Council planning decisions.**

In this report the Support Officer has provided a list of the decisions made by Cornwall Council since the last meeting. With each decision Padstow Town Council's consultee response has been included for Committee to note. Where Padstow Town Council submitted a specific comment in respect of an application, the Support Officer has checked the approval decision for any conditions relating to the comment and included these in the report below.

- a) [PA22/08577](#) **Seaway Trevone Road Windmill Padstow Cornwall PL28 8RZ -**  
Variation of Condition 2 (approved plans) of application no PA21/05118 dated 25.10.21 (Proposed extension and alterations to Seaways including works to the main dwelling, and conversion of existing garage to ancillary accommodation.  
Padstow Town Council = **NOT SUPPORTED concern with rear extension blocking light to back of Calumet (adjoining property)**  
Cornwall Council = **APPROVED**

5 day protocol was received from Cornwall Council Planning Officer the Town Clerk in consultation with the Chairman have delegated authority to respond, on this occasion the responses was submitted saying  
'After reading through the case officer's comments regarding the alterations to an approved scheme, and which they are mindful of approving the scheme, I would like to agree with the case officer's comments. I would like the condition that the privacy screen remains obscured glazing rather than a solid non transparent screen to block views but permit light through included in the decision agreement.'

The following conditions are on Cornwall Councils approval notice:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of 25th October 2021.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The annexe development hereby permitted shall only be occupied by members of the family or non-paying guests of the occupiers of the dwelling known as Seaway and shall not be used at any time as a separate residential unit of accommodation.

Reason: The Local Planning Authority consider that the proposed annexe would be inappropriate for occupation independent of the main dwelling by virtue of the physical relationship between the annexe and the main house which would create inadequate levels of residential amenity for the occupiers of both in accordance with Policies 12 and 13 of the Cornwall Local Plan 2016-2030.

4 Prior to the development hereby approved being brought into use an obscure glazed screen of 1.8m in height shall be positioned along the side (south) elevation of the rear first floor terrace area as shown on plans 2020 PL 01 C and 2020 PL 02 C and shall thereafter remain in situ and shall not be altered or removed without the express consent of the local planning authority. The screen shall be of an obscure glazing/glass block only to allow light to pass through and shall not be of any other material. Reason: To protect the privacy of the neighbour at Calumet but prevent unreasonable loss of light in accordance with Policy 12 of the Cornwall Local Plan 2010-2030.

b) [PA22/11280](#) **6 Dennis Road Padstow Cornwall PL28 8DD** – To convert and extend the detached garage in to an Habitual Annex to the main house.  
Padstow Town Council = **NOT SUPPORTED until the appropriate planning information is provided.**  
Cornwall Council = **WITHDRAWN**

5 day protocol was received from Cornwall Council Planning Officer where they provided the application form and reasons that they were looking to refuse the application. The Town Clerk in consultation with the Chairman have delegated authority to respond, on this occasion it was to opt for 1. Agree with Planning Officers recommendations. Application has now WITHDRAWN.

c) [PA23/01094](#) **5 Strand Street Padstow Cornwall PL28 8BU** - Refurbishment and alteration to 5 Strand Street (including the conversion of the existing outbuilding to annexe and re-build of the West gable wall).  
Padstow Town Council= **SUPPORTED in accordance with Historic Environment views**  
Cornwall Council = **APPROVED**

d) [PA23/01095](#) **5 Strand Street Padstow Cornwall PL28 8BU** – Listed building consent for refurbishment and alteration to 5 Strand Street (including the conversion of the existing outbuilding to annexe and re-build of the West gable wall).  
Padstow Town Council = **SUPPORTED in accordance with Historic Environment views**  
Cornwall Council = **APPROVED**

e) [PA23/01870](#) **1 St Saviours Lane Padstow Cornwall PL28 8BD** – Retrospective: replacement of existing perimeter driveway gates  
Padstow Town Council = **NOT SUPPORTED i) totally out of character with street scene; ii) inside a conservation area; iii) concern for setting a precedence; iv) concerns over excessive height and bulk; and v) painting will not improve situation or make it visually better.**  
Cornwall Council = **REFUSED**

f) [PA23/01871](#) **1 St Saviours Lane Padstow Cornwall PL28 8BD** – Listed building consent for the retrospective replacement of existing perimeter driveway gate.  
Padstow Town Council = **NOT SUPPORTED i) totally out of character with street scene; ii) inside a conservation area; iii) concern for setting a precedence; iv) concerns over excessive height and bulk;**



**and v) painting will not improve situation or make it visually better.**

Cornwall Council = **WITHDRAWN**

### **Agenda item 7ii: Applications to consider**

On occasion Padstow Town Council is reconsulted on applications which have previously been discussed due to amended plans. Other times Council is asked to consider new applications which are linked to previous applications. To assist Committee in these circumstances, a Council Officer will included below any information regarding Padstow Town Council's earlier comments.

