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To: Members of the Strategic Planning  
Committee

Your ref:

My ref:

Date: 15 December 2021



Dear Member

## **STRATEGIC PLANNING COMMITTEE - THURSDAY, 16TH DECEMBER, 2021**

Further to the despatch of the Strategic Planning Committee agenda, I enclose additional information for the following items:-

### **Agenda No. and Title**

4.1. **PA20/09631: Mr Phil Mason, Cornwall Council - Land North of A390, Threemilestone, Cornwall (Pages 1 - 42)**

Hybrid planning application for Langarth Garden Village comprising: A. A full planning application for construction of the Northern Access Road and associated access junction arrangements onto the A390, new junctions to the quiet lanes and associated infrastructure and earthworks and retaining and boundary features; B. An outline planning application with all matters reserved to create a mixed use, landscape-led community comprising a phased development of up to 3550 dwellings plus 200 extra care units and 50 units of student/health worker accommodation, including affordable housing; five local centres comprising local retail (E), offices (E), restaurants and cafes (E), drinking establishments (sui generis), hot food takeaway (sui generis), health and community facilities (F1 and E), a local care health centre (E), a blue light centre for emergency services (sui generis), up to two primary schools (F1), business and commercial floorspace (E), brewery / public house (sui generis) and associated areas of open space to include a suitable alternative natural greenspace as a strategic open space a community farm/allotments, public realm, renewable energy provision and energy centre, park and ride extension (of up to 600 spaces or 2.73 ha ), cycle lanes, connections with the existing highway network including crossings of the A390, quiet lanes, drainage and associated infrastructure, including the demolition of buildings and structures, site clearance and associated earthworks and C. The Application is accompanied by an Environmental Statement.

Case Officer: Matthew Doble – [matthew.doble@cornwall.gov.uk](mailto:matthew.doble@cornwall.gov.uk)

Melanie O'Sullivan, Monitoring Officer  
Cornwall Council, County Hall,  
Truro, Cornwall, TR1 3AY  
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**4.2.PA20/11531: Mr N Kelly - Cornwall Energy Recovery Ltd - Waste Transfer Station at Connon Bridge, East Taphouse, Liskeard, PL14 4NP (Pages 43 - 44)**

Planning application to include the following proposals: Development of new waste reception facility [adjacent and to the north of the existing Waste Transfer Station (WTS) / Refuse Derived Fuel (RDF) Facility]; retention and continued use of the above WTS / RDF facility; Demolition and then redevelopment of the Clinical Waste Facility in new location; Development of a turning head for on site traffic and Construction of a fire water tank and pump room and associated infrastructure. All of the above proposed for a temporary period until 31st December 2036.

Case Officer: Tim Warne – [tim.warne@cornwall.gov.uk](mailto:tim.warne@cornwall.gov.uk)

Please bring these papers with you to the meeting on Thursday, 16th December, 2021.

Yours sincerely

**Democratic Services**

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We want to ensure that your needs are met. If you would like this information in another format or language please contact Angela Saunders, Senior Democratic Officer (Committee), Democratic Services on 01209 614364 or e-mail [planningcommittee@cornwall.gov.uk](mailto:planningcommittee@cornwall.gov.uk)

## STRATEGIC PLANNING COMMITTEE MEETING

16th December 2021

### UPDATE

**Item no. 4.1**

**Application no. PA20/09631**

This update includes;

- i. Comments from the Divisional Members;
- ii. Consultation responses from the Environment Agency, Health and Safety Executive, Devon and Cornwall Police (Estates Division), Cornwall Council Ecologist and Countryside Access Team;
- iii. Further representations received;
- iv. Current local housing need figures;
- v. Update on the Truro and Kenwyn Neighbourhood Plan Revision;
- vi. Status of the previous planning permissions;
- vii. Habitat Regulations Assessment;
- viii. Strategic Landscape and Ecology Management Plan and Biodiversity Net Gain; and
- ix. S106 Obligations/Heads of Terms

**Electoral Division Member (CC Tudor) (2021):** To provide verbal comments at the meeting as Divisional Member.

**Electoral Division Member (CC Harris) (2021):** To provide verbal comments at the meeting as Divisional Member.

**Consultation comments:** Should Members wish to view full detailed consultee comments, please view through this link <http://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJAI93FG1X300>:

**Environment Agency (26 November 2021):**

We welcome the constructive approach taken by the applicant team and appreciate the extensive additional modelling. Together, these have combined to provide an improved understanding and approach to the management of surface water within the Langarth Garden Village proposals and management of the offsite flood risks. We recognise that the Council's planning application is an improved position on the previous planning consents. We also support a

masterplanned approach to the whole site to achieve an integrated delivery of measures to ensure a resilient response to surface water management as we move forward.

On the basis of the further assessment work and discussions, we now consider that the development is supported subject to the following conditions and financial contribution:

- Biodiversity Net Gain and production of a detailed Landscape Environmental Management Plan.
- Appropriate management of any unsuspected contamination found to be present on the site; and
- The production of a detailed CEMP for each phase of the site construction phase.
- Protection, management and enhancement of onsite watercourses and the watercourse corridors
- Ownership, management and maintenance of the proposed SUDs scheme
- Contribution to on-going monitoring of the operation of New Mills dam and strengthening of the spillway when required.

Extensive work has been undertaken on the assessment of the downstream flood risks associated with the Langarth Garden Village development and the impact on our New Mills Flood Impoundment Reservoir. We now consider that we have sufficient information for an informed decision to be made on the interrelationship between Langarth Garden Village and flood risks at New Mills. The SUDs scheme should ensure that there is a reduction in surface water runoff in a 1 in 100 year rainfall event (plus a 40% allowance for climate change). However, dams are expected to function safely above a 1 in 10,000 year flood, which is well in excess of the SUDs design standard.

Our position is one in which reasonable caution must be applied when considering the ability of the SUDs to function effectively over the lifetime of development, and conditions where the SUDs are impacted by successive storms filling the onsite storage system reducing the available water retention. To ensure risk is managed over the lifetime of the development, the precautionary approach will require the strengthening of the dam spillway at some point in the future. This view has been supported by the All Reservoirs Panel Engineer who inspects New Mills Dam, and suggests that the large and significant alteration in the catchment upstream of the dam associated with Langarth Garden Village is sufficient to require these measures.

We recognise that the pace and scale of development evidenced in the phasing

drawings submitted with the application means that the scheme will emerge over at least two decades, and that the proposed attenuation will address runoff proportionately to each phase. The cumulative effects of the development, such as they are, will (by definition) only be realised towards the end of that period.

After extensive consultation concerning the sum and the mechanisms for securing contributions for the strengthening of New Mills Dam, we are satisfied with the approach of utilising both a Section 106 agreement and Community Infrastructure Levy (CIL) in order to provide funding for the works to the spillway and measures to increase the dam's storage. The package put forward on behalf of the Council has the potential to enable the required flood risk mitigation works and provide a platform for future work around the emerging Truro Flood Risk Management Strategy to the overall benefit of the city and area.

In order for this approach to deliver the required improvements it is imperative that certain issues and obstacles are addressed. Our agreement to move forward with the above approach will be dependent on the following.

- That the Council's Cabinet resolves to focus the CIL income generated from Langarth to Kenwyn/Truro and adjoining parishes.
- The flood resilience measures (strengthening of New Mills Dam spillway and measures to increase the dam storage) will be prioritised for CIL contributions (not less than £2m minus the sum required by the s106 £100K).
- The commitment of CIL contributions for the purpose of flood resilience will be set out in a Letter of Intent and placed on the public register alongside the planning application.

Natural England, who have not raised an objection to the proposal on grounds of nutrient impact on the SAC. Given that Natural England are the lead authority for this matter, we have resolved not to pursue this matter further at this stage.

The current watercourses within the site boundary require adequate protection from the proposed development and there are opportunities to enhance these features as part of this development. We advise that the watercourses should be improved as much as is possible through the removal of obsolete structures/modifications and re-naturalised. This will improve the quality of the watercourses for a breadth of aquatic wildlife, including fish and eel passage. We consider that a planning condition is required to secure these works together with a strategy for delivering improvements to the quality of the watercourses. We would like to be involved with the watercourse proposals.

### Officer comment

Biodiversity Net Gain, contaminated land, Construction Environmental Management Plans and Landscape Ecology Management Plans are controlled through conditions 12, 13 and 22 of Application A and conditions 12, 35, 36, 40 and 41 of Application B together with the S106 Obligation.

With respect to the protection, management and enhancement of onsite watercourses and the watercourse corridors and the ownership, management and maintenance of the proposed SUDs scheme, these would be controlled by a combination of conditions and S106 Obligation. Conditions requiring submission and agreement of the Neighbourhood Design Code in combination with reserved matter applications would address the enhancement of watercourses whilst the S106 Obligation would ensure the ongoing management and stewardship of the site and its green spaces. The recommended conditions and S106 Obligation would ensure the ongoing management and maintenance of the proposed SUDs scheme and features are secured.

The contribution towards New Mills Dam sought through S106 Obligation is secured as set out in the Heads of Terms detailed within this update, and this will provide direct mitigation for the planning application itself. Any contribution received later from CIL payments would be to the benefit of the wider community within the catchment. The trigger point for the contribution to be made would be prior to substantial completion of the 250<sup>th</sup> home, which is earlier than the request from the Environment Agency.

### **Health and Safety Executive (13<sup>th</sup> December 2021):**

Does not advise against granting planning permission for the development with the condition proposed by Cornwall Council.

### Officer comment

An initial consultation with the Health and Safety Executive resulted in a response advising against development due to the presence of a high-pressure gas main within a parcel of land at West Langarth. The applicant has undertaken a feasibility study with utility provider Wales and West to examine various modification options including diverting the main pipe and reinforcing through a thicker pipe wall. The diversion option scenarios and modification of the pipe would allow development to proceed as envisaged in the masterplan. It is recommended that the modification of the pipe is secured via planning condition 48 of Application B as set out in the Committee Report. As set out by the Health and Safety Executive above, minor amendments have been suggested to Condition 48 to refer to the gas pipe name and make it clear that

consultation with HSE is required before any details are agreed. This is similar to the condition applied to the earlier planning permission at West Langarth. As such an amended Condition 48 is recommended as set out below.

**Devon and Cornwall Police Estates (13<sup>th</sup> December 2021):**

The view held is that the position taken by the LPA in relation to the provision of police infrastructure through the planning system is, at best, misguided. The principle of seeking contributions towards policing infrastructure is well established. There appears to also be a misconception within the LPA and the wider community that the Police can raise funds through the Council Tax precept and so essentially those paying Council tax are paying twice for blue light services. This point has previously been communicated to the LPA but for absolute clarity, Council Tax precept pays for revenue costs and not capital costs. Further, without developer funded contributions for infrastructure the police will have to dilute the spread of resources for existing residents and/or not spend a finite amount of capital funding on infrastructure or do other things that the Police need to do to protect and serve.

The creation of safe and accessible environments where crime and disorder and the fear of crime does not undermine the quality of life or community cohesion is a key part of planning for sustainable development and communities as outlined in paragraphs 92, 97 and 130 of the National Planning Policy Framework (2021) and Policy 12 of the Cornwall Local Plan.

Policy 28 of the Local Plan outlines how infrastructure developer contributions will be sought by the LPA to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. It explains that contributions will be used to provide or enhance local infrastructure that is adversely affected by the development of a site but which will not be delivered on that site.

The Council also has a published Guidance Note on Developer Contributions dated July 2021. This note sets out the Council's approach to securing planning obligations from developers. Whilst the provision of police infrastructure is not a specific contribution detailed in the guidance, provision is made for 'other types of infrastructure' which can relate to social and community facilities and other issues. This would no doubt include the prevention of crime and disorder on a new development.