A Council Officer will send another report to Councillors regarding comments gathered on applications being discussed. Councillors are reminded that they can check comments that have been submitted by viewing the Cornwall Council Online Planning Register at [www.cornwall.gov.uk](http://www.cornwall.gov.uk).

- a) **PA23/02812 Memorial Hall Trevone Road Trevone Padstow** – Variation of Condition 2 (approved plans) of application no PA21/10664 dated 04.03.22 (Demolition of existing extension to the Memorial Hall, including entrance lobby, corridor and toilets, and erection of a detached hall with kitchen and disabled facilities) For Committee information PA21/10664 was **SUPPORTED** by Padstow Town Council.

As per the PA23/02812 application form section 6. Client looking to move building 700mm towards the chapel.

- b) **PA23/02860 St Martins Dobbin Lane Trevone Padstow** – Render existing brickwork.  
No Further information from the Council Office
- c) **PA23/02878 Avalon Trevone Road Trevone Padstow** – Widening of existing gateway and creation of parking area at the front of the property.  
No Further information from the Council Office
- d) **PA23/03244 Trenearne Farm St Merryn Padstow Cornwall** – Conversion / extension of barns to dwellings and construction of replacement dwelling in lieu of Class Q approval.
- &
- e) **PA23/03399 Trenearne Farm St Merryn Padstow Cornwall** – Construction of stone walls and installation of timber gates.

For Committee information previously applications that Padstow Town Council have been consulted for this location and comments submitted are:

- PA21/05840 - Listed Building Consent for further repairs and alterations pursuant to the refurbishment approved under PA17/03780 – Padstow Town Council = **SUPPORTED provided Conservation Officer satisfied.**
- PA17/03779 - Repair and refurbishment of house. Conversion of agricultural barns into 2no. holiday lets and an office and workshop space. Demolition of modern agricultural buildings – Padstow Town Council = **SUPPORTED – Provided Conservation Officer Satisfied**
- PA17/03780 - Listed building consent for repair and refurbishment of house. Conversion of agricultural barns into 2no. holiday lets and an office and workshop space – Padstow Town Council = **SUPPORTED – Provided Conservation Officer Satisfied**
- PA13/08096 -Listed Building Consent: The repair, alteration and conversion of 2 existing redundant stone built barns to dwellings. Remove roof structure and

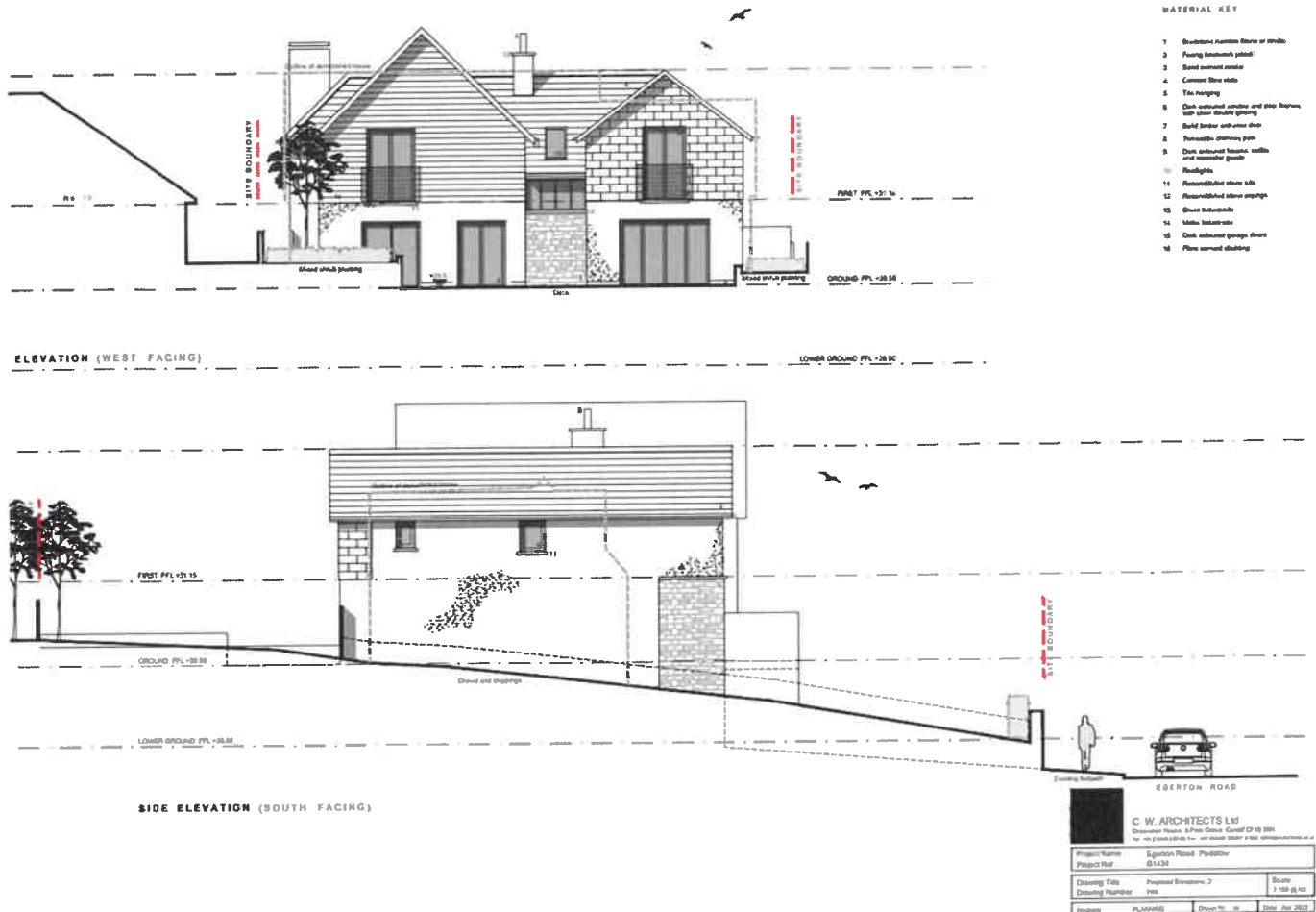
reduce wall height of existing stone barn to 2.0 metres. Padstow Town Council = **SUPPORTED – Provided Conservation Officer Satisfied.**