The justification provided for the failure of the LPA to seek a police infrastructure contribution on the Langarth application appears to be based on its lack of inclusion in the Infrastructure Need Assessment (INA). This

justification is flawed. Firstly, the Council's Local Plan is now five years post adoption and due a review. The Infrastructure Need Assessment (INA) is likely out of date and in need of amendment. Secondly, there is no strict requirement for a planning obligation to be placed on the INA before it can be sought. A simple review of the above planning appeal decisions demonstrates that the Council's current approach is misguided and those decisions confirm that the requirement to provide infrastructure towards blue light services is able to satisfy the tests relating to planning obligations without the need to refer to an INA. In other words, just because a particular type of infrastructure is not included in an INA, it does not follow that the obligation automatically fails the test of being 'fairly and reasonably related in scale and kind to the development'. Unfortunately, this is the erroneous conclusion reached in the published Planning Committee report for the Langarth application.

Further to the above, there can be no doubt that the Police are best placed to advise the LPA on the police infrastructure requirements needed in order to ensure that the proposed development can be properly policed in the future and safe for its residents. The imposition of a planning obligation should be evidence based on a site by site basis (as referred to in the Council's own guidance note to developers) and in respect of the Langarth application the Police provided the LPA with this evidence some time ago. It is very unfortunate that the LPA has decided to ignore this evidence and instead intends to rely upon an out of date INA in reaching its recommendation on the Langarth application. The report to the Planning Committee therefore contains errors and is in danger of misleading the members of Planning Committee and should not be taken forward on this basis.

Planning obligations may only be required and constitute a justification for granting planning permission if they are:

1) necessary to make the development acceptable in planning terms;

It is considered that police infrastructure required to provide a safe community, where crime and disorder and the fear of crime do not undermine quality of life or community cohesion, and measures are taken to deter crime, is social infrastructure that is essential to achieving sustainable development. The financial contribution sought in relation to the Langarth application is therefore necessary to make the development acceptable in planning terms.

2) directly related to the development;

As indicated by the Police in previous correspondence, there is a direct correlation between an increase in population and an increase in crime and disorder. The financial contribution sought in respect of the Langarth application has been derived from an assessment of the actual local police

infrastructure needs expected to be generated by the new settlement, together with an estimate of its proportionate impact on force-wide policing operations. This was clearly set out in the letter dated 7 January 2021. There is therefore a functional link between the proposed new development and the contributions requested. Put simply, without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The contribution is therefore directly related to the proposed development.

3) fairly and reasonably related in scale and kind to the development.

The developer contribution sought is proposed to help achieve a proportionate increase in police infrastructure to enable the Police to provide adequate policing to the Langarth Garden Village. The contribution would be used towards the provision, maintenance and operation of policing infrastructure to serve the development which in itself will ensure that the contribution will be used in the policing of this area only. These measures ensure that the contribution is fairly and reasonably related in scale and kind to this development. The above tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 CIL Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.

Section 17 of the Crime and Disorder Act 1998 places a duty on all local authorities to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:

- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment);
- (b) the misuse of drugs, alcohol and other substances in its area; and
- (c) re-offending in its area.

We would like to remind the Council that there was and continues to be a duty (as detailed above) on the LPA to consider the implications that its plan and in fact exercise of any of its functions would have on crime and disorder in its area and the safety of its residents. If the Police are making it clear that without this mitigation in place it will struggle to continue to provide the same service it does for the rest of the Borough (*sic*), the Council (LPA) must, notwithstanding that failure to require the provision of the mitigation, satisfy itself that it has complied with its duty to prevent crime and disorder in its area. Failure to do so will leave any decision on this application potentially subject to challenge.

We now ask the Council as LPA to carefully consider its position in respect of the obligation currently being sought by the Police and ask that the LPA to now

positively engage with our client to ensure an appropriate contribution is sought in respect of the Langarth application to ensure the ultimate success and safety of this new development. We trust that the contribution sought can be included as a head of term for the Section 106 agreement associated with the site should a resolution to grant planning permission be forthcoming from the Council's planning committee. Without this contribution, it should be made clear to the Committee that the Police object to the proposed Langarth development and if planning permission is issued without securing the contribution the Police will need to carefully consider all options available to it.

#### Officer comment

Paragraph 717 of the Committee Report makes clear that developer contributions can be taken towards police infrastructure if the contribution itself is CIL Regulation 122 compliant. Currently there is not the same published standardised metric for assessing policing need as there is for other infrastructure, such as, for example, healthcare need in the area. The published metrics used for healthcare have been subject to testing and are set out in the Developer Contributions Guidance Note produced by Cornwall Council in June 2021.

It is noted that Devon and Cornwall Constabulary did not object to the level of growth proposed in the Cornwall Local Plan. Furthermore, the Constabulary did not object and/or request contributions to the previous planning permissions granted within the Langarth Garden Village site area between 2013-2016 which permitted circa 2,800 homes together; the majority of which remain extant. The extant consents have not been accounted for in the Police Estates letters nor has it been explained how the degree of population growth set out in the Local Plan and the existing planning consents granted, which have been known for a period in excess of 10 years, have been accounted for in the Police budget.

The Committee Report states, at paragraph 717, that the Constabulary request for a financial contribution would not, inter alia be fairly and reasonably related to this planning application and, accordingly, fails to meet with the third test of CIL Regulation 122. Your planning officers remain of this view, as robust evidence has not since been submitted by the Constabulary to demonstrate their s106 ask to be CIL compliant. To elaborate on this, the accommodation cost projection outlined in the Police Estates letter assumes that the replacement police station to serve "*population growth in and around Truro*" is deliverable. The letter appears to suggest that other developments in the Truro area will contribute the outstanding balance of total of the capital cost (being 67.43% of the overall cost, which equates to £3,535,011). Implicit in this (based on the assumption in the Constabulary letter that a population growth of 7505

on the application site gives rise to a contribution of 1.7m), is the assumption that other developments will give rise to a population growth of circa 15,537 in order to provide the required additional circa £3.5m required to deliver the new station (assuming these will be funded under s106). Based on the calculation provided in the letter from the Constabulary, to justify the request towards Langarth Garden Village, this would appear to assume that the population in the Truro area will grow by 23,042 in total. This equates to circa 10,972 new dwellings, which is almost 30% more than the projected growth for Truro of 7839 dwellings to 2045 as cited at the beginning of the Constabulary letter. These figures are illustrative, based on officers' reading of the calculations underpinning the Constabulary's request, but serve to illustrate the assumptions underpinning the Constabulary's approach to apportionment.

In addition to this, the calculation provided by the Constabulary seeks contributions from affordable homes which, as set out in the Council's Developers Guidance Note, are exempt from transport, education and health contributions for reason of the logical assumption that future occupants may already reside in the locality; they are not necessarily 'new' residents who would create additional pressure on such infrastructure.

The contribution sought, its calculation and the evidence provided by the Police Estates in their letter is considered to be unsubstantiated and lacking in evidence. The inferred population growth trajectory for Truro appears unjustified, as set out above. Putting aside the assumptions around population growth, the Constabulary's request does not set out how any other developments are contributing to the delivery of the replacement Police station (or how the funding gap might be met through the police allocation formula or any other public subsidy). Hence, no evidence has been provided that the funding gap will be met and that the replacement station can actually be delivered.

Furthermore, individual items costed in the estimate provided have not been justified; for example, there is no evidence in relation to land cost or build cost of the new Police Station or whether the valuation assumption for Castle House (the existing Police Station) is fair. The letter refers to additional or alternative premises however co-location has not been evidenced as an alternative option to a new standalone police station and no information has been provided to evidence that more cost-effective alternatives been considered.

Previous appeal decisions within the UK have highlighted the need for the Police to provide evidence of the location, extent and delivery timeframe for any new police station or other police infrastructure to which funding via planning is sought. Actual evidence of service demand/crime levels linked to

housing estates, in light of the secure by design features at LGV sought within the Design Code, have not been provided. The latter was a key matter in the *Jelson v SoS [2018] EWCA Civ 24* judgement of the High Court, where the Police Force for the area had provided evidence of service demand and crime data linked with housing estates to justify the direct and additional impacts of the development on local policing.

The inconsistencies and lack of compelling evidence in the data received from the Constabulary further highlights the need for a more strategic approach to assess future needs and one that can then be subject to formal consultation and testing to ensure it has greater credibility. The risk of undertaking a seemingly inconsistent and piecemeal approach focussed on a small number of applications is that it will not provide the certainty required to enable the Police to properly plan to ensure the needs of the Force are delivered. Looking forward, there is clearly a need for the Police and the Local Planning Authority to work together on a strategic level to better understand needs and how those needs could be satisfied, which could be either through developer contributions or through requests for spend under s106 and/or CIL. The current request from the Constabulary lacks the clarity required and this is an issue which needs to be resolved to support a more comprehensive strategy for funding for police infrastructure.

To conclude, the contribution sought by the Devon and Cornwall Police Estates is, in this instance, unsubstantiated and lacking in the evidence required to satisfy CIL Regulation 122. It remains officers' view that the request fails to demonstrate a direct connection between the sums claimed, the nature of the problem it is said to address and whether that problem can be shown to arise from new residents in this location. It is acknowledged that contributions towards police infrastructure *could* be taken but compelling evidence, such as for example an Infrastructure Needs Assessment, has not been submitted to demonstrate compliance with the required regulation in order to justify such contribution.

With respect to Section 17 of the Crime and Disorder Act 1998, the Local Planning Authority consults Devon and Cornwall Police's Architectural Liaison Officer (PALO) on major planning applications as it has done in this instance. The comments received are set out in the Committee Report at paragraph 120. As noted, the PALO welcomes the comments regarding designing out crime within the Design Code and the principles outlined within are fully supported and should be seen as mandatory when detailing future design. The Secure by Design principles would be subject to further assessment within the Neighbourhood Design Code and reserved matter applications as they come forward. As such, it is considered that the Local Planning Authority

has undertaken its duties with respect to Section 17 of the Crime and Disorder Act 1998.

### **Cornwall Council Ecologist (13<sup>th</sup> December 2021):**

Following discussion, the submitted information, recommended conditions and S106 obligation requirements appropriately address the ecology matters relevant to the site and development.

#### Aspects to include in conditions / s106

1. The responsibility of the stewardship organisation to monitor the SANG needs to be stated clearly.
2. SAMM funds are for contribution to the SAMM fund and identified mitigation measures referenced in the EU sites DPD.
3. There should be a mechanism whereby each RM application is required to demonstrate how it will undertake the delivery, management, monitoring of BNG for its application and the scheme as a whole.
4. The monitoring and reporting of BNG across the scheme will need to be coordinated by the stewardship organisation and submitted to the LPA as a single report.
5. It is understood the final details of the woodlark mitigation will need to be finalised in due course once results of bird surveys and land acquisitions/management agreements have taken place. A total of 36.5 hectares of suitable habitat must be secured to be available each and every year ahead of phase 3. This land availability will require careful planning with farming practices to ensure at any one time is sufficient winter stubble available for these wintering Annex 1 birds.

#### Habitat Regulation Assessment

1. Excluding student accommodation, each unit will be required to make a £335 contribution to the Fal and Helford SAC SAMM scheme.
2. £148 per student unit of accommodation required to the Fal and Helford SAC SAMM scheme
3. There will be no impact of the proposed scheme on Carrine Common SAC.
4. LGV will provide a combination of SANG and contribution to Penhale SAC SAMM scheme to mitigate against any impact arising from recreational pressure on Penhale SAC. The SANG will act to accommodate the recreational pressure from up to 50% of the units. The rest of the units will be required to make a £180 per dwelling and £75 per student accommodation contribution to the SAMM scheme.

#### 12.11.2021 - Condition suggestions

Reserved matters applications

1. -Ecological surveys will require updates prior to each RM application and must include a date stating the duration of the validity of the report.
2. Require CEMP with clear details that refer to updated survey information for protected species
3. Lighting strategy for each RM application to ensure the dark corridors are preserved and maintained
4. Individual LEMPs required for each reserved matter application
5. Require a biodiversity gain report and management plan for each RM application that is consistent with the agreed report structures and clearly presents the BNG delivery of the application and to the LGV scheme as a whole.
6. Require each application to complete a BNG DEFRA metric to demonstrate there is no net loss to biodiversity within the red line boundary of the scheme and to ensure the applicant is contributing to the strategic commitment for BNG delivery of the scheme.
7. Require confirmation from project ecologist that on completion of applications where there has been the requirement for mammals crossing, evidence is supplied to demonstrate these have been provided.