- PA13/08095 - The repair, alteration and conversion of 2 existing redundant stone built barns to dwellings, remove roof structure and reduce wall height of existing stone barn to 2.0 metres. Padstow Town Council = **SUPPORTED – Provided Conservation Officer Satisfied.**

f) **PA23/03330 18 Egerton Road Padstow Cornwall PL28 8DJ** – Variation of Condition 2 (approved plans) of application no. PA22/04147 dated 07.07.22 (Demolition of the existing 3-bed detached dwelling and replaced with a new 4-bed detached dwelling) (re-submission of application no PA23/00042 dated 23.02.23)

Previous application PA22/04147 Padstow Town Council – **SUPPORTED**  
Please find below and on the new page, the elevation plans from the previous application PA22/04147 for information.





**Agenda item 8. Government consultations on planning matters:**

**a) Introduction of a use class for short term lets and associated permitted development rights.**

**1. Brief overview**

- 1.1 Consultation on proposal to try and address concerns in certain areas about the increase in the numbers of short term lets and the impact this can have on the sustainability of communities and the availability and affordability of homes for local people, this consultation seeks views on proposals in respect of use classes and permitted development rights for short term lets.
- 1.2 Areas covered in the proposal are:
  - The introduction of a new use class for short term lets
  - The potential introduction of a new permitted development right for the change of use from a dwellinghouse to a short term let
  - The potential introduction of a new permitted development right for the change of use from a short term let to a dwellinghouse
  - How a flexibility for homeowners to let out their home for a number of nights in a calendar year could be provided through either changes to the dwellinghouse use class or an additional permitted development right
  - The introduction of a planning application fee for the development of new build short term lets

**2. Further information:**

- 2.1 Link to view the full consultation details and documents can be found of the Government website:

<https://www.gov.uk/government/consultations/introduction-of-a-use-class-for-short-term-lets-and-associated-permitted-development-rights/introduction-of-a-use-class-for-short-term-lets-and-associated-permitted-development-rights>

- 2.2 This consultation will run from 12 April 2023 to 7 June 2023.
- 2.3 The online consultation information is broken down into 10 sections, which includes a number of hyperlinks to further information and supporting documents. The sections are:
- Introduction
  - Introduction of a short term let use class
  - Register of short term lets
  - New national permitted development rights
  - Flexibility to let out your own home
  - Planning application fees
  - Existing permitted development rights
  - Local and neighbourhood plans
  - Comment on the proposed planning changes
  - Public Sector Equality Duty and Impact Assessments.