#### SANG

1. Design of the SANG must be guided by the latest SANG recommendations published by Natural England and include all items detailed 'must haves/essential' and be approved by the LPA and NE ahead of construction. The design must be sensitive to the needs of woodlark and skylark and make adequate provision of the space so as to function as a SANG for recreational use by residents, particularly those dog walking and wintering/breeding birds.
2. SANG and SAC monitoring strategies must be agreed between the stewardship body, LPA and NE and in place ahead of the occupancy of any dwellings.
3. The provision and responsibility for submission of reports containing results, analyses and recommendations must also to be established.
4. Costed management plan for the SANG must be produced to ensure the stewardship organisation has the required information to fund and appropriately manage the SANG for woodlark/skylark and visitor recreation.

#### Officer comment

Amended conditions 10, 21 and 36 for Application B are set out below. These combined with condition 12, which secures the Strategic Landscape and Ecology Management Plan and Biodiversity Net Gain delivery for the masterplan area, are considered to provide the appropriate controls. Other ecological mitigation, for example mammal crossings, are secured by conditions within the respective application recommendations. The detailed design of the SANG and its ongoing management are secured by a combination of conditions,

detailed design at reserved matters application stage and S106 Obligation requirements.

The measures outlined above are included in the Heads of Terms set out in the attached appendix (**Appendix 1**) to inform the S106 Obligation.

**Cornwall Council Countryside Access Team (8<sup>th</sup> December 2021):**

With reference to the 'Movement and Access Parameter Plan' reference 012 REV P11, a "Primary Non-Motorised User Path" from the A390 through the track that leads from the A390 through Governs to the road from the A390 Roundabout at Threemilestone to Penventinnie Lane C0360 is duly noted and welcomed. The Countryside Access Team are supportive of the creation of new routes and access to the countryside.

**Representations received:**

Should Members wish to view full detailed consultee comments, please view through this link <http://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJAI93FG1X300>

A further representation has been received expressing support for the application provided adequate affordable housing and student and healthcare professional homes are provided as well as good transport links provided by Transport for Cornwall to Threemilestone and the city centre.

Royal Cornwall Hospital Treliske

RCHT, and the wider local health system, have appreciated the dialogue which has developed over the past year with the applicant, and the early, and ongoing consultation on the emerging plans for LGV. The opportunity to contribute to the scope of the development, particularly from a healthcare perspective, has helped us in the review and refresh of our own Strategic Estates Master Plan and the re-configuration of clinical services on the Treliske site. We would confirm the following points from an RCHT perspective with regard to the LGV proposals;

- The Trust welcomes the opportunity to work in partnership with the Cornwall Council on the future infrastructure developments at Langarth, and specifically in relation to any impact on access to the hospital and any services that we provide from the Treliske site. The Trust understand that the LGV will provide significant opportunities and benefits for both the Trust and the wider community.

- Support the improvements and development identified in the Northern Access Road (NAR) as it will ensure better vehicular access to the Treliske site for staff, patients and visitors.
- RCHT has worked with Cornwall Council to find a satisfactory, and safe, solution to helicopter access to the Treslike site both during, and after, the LGV development period.
- The Trust welcomes the opportunities to provided by the scheme to support healthcare staff and students in finding homes close the hospital. The commitment to provide additional accommodation in the area, which student/key workers can access, is a current and critical issue for the Trust. Any support in this area is beneficial to the long-term healthcare in Cornwall.
- RCHT is supportive of the expansion of the Langarth Park and Ride facility and recognises the important role the Park and Ride provides in helping to support improved and more sustainable access to Truro and the Hospital. In addition, the Trust supports the focus within the LGV development in promoting active travel and improving facilities for walking, cycling and public transport. This approach supports the Trust's objectives to help mitigate climate change and the long-term health plans for Cornwall.
- The Trust supports the delivery of the Langarth energy centre to provide additional power capacity for both LGV and the reconfiguration of the RCHT site.
- RCHT also welcomes the provision of access to high quality areas of open space and other recreational facilities for staff and other future users of the hospital site.

#### Additional representation from Walker Developments

- We remain unconvinced that the LGV scheme is viable. Whilst we are told that the applicant does not need to provide any viability information because the scheme is policy compliant this does not give us the assurances we require as a landowner/developer who's interests make up approximately a third of the proposed LGV. We therefore cannot guarantee that we would implement the LGV scheme on our site. This is an important point to make now should the Council wonder why we may not implement our reserved matters of the scheme (or have a reduced financial package if we do) should it receive planning consent.
- Since the Council cannot enter into a S106 with itself this has to be conditioned. However, as the only other major landowner/developer (other than the Council) to the LGV scheme we need to understand what the proposed S106 will obligate us to, so we understand what is being proposed, including financial commitments, triggers and timings etc. We will need a better understanding of this to give us the assurance that its

workable and viable. It is of concern to us that the Council could potentially be granting consent without understanding fully themselves the S106, CIL and construction costs that will arise as a result of the LGV concept.

- We note that the phasing scheme for our part of the LGV puts our sites at Phases 3, 4 and 5, i.e. at the back end of the project. This would mean that our site would not be coming forward until 2028 and yet our site is closest to the existing built development around Treliske, the College and Threemilestone. Given that delivery of housing is a priority of the Council it makes no sense to hold back areas of land that are the easiest and most immediately available for development.
- On the basis of the Phasing Plan and the proposed highway condition we could not sign up to the LGV proposal and wait until Phases 1 and 2 to the west have been implemented. We therefore need assurances that our site can come forward at the same time as the Council's Phases 1 and 2.
- The Phasing Plan for LGV shows access through our land at Willow Green to access the proposed Govers open space as part of Phase 1. Whilst we are prepared to discuss this further with the applicant it has not been agreed and it therefore at this stage, cannot be guaranteed to form part of the Council's Phase 1.
- We have planning consent for the new access junction from the A390 (Maiden Green/4th arm of the Richard Lander School junction) and a Petrol Filling Station (decision notice PA21/06047 but formally PA18/11022) which includes an artificial badger sett, originally consented in 2018 prior to the Council's NAR proposals. The NAR as currently proposed cannot be implemented because it traverses over the location of our consented artificial badger sett. We have this week submitted the application to discharge planning conditions in relation to the new junction on the A390 including the badger sett and a revision to its location. Whilst we are prepared to work with the applicant on this, it is an issue that needs to be resolved because we note that the agreed relocation site for the artificial badger sett has in the most recent LGV submission, a Large Teen Play Space (5L) located on it. Both of which cannot be located in the same place.
- We have in principle offered the applicant the opportunity to implement the LGV NAR through our landholdings subject to agreement and will continue this dialogue should the Council come back to us.
- We believe that the current LGV scheme still lacks a foodstore provision for a growth area of this size (a town of similar size to St Ives) otherwise residents will still travel to do their food shop. There is a need for a foodstore of appropriate size to serve this growth area and therefore provision for Convenience Food retailing should be included.