### **3. Response:**

- 3.1 Responses are by completing an online survey or by writing/email where they ask that you make it clear which question you are responding to. Councils Facilities Officer has emailed the department to see if they can provide the survey questions in a word or pdf format so they can be easily shared with the Council, however currently still awaiting a reply, should they arrive before the meeting they will be emailed to members.
- 3.2 As Councillors will need to access the information on the website (as per 2.1) to read the consultation documents and questions, best way forward maybe to ask members of the Committee to submit any comments they have into the office by Monday 5 June, and delegate final response to the Town Clerk in Consultation with Planning Chairman. Please note if no or very few comments are brought forward the decision maybe not to respond as a Council, but instead inform the Councillors who have submitted a comment that they can respond as individuals instead.

## **b) Environmental Outcomes Reports** – a new approach to environmental assessments.

### **1. Brief overview**

- 1.1 This consultation seeks views on a proposed new system of environmental assessment ('Environmental Outcomes Reports') to replace the current EU-derived environmental assessment processes of Strategic Environmental Assessment and Environmental Impact Assessment.
- 1.2 The Levelling Up and Regeneration Bill is seeking powers to implement a new domestic framework for environmental assessment. They are consulting on the use of powers in the Bill and seeking views from stakeholders across environmental assessment regimes. The consultation seeks views on how this new framework could work as a replacement to the existing environmental assessment regimes that have been transposed into domestic law from the Environmental Assessment of Plans and Programmes Directive and the Environmental Impact Assessment Directive.
- 1.3 Leaving the European Union gives once in a lifetime opportunity to create an improved framework of environmental assessment which properly reflects our country's needs and the unique characteristics of our environment.
- 1.4 The Government's vision is for assessment to be more effective as a tool for managing the effects of development on the natural environment, supporting better, faster and greener delivery of the infrastructure and development we need. We will simplify and streamline the assessment process to make it more effective as a tool to support the delivery of our environmental commitments.

### **2. Further information**

- 2.1 To view the full consultation details and documents, visit the Government's website: <https://www.gov.uk/government/consultations/environmental-outcomes-reports-a-new-approach-to-environmental-assessment/environmental-outcomes-report-a-new-approach-to-environmental-assessment>
- 2.2 This consultation is running for 12 weeks from 17 March to 9 June 2023.
- 2.3 The online consultation information is broken down into 11 sections. The sections are:
  1. Introduction
  2. Background to environmental assessment
  3. Addressing the issues
  4. An outcomes-based approach
  5. What an Environmental Outcomes Report will cover
  6. When an Environmental Outcomes Report is required
  7. Strengthening mitigation
  8. Mainstreaming monitoring
  9. Unlocking data
  10. Reporting against performance
  11. Next steps

### **3. Response:**

- 3.1 Responses are by completing an online survey or by writing/email where they ask that you make it clear which question you are responding to. Councils Facilities Officer contacted the department to provide the survey questions in an easy format, which has been appended (8 b appendix 1)
- 3.2 As Councillors will need to consider the questions and may wish to access the information on the website (as per 2.1) the best way forward maybe to ask members

of the Committee to submit any comments they have into the office by Wednesday 7 June, and delegate final response to the Town Clerk in Consultation with Planning Chairman. Please note if no or very few comments are brought forward the decision maybe not to respond as a Council, but instead inform the Councillors who have submitted a comment that they can respond as individuals instead.



Department for Levelling Up,  
Housing & Communities

## Environmental Outcomes Reports: A new approach to environmental assessment

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### EOR consultation survey questions

#### Outcome Based Approach

##### Summary:

Clause 138 (Power to specify environmental outcomes) gives powers for the Secretary of State to set environmental outcomes and includes a requirement that the Secretary of State must have regard to the government's Environmental Improvement Plan when setting outcomes. The safeguards under Clause 142 (Safeguards: non-regression, international obligations and public engagement) ensure the overall level of environmental protection provided by existing environmental law will not be reduced.

This chapter introduces how an outcomes-based approach could work in practice and proposes a set of outcomes that could be used across regimes. The setting of outcomes will build on the provisions of the Environment Act 2021 and create a direct link between the government's Environmental Improvement Plan and planning decisions.

We would like views on:

Q.1. Do you support the principles that will guide the development of outcomes? [Yes / No].

Q.2. Do you support the principles that indicators will have to meet? [Yes / No].

Q.3. Are there any other criteria we should consider? [Please specify]

Q.4. Would you welcome proportionate reporting against all outcomes as the default position? [Yes/ No].

Q.5. Would proportionate reporting be effective in reducing bureaucratic process, or could this simply result in more documentation? [Please specify]

Q.6. Given the issues set out above, and our desire to consider issues where they are most effectively addressed, how can government ensure that EORs support our efforts to adapt to the effects of climate change across all regimes? [Please specify]

## What an Environmental Outcomes Report will cover

### Summary:

Clause 139 (Environmental outcomes reports for relevant consents and relevant plans) provides powers to make regulations requiring an EOR to be prepared and for this to be considered when deciding whether to a plan or project should go ahead. It outlines the requirements for what a report should contain including assessing reasonable alternatives and the mitigation hierarchy.

This chapter outlines initial proposals for streamlined environmental assessment reporting in EORs. We want to ensure the new system avoids duplication and takes a robust approach to assessment in line with mitigation hierarchy that is enshrined through legislation. By taking a new approach we will be able to retain the value of the assessment process while removing unnecessary process.

We would like views on:

**Q.7.** Do you consider there is value in clarifying requirements regarding the consideration of reasonable alternatives? [Please set out the reasons for your answer]

**Q.8.** How can the government ensure that the consideration of alternatives is built into the early design stages of the development and design process? [Please set out the reasons for your answer]

## When an Environmental Outcomes Report is required

### Summary:

Clause 140 (Power to define "relevant consent" and "relevant plan") allows regulations to be brought forward which specify when an Environmental Outcomes Report is required.

This chapter outlines changes to screening criteria and the introduction of Category 1 and Category 2 consents to replace the existing thresholds for assessment. We want to simplify the process of deciding when an assessment is required by being clearer about what does, and does not, require assessment. While recognising that there will always be borderline cases, we want to make this process as simple as possible and provide decision-makers with a clear framework when considering borderline cases.

We would like views on:

**Q.9.** Do you support the principle of strengthening the screening process to minimise ambiguity? [Please set out the reasons for your answer]

**Q.10.** Do you consider that proximity or impact pathway to a sensitive area or a protected species could be a better starting point for determining whether a plan or project might require an environmental assessment under Category 2 than simple size thresholds? [Yes/No].

**Q.11.** If yes, how could this work in practice? What sort of initial information would be required? [Please set out the reasons for your answer]



## Strengthening mitigation

### Summary:

Clause 139 (Environmental Outcomes Reports for relevant consents and relevant plans) will allow us to introduce a more robust approach to how mitigation is considered throughout the development of the policy, plan or project.

This section sets out how we could use these powers to ensure a robust approach to mitigation and to use monitoring to ensure assessment delivers for the environment. In the new system, we want to maximise the value of assessment through effective monitoring and mitigation, backed up with powers to address issues if they arise.

We would like views on:

**Q.12.** How can we address issues of ineffective mitigation? [Please set out the reasons for your answer]

**Q.13.** Is an adaptive approach a good way of dealing with uncertainty? [Yes/No].

**Q.14.** Could it work in practice? What would be the challenges in implementation? [Please set out the reasons for your answer]

## Mainstreaming monitoring

### Summary

Clause 141 (Assessing and monitoring impact on outcomes) will allow us to introduce a more robust approach to how the delivery of outcomes is monitored.

This section sets out how we could use these powers to ensure a robust approach to mitigation and to use monitoring to ensure assessment delivers for the environment. In the new system, we want to maximise the value of assessment through effective monitoring and mitigation, backed up with powers to address issues if they arise.

We would like views on:

**Q.15.** Would you support a more formal and robust approach to monitoring? [Yes/No].

**Q.16.** How can the government use monitoring to incentivise better assessment practice? [Please set out the reasons for your answer]

**Q.17.** How can the government best ensure the ongoing costs of monitoring are met? [Please set out the reasons for your answer]

**Q.18.** How should the government address issues such as post-decision costs and liabilities? [Please set out the reasons for your answer]

## Unlocking data

### Summary

The planning data clauses 78-82 in the Bill allow planning authorities to require standardised data and allows the Secretary of State to require that this standardised data be made openly available.

This chapter outlines how data will be used in the new system of EORs. We want to ensure that the large quantity of data produced through assessment is captured and available to support our understanding of the environment and improve the quality of future assessments.

We would like views on:

**Q.19.** Do you support the principle of environmental data being made publicly available for future use? [Please set out the reasons for your answer]

**Q.20.** What are the current barriers to sharing data more easily? [Please set out the reasons for your answer]

**Q.21.** What data would you prioritise for the creation of standards to support environmental assessment? [Please set out the reasons for your answer]

## Reporting against performance

### Summary

Clause 146 (Reporting) provides the government with the power to require public authorities to report on the performance against specified environmental outcomes. This will allow the Government to build a picture of whether and how environmental outcomes are being achieved across the country.

This chapter considers how this power could be used to ensure we capture information at a national level to consider the overall impact and effectiveness of environmental assessment. We want to get accountability in the right place, and ensure we are able to use information to help build a national picture of how we are managing the effects of development on the environment over time.