- Whilst there has been engagement with us, prior to the submission of the LGV application we do not believe the applicant has listened to what we have had to say about the scheme. We reiterate that we cannot guarantee that we would be able to implement the LGV consent.

Applicant response:

Thank you for your email received earlier today with the attached representation from Walker Developments (SW) Ltd (WDSW) and requesting our observations. It is disappointing to hear that there is a perceived lack of engagement between the Council and WDSW given we have honestly believed we have made specific efforts to engage through events such as the Developer's Forum which, along with the other landowners in the Langarth Garden Village area, started well before the submission of the planning application – and more latterly specific conversations all the way up to our Strategic Director. An example of where this dialogue has had an effect is to exclude some parcels under the control of WDSW from the Masterplan area to recognise that WDSW had progressed to the point of obtaining more recent consents - although I note that these have still not come forward as developments. Naturally some aspects of the scheme are commercially restricted but there has been no discouragement from dialogue, and I can see that the same letter does acknowledge there is dialogue taking place.

It is worth reminding you that we have sought to engage with WDSW since the planning application was submitted although in terms of information gathering for surveys etc we have been prevented from accessing land owned by WDSW.

Taking other points raised in turn –

**Viability:**

I am pleased that WDSW have read the comprehensive report to Strategic Planning Committee including the extracts which deal with viability noting that there is no requirement in planning guidance to undertake detailed viability at the outline planning application stage (this of course applied to the original WDSW scheme at Maiden Green as well as the former LXB scheme at Willow Green). This follows the usual practice and Members of the SPC will no doubt be familiar with this for other large scale schemes that are submitted in outline form. Detailed viability reviews will take place to inform the reserved matter applications in the normal way when more detailed information about layout, scale, density for example are worked up.

Northern Access Road:

The landowner's agreement to the principle of incorporating the proposals for the NAR are welcomed to help facilitate both the wider proposals and the possible development of the former Maiden Green /Willow Green under their existing planning consents if necessary, which are dependent in part upon the delivery of this route.

#### Phasing:

The proposed phasing of the development reflects a number of economic and pragmatic factors. First, they are a reflection of the areas of the application site which are under the Council's ownership and are therefore logically those areas which are capable of being delivered first. They are also the areas where there has been access secured, for example, through the Interim Link Road. They also relate to areas where planning information was more progressed by previous owners and applicants. For these reasons they are areas where we can guarantee their early delivery. This contrasts markedly with the position of WDSW where their representation to the current planning application submitted early in 2020 highlighted the view of the landowner at that time that they were uncertain if they wished to form part of the development.

The location of the first phases of development also links to the provision of community infrastructure. The first phase includes the new Primary School and adjoins the Langarth Park and Ride with its links to Truro city centre. The extension to the Park and Ride is provided within phase 2 of the development. It is unrealistic to expect the provision of two new primary schools at the start of a development so that helps to dictate the location of housing from that point and phasing from the perspective of the Garden Village proposals. However, the phasing plan is capable of being revised in agreement with the Local Planning Authority if justified. For a scheme that will take 20 years to come forward the applicant sensibly expects there will be a need for on-going discussion on the approach to phasing of the scheme's delivery.

#### Access to Govers:

Access to Govers will require third party agreement to access the site. The first phase of development in this location would be to support the delivery of a Suitable Alternative Natural Greenspace (SANG) to provide a strategic open space for the local community and reduce pressure on the Special Area of Conservation (SAC) and Penhale Dunes. Clearly, we will continue to engage with landowners about providing this access.

#### Badgers:

The planning proposals for the petrol filling station at Maiden Green include proposals for a relocated Badger sett. The original proposals for that relocated sett would be on the route of the proposed NAR so discussions have been held

to provide an alternative site. The applicant is happy to continue to work with WDSW to ensure that a satisfactory alternative provision is made to ensure these provisions can be managed going forward for both developments.

#### Retail provision:

The Langarth Garden village proposals have been developed to provide for a mixed-use community. The development includes provision for local retail facilities to meet the needs of the community, access to stores in Threemilestone and to delivery of goods to the development. The adjoining site at Hendra had an extant consent for a retail scheme which has now lapsed but the Council will work with that site's landowners to consider the best form of development for that site in relation to the Garden village proposals, just as it would any other neighbour.

In summary, the Council's involvement in bringing forward this current garden village proposals relates to a lack of delivery by the existing promoters over the last 15 years which saw none of the supposedly viable planning consents granted being delivered. The delivery of the Garden Village proposals represent a strategic term approach to planning along this western corridor to deliver a mixed use community, with associated infrastructure not a range of schemes based upon large scale retail provision. The scheme has been developed within the framework of the local plan, Neighbourhood plan and emerging Neighbourhood Plan review. The proposals include the provision of public subsidy in the form of the proposed funding of the NAR by the Homes and Community Agency which has been provided to reflect the need for support to bring forward a scheme across the site.

#### Officer comment

Planning Practice Guidance states that where development proposals such as Langarth Garden Village set out contributions that fully comply with up to date policies they should be assumed to be viable. The advice in PPG reflects paragraph 58 of the NPPF 2021.

As highlighted at paragraph 696 of the Committee Report, in the event the section 106 planning obligation is not entered into in respect of the 3rd party land, that land will not take the benefit of the Langarth Garden Village planning permission. It would not prevent the Langarth Garden Village progressing on the remainder of the site.