We would like views on:

**Q.22.** Would you support reporting on the performance of a plan or project against the achievement of outcomes? [Yes/ No].

**Q.23.** What are the opportunities and challenges in reporting on the achievement of outcomes? [Please set out the reasons for your answer]

## **Transition**

The Government expects that a transition period will be required because of the lead times in developing plans and projects. As the requirement for underlying technical work on the effects of a plan or project and early stages of the assessment process (such as the consideration of alternatives) remain unchanged, the transition to reporting against outcomes will be as time-limited as is reasonable

**Q.24.** Once regulations are laid, what length of transition do you consider is appropriate for your regime?

- i) 6 months
- ii) 1 year
- iii) 2 years

Please state regime.

## **Supporting the capacity and capability across regimes**

The Government will develop a programme aimed at breaking down the barriers that exist in engaging with the current assessment processes and redefine them as good planning and decision-making practices.

Making sure that relevant authorities have the capacity and capability to successfully implement the changes proposed in the Bill is critical. The Government will support and work with authorities to ensure that authorities have the capability and skills to provide an efficient service and feel confident they can protect our environment and deliver levelling up.

**Q. 25.** What new skills or additional support would be required to support the implementation of Environmental Outcomes Reports? [Please provide an answer]

## **Public Sector Equality Duty**

While this consultation is seeking initial views on the overarching framework of powers, the Government is also seeking to gather information to understand any equalities implications that will help inform the development of this policy.

The government would be grateful for your comments on any impacts of the proposals in this document and how they might impact on eliminating discrimination, advancing equality and fostering good relations.

## c) Proposed Planning Changes: **New Infrastructure Levy**

### **1. Brief overview**

1.1 This consultation seeks views on technical aspects of the design of the Infrastructure Levy. Responses will inform the preparation and content of regulations, which will themselves be consulted on, should Parliament grant the necessary powers set out in the Levelling Up and Regeneration Bill.

1.2 The Department for Levelling Up Housing and Communities (DLUHC) Infrastructure Levy team welcomes the opportunity to engage with a range of stakeholders from across the development and affordable housing sector, as well as with representative organisations and local government.

### **2. Further information:**

2.1 To view the full consultation details and documents, visit the Governments website: <https://www.gov.uk/government/consultations/technical-consultation-on-the-infrastructure-levy/technical-consultation-on-the-infrastructure-levy>

2.2 This consultation is running until 9 June 2023.

2.3 The government wants to make sure that local authorities receive a fairer contribution of the money that typically accrues to landowners and developers. This will support funding for the infrastructure – affordable housing, schools, GP surgeries, green spaces and transport infrastructure to support connectivity that local communities expect to come with new development.

2.4 To do this, the Levelling Up and Regeneration Bill ('the Bill') seeks to replace the current system of developer contributions with a mandatory, more streamlined, and locally determined Infrastructure Levy. The Bill provides the framework for the new Levy, with the detailed design to be delivered through regulations.

2.5 The Levy will be charged on the value of the property at completion per square metre and applied above a minimum threshold. Levy rates and minimum thresholds will be set and collected locally, and local authorities will be able to set different rates within their area.

2.6 This technical consultation seeks responses on elements of design that will be delivered through regulations. A summary of the lead proposals for the Levy, and corresponding chapters in the consultation document can be found on the Government website as per 2.1 and consists of the following Chapters:

Introduction

Chapter 1: Fundamental design choices

Chapter 2: Levy rates and minimum thresholds

Chapter 3: Charging and paying the Levy

Chapter 4: Delivering infrastructure

Chapter 5: Delivering affordable housing

Chapter 6: Other areas

Chapter 7: Introducing the Levy

### **3. Response:**

3.1 Responses are by completing an online survey or by writing/email. Councils Facilities Officer contacted the department for a copy of the questions. They have provided the questions and supporting context document which is 91 pgs. Council Facilities Officer

will email this to members. However, to give an idea of the questions we have appended them to this report (agenda item 8c -appendix 1).

- 3.2 As Councillors will need to access the information on the website (as per 2.1) and the context document which has been emailed to members (as per 3.1), best way forward maybe to ask members of the Committee to submit any comments they have into the office by Wednesday 7 June, and delegate final response to the Town Clerk in Consultation with Planning Chairman. Please note if no or very few comments are brought forward the decision maybe not to respond as a Council, but instead inform the Councillors who have submitted a comment that they can respond as individuals instead.

**New Infrastructure Levy Questions**

**Annex D: list of Infrastructure Levy technical consultation questions**

**Chapter 1 – Fundamental design choices**

**Question 1:** Do you agree that the existing CIL definition of 'development' should be maintained under the Infrastructure Levy, with the following excluded from the definition:

- developments of less than 100 square metres (unless this consists of one or more dwellings and does not meet the self-build criteria) – Yes/No/Unsure
- Buildings which people do not normally go into - Yes/No/Unsure
- Buildings into which peoples go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery - Yes/No/Unsure
- Structures which are not buildings, such as pylons and wind turbines.  
Yes/No/Unsure

Please provide a free text response to explain your answer where necessary.

**Question 2:** Do you agree that developers should continue to provide certain kinds of infrastructure, including infrastructure that is incorporated into the design of the site, outside of the Infrastructure Levy? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

**Question 3:** What should be the approach for setting the distinction between 'integral' and 'Levy-funded' infrastructure? [see para 1.28 for options a), b), or c) or a combination of these]. Please provide a free text response to explain your answer, using case study examples if possible.

**Question 4:** Do you agree that local authorities should have the flexibility to use some of their Levy funding for non-infrastructure items such as service provision? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

**Question 5:** Should local authorities be expected to prioritise infrastructure and affordable housing needs before using the Levy to pay for non-infrastructure items such as local services? [Yes/No/Unsure]. Should expectations be set through

regulations or policy? Please provide a free text response to explain your answer where necessary.

**Question 6:** Are there other non-infrastructure items not mentioned in this document that this element of the Levy funds could be spent on? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

**Question 7:** Do you have a favoured approach for setting the 'infrastructure in-kind' threshold? [high threshold/medium threshold/low threshold/local authority discretion/none of the above]. Please provide a free text response to explain your answer, using case study examples if possible.

**Question 8:** Is there anything else you feel the government should consider in defining the use of s106 within the three routeways, including the role of delivery agreements to secure matters that cannot be secured via a planning condition? Please provide a free text response to explain your answer.

## **Chapter 2: Levy rates and minimum thresholds**

**Question 9:** Do you agree that the Levy should capture value uplift associated with permitted development rights that create new dwellings? [Yes/No/Unsure]. Are there some types of permitted development where no Levy should be charged? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

**Question 10:** Do you have views on the proposal to bring schemes brought forward through permitted development rights within scope of the Levy? Do you have views on an appropriate value threshold for qualifying permitted development? Do you have views on an appropriate Levy rate 'ceiling' for such sites, and how that might be decided?

**Question 11:** Is there is a case for additional offsets from the Levy, beyond those identified in the paragraphs above to facilitate marginal brownfield development coming forward? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary, using case studies if possible.

**Question 12:** The government wants the Infrastructure Levy to collect more than the existing system, whilst minimising the impact on viability. How strongly do you agree that the following components of Levy design will help achieve these aims?

- Charging the Levy on final sale GDV of a scheme [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]
- The use of different Levy rates and minimum thresholds on different development uses and typologies [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]
- Ability for local authorities to set 'stepped' Levy rates [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]
- Separate Levy rates for thresholds for existing floorspace that is subject to change of use, and floorspace that is demolished and replaced [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]

**Question 13:** Please provide a free text response to explain your answers above where necessary.

### **Chapter 3 – Charging and paying the Levy**

**Question 14:** Do you agree that the process outlined in Table 3 is an effective way of calculating and paying the Levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

**Question 15:** Is there an alternative payment mechanism that would be more suitable for the Infrastructure Levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

**Question 16:** Do you agree with the proposed application of a land charge at commencement of development and removal of a local land charge once the provisional Levy payment is made? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary

**Question 17:** Will removal of the local land charge at the point the provisional Levy liability is paid prevent avoidance of Infrastructure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/ Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

**Question 18:** To what extent do you agree that a local authority should be able to require that payment of the Levy (or a proportion of the Levy liability) is made prior to site completion? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]. Please explain your answer.

**Question 19:** Are there circumstances when a local authority should be able to require an early payment of the Levy or a proportion of the Levy? Please provide a free text response to explain your where necessary.

**Question 20:** Do you agree that the proposed role for valuations of GDV is proportionate and necessary in the context of creating a Levy that is responsive to market conditions [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

### **Chapter 4 – Delivering infrastructure**

**Question 21:** To what extent do you agree that the borrowing against Infrastructure Levy proceeds will be sufficient to ensure the timely delivery of infrastructure? [Strongly Agree/Agree/Neutral/ Disagree/Strongly Disagree/Unsure]. Please provide a free text response to explain your answer where necessary.

**Question 22:** To what extent do you agree that the government should look to go further, and enable specified upfront payments for items of infrastructure to be a condition for the granting of planning permission? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.