The phasing plan and triggers are linked to the delivery of facilities. For example, the early phases are linked to the delivery of the primary school within that area of the Langarth Garden Village masterplan. This could change should phases or areas within phases seek to be brought forward earlier, provided

these are supported by the necessary infrastructure and facilities subject to any necessary supplementary environmental information and variation to the planning permission if granted.

Delivery of the SANG at Govers or alternative provision and/or an off-site contribution towards mitigation measures at Penhale Dunes SAC are controlled by S106 Obligation as set out in the Heads of Terms below.

It is not uncommon for there to be multiple planning permissions over the same parcel of land and implementation of one permission does not necessarily prohibit delivery of another permission, each case will need to be assessed on its own facts as and when reserved matters applications come forward. As noted in the representation the land owner is seeking to alter the location of the badger sett due to the potential construction alignment on the Northern Access Road. The applicant advises that the location to site the badger sett within open space was specifically chosen in discussion with the land owner as it worked with either masterplan. Ideally there would be a 30m buffer of green space and planting from the artificial sett and any disturbance works to build/create the play area. The open space shown on the parameter plan is part of the outline planning application and has flexibility for ensuring these parameter can be met. If there are issues the applicant advises that they would be happy to continue to work with the landowner to ensure satisfactory alternative provision is made.

In terms of food retail store provision, the application proposes local retail to meet the needs of the future residents. As noted in the Committee Report, the Co-Op and Spar shops within Threemilestone would provide the nearest food retail facilities. At the time the LGV application was being brought forward by the Council (as applicant) the Hendra retail development was intended to be brought forward by the landowners and included a food retail store (Aldi). This permission has since lapsed however food retail may form part of any future planning application subject to land owner intentions. As noted in the Committee Report and in this update (see below section on previous planning consents), the existing Willow Green and Maiden Green planning permissions include food retail stores as part of their outline consents which could be brought forward by the land owner (Walker developments). The current application proposal has assessed the proposed food retail provision within the application and concludes that the proposed food and beverage floorspace is appropriate and provides sufficient facilities for local residents. No evidence has been submitted to the contrary.

**Local Housing Need:**

Further to the figures provided by the Affordable Housing Officer in the Committee Report which are from February 2021, current local housing need figures have been provided as set out below as at 8<sup>th</sup> December 2021. As detailed, the local housing need has increased for both Kenwyn and Truro in the intervening ten month period. The increase in local housing need adds further weight in the planning balance to the overriding objective of delivering housing to meet the requirements of the Cornwall Local Plan and Truro and Kenwyn Neighbourhood Plan respectively.

#### HomeChoice Dec 2021

| Parish              | Band | Bed need  |           |           |           |          |   |   | Grand Total |
|---------------------|------|-----------|-----------|-----------|-----------|----------|---|---|-------------|
|                     |      | 1         | 2         | 3         | 4         | 5        | 6 | 7 |             |
| Kenwyn              | A    | 4         | 3         |           |           |          |   |   | 7           |
| Kenwyn              | B    | 3         | 3         | 5         | 1         | 1        |   |   | 13          |
| Kenwyn              | C    | 21        | 12        | 27        | 12        | 1        |   |   | 73          |
| Kenwyn              | D    | 16        | 15        | 1         |           |          |   |   | 32          |
| Kenwyn              | E    | 54        | 57        | 18        | 1         |          |   |   | 130         |
| <b>Kenwyn Total</b> |      | <b>98</b> | <b>90</b> | <b>51</b> | <b>14</b> | <b>2</b> |   |   | <b>255</b>  |

| Parish             | Band | Bed need   |            |            |           |          |   |   | Grand Total |
|--------------------|------|------------|------------|------------|-----------|----------|---|---|-------------|
|                    |      | 1          | 2          | 3          | 4         | 5        | 6 | 7 |             |
| Truro              | A    | 38         | 11         | 2          |           | 1        |   |   | 52          |
| Truro              | B    | 17         | 5          | 6          | 7         | 1        |   |   | 36          |
| Truro              | C    | 82         | 56         | 72         | 24        |          |   |   | 234         |
| Truro              | D    | 35         | 45         | 6          | 1         |          |   |   | 87          |
| Truro              | E    | 200        | 118        | 49         | 2         |          |   |   | 369         |
| <b>Truro Total</b> |      | <b>372</b> | <b>235</b> | <b>135</b> | <b>34</b> | <b>2</b> |   |   | <b>778</b>  |

#### Truro and Kenwyn Neighbourhood Plan Proposed Revision:

The TKNP revision has been subject to Regulation 14 consultation and has proposed a number of amendments to meet the comments made on the draft.

The proposed revisions to the TKNP have been developed in general conformity with the Cornwall Local Plan (CLP) and with appropriate regard to the National Planning Policy Framework (NPPF). It is not considered that any of the revisions contradict further revisions made to the NPPF and published in July 2021, indeed those changes support the direction of the TKNP, particularly in raising design aspirations for new development.

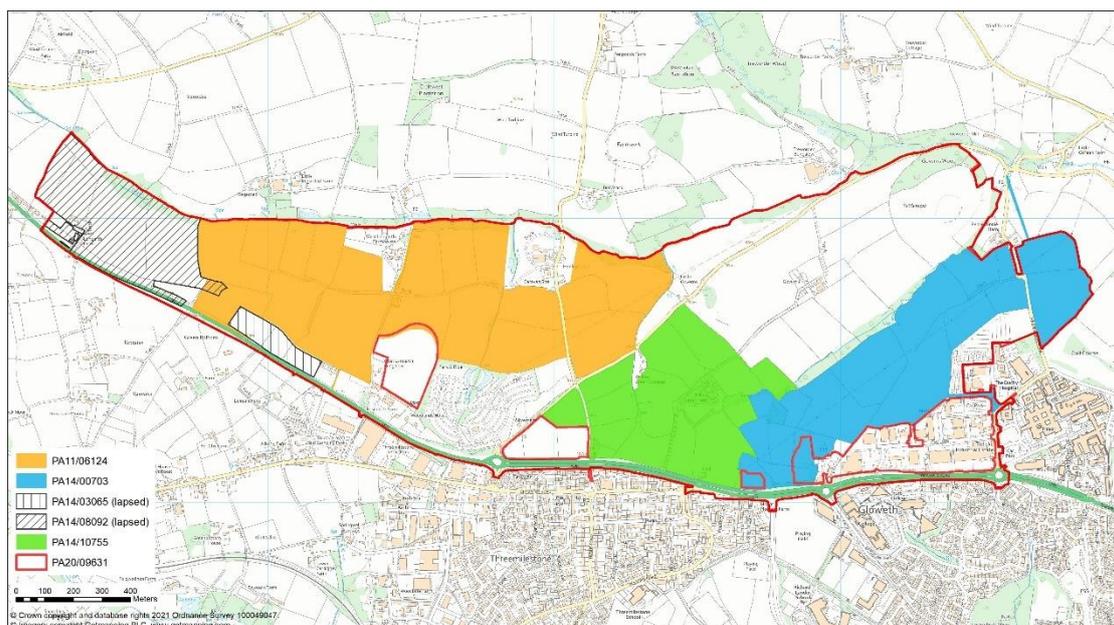
The draft has been considered by both Kenwyn Parish Council and Truro City Council respectively and approved by them for submission to the Local Planning Authority.