**Question 23:** Are there other mechanisms for ensuring infrastructure is delivered in a timely fashion that the government should consider for the new Infrastructure Levy? [Yes/No/Unsure] Please provide free text response to explain your answer where necessary.

**Question 24:** To what extent do you agree that the strategic spending plan included in the Infrastructure Delivery Strategy will provide transparency and certainty on how the Levy will be spent? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree] Please provide a free text response to explain your answer where necessary.

**Question 25:** In the context of a streamlined document, what information do you consider is required for a local authority to identify infrastructure needs?

**Question 26:** Do you agree that views of the local community should be integrated into the drafting of an Infrastructure Delivery Strategy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

**Question 27:** Do you agree that a spending plan in the Infrastructure Delivery Strategy should include:

- Identification of general 'integral' infrastructure requirements
- Identification of infrastructure/types of infrastructure that are to be funded by the Levy
- Prioritisation of infrastructure and how the Levy will be spent
- Approach to affordable housing including right to require proportion and tenure mix
- Approach to any discretionary elements for the neighbourhood share
- Proportion for administration
- The anticipated borrowing that will be required to deliver infrastructure
- Other – please explain your answer
- All of the above

**Question 28:** How can we make sure that infrastructure providers such as county councils can effectively influence the identification of Levy priorities?

- Guidance to local authorities on which infrastructure providers need to be consulted, how to engage and when
- Support to county councils on working collaboratively with the local authority as to what can be funded through the Levy
- Use of other evidence documents when preparing the Infrastructure Delivery Strategy, such as Local Transport Plans and Local Education Strategies
- Guidance to local authorities on prioritisation of funding
- Implementation of statutory timescales for infrastructure providers to respond to local authority requests
- Other – please explain your answer

**Question 29:** To what extent do you agree that it is possible to identify infrastructure requirements at the local plan stage? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

#### **Chapter 5 – Delivering affordable housing**

**Question 30:** To what extent do you agree that the 'right to require' will reduce the risk that affordable housing contributions are negotiated down on viability grounds? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

**Question 31:** To what extent do you agree that local authorities should charge a highly discounted/zero-rated Infrastructure Levy rate on high percentage/100% affordable housing schemes? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary

**Question 32:** How much infrastructure is normally delivered alongside registered provider-led schemes in the existing system? Please provide examples.

**Question 33:** As per paragraph 5.13, do you think that an upper limit of where the 'right to require' could be set should be introduced by the government? [Yes/No/unsure] Alternatively, do you think where the 'right to require' is set should be left to the discretion of the local authority? [Yes/No/unsure]. Please provide a free text response to explain your answer where necessary.

#### **Chapter 6 – Other areas**

**Question 34:** Are you content that the Neighbourhood Share should be retained under the Infrastructure Levy? [Yes/No/Unsure?]

**Question 35:** In calculating the value of the Neighbourhood Share, do you think this should A) reflect the amount secured under CIL in parished areas (noting this will be a smaller proportion of total revenues), B) be higher than this equivalent amount C) be lower than this equivalent amount D) Other (please specify) or E) unsure. Please provide a free text response to explain your answer where necessary

**Question 36:** The government is interested in views on arrangements for spending the neighbourhood share in unparished areas. What other bodies do you think could be in receipt of a Neighbourhood Share in such areas?

**Question 37:** Should the administrative portion for the new Levy A) reflect the 5% level which exists under CIL B) be higher than this equivalent amount, C) be lower than this equivalent amount D) Other (please specify) or E) unsure. Please provide a free text response to explain your answer where necessary.

**Question 38:** Applicants can apply for mandatory or discretionary relief for social housing under CIL. Question 31 seeks views on exempting affordable housing

from the Levy. This question seeks views on retaining other countrywide exemptions. How strongly do you agree the following should be retained:

- residential annexes and extensions; [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree]
- self-build housing; [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree]

If you strongly agree/agree, should there be any further criteria that are applied to these exemptions, for example in relation to the size of the development?

**Question 39:** Do you consider there are other circumstances where relief from the Levy or reduced Levy rates should apply, such as for the provision of sustainable technologies? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

**Question 40:** To what extent do you agree with our proposed approach to small sites? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

**Question 41:** What risks will this approach pose, if any, to SME housebuilders, or to the delivery of affordable housing in rural areas? Please provide a free text response using case study examples where appropriate.

**Question 42:** Are there any other forms of infrastructure that should be exempted from the Levy through regulations?

**Question 43:** Do you agree that these enforcement mechanisms will be sufficient to secure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

## **Chapter 7 – Introducing the Levy**

**Question 44:** Do you agree that the proposed 'test and learn' approach to transitioning to the new Infrastructure Levy will help deliver an effective system? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary

**Question 45:** Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.