Policy H3 (Langarth) of the TKNP revision identifies the site area subject of this planning application which is before Members for consideration as Langarth Garden Village and identifies this area for growth including housing. Policy H3 seeks any future planning applications that propose development of the site to be in accordance with the Langarth Garden Village masterplan and identifying how the following principles for sustainable development will be achieved.

The TKNP revision, whilst not yet adopted, does carry some weight, due to it having progressed through the Pre-Submission Consultation stage and it is acknowledged that it is widely supported and that it is in general conformity with Local and National policy. However, the actual weight to be applied to this planning application at this point of time should be limited, due to its early stage of preparation; it is yet to be submitted to the Local Planning Authority, who must conduct an open consultation on the draft Neighbourhood Plan before it is sent to the Examiner, for the next stage in the process. The revision provides an indication of the direction of travel of local policy.

#### **Status of the previous planning consents granted:**

The plan below shows the large-scale planning consents that either remain extant or have recently lapsed within the Langarth Garden Village application site area (outlined in red). This plan will be shown and discussed as part of the presentation to Planning Committee.



Taking these in turn, the remaining extant planning permissions which could be implemented are PA11/06124 (referred to as Langarth), PA14/10755 (referred to as Willow Green) and PA14/00703 (referred to as Maiden Green). These are the extant planning permissions that comprise the fallback planning position of referred to in the Committee Report. Subject to the submission and approval of reserve matter applications and agreement of pre-commencement details these applications could proceed. It is considered that material weight can be given to these fallback permissions given the clear desire of landowners to develop the area as identified in the representations received. The details of each application are set out below.

PA11/06124 - Outline application for mixed use development comprising circa 1500 dwellings (C3), restaurant (A4), retail floorspace (A1), hotel (C1), employment floorspace (B1/B8), care home (C2), park and ride extension (sui generis), primary school, community space (D1) and associated public open space and infrastructure (means of access to be determined only) - An application for approval of the final reserved matters shall be made before 10<sup>th</sup> July 2026

PA14/10755 - Outline approval with all matters other than access reserved for 435 dwellings, nursing home, food store, petrol station; 1 form entry primary school, community hall, public house/restaurant, central component of the Northern Access Road (NAR) (including vehicular/pedestrian/cycle details), public open space, service diversions and foul and surface water drainage infrastructure, ground remodelling works including moving of material on and off-site and demolition of existing buildings and detailed approval of access point from the A390 - Applications for approval of reserved matters must be made to the Local Planning Authority before 25<sup>th</sup> July 2022 and development commenced within 2 years of the date of the last reserved matters approved.

PA14/00703 - Hybrid planning application comprising in outline up to 515 dwellings (including extra care), school, employment space, convenience shop, community pavilion, infrastructure works, landscaping and public open spaces; district centre including supermarket, petrol station, retail units, community hall, restaurant/cafe uses, hotel, creche, medical centre, mobile library parking, parking and servicing; and in detail access from the A390, the Northern Access Road and connections to Penventinnie Lane within the Royal Cornwall Hospital. Including Environmental Impact Assessment - Applications for approval of reserved matters must be made to the Local Planning Authority before 8<sup>th</sup> August 2022 and development commenced within 2 years of the date of the last reserved matters approved.

Planning permissions granted under references PA14/08092 (referred to as West Langarth) and PA14/03065 (referred to as Pollards Fields) have both lapsed. The details of each application are set out below.

PA14/08092 - Outline mixed use proposal for retail (Use Class A1) with associated petrol filling station and car parking (providing space for mobile library), food and drink (Use Classes A3, A4 and A5) / day nursery (Use Class D1) and residential (Use Class C3) alongside the provision of a community and sports facility (Use Classes D1 and D2), public open space (including formal playing pitch provision), and other associated infrastructure (inclusive of linkage to consented Langarth/Stadium sites). [Means of access to be determined only] – Planning permission expired on 11<sup>th</sup> August 2019.

PA14/03065 - Outline Application with some matters reserved for Residential development comprising of up to 78 dwellings (C3) with associated open space and infrastructure (means of access only to be determined) – Planning permission expired on 11<sup>th</sup> August 2019.

As a whole, the previous planning permissions referred to above form part of the patchwork of piecemeal planning permissions referred to in the Committee Report which reflect land ownership or options combined with predominately retail led development proposals rather than a comprehensive landscape led new community as proposed within the Langarth Garden Village application. Notwithstanding the above, future applications could be made on land parcels within the Langarth Garden Village application site area and as set out in the Committee Report this land is identified in the Neighbourhood Plan and reflect the housing delivery requirement for the area. It is noted that the Neighbourhood Plan Review identifies the Langarth Garden Village site area for future growth to meets its housing need requirement.

**Habitat Regulation Assessment:**

As noted at paragraph 676 of the Committee Report, Natural England raise a concern that some of the financial contribution towards monitoring and management of recreational pressure at Penhale Dunes SAC may be made outside of the Cornwall Local Plan period, given the timeframe for delivery of this development. Hence the concern is that the financial mitigation secured post the Plan period may not mitigate impacts identified at that time.

Having reflected upon the comments made by Natural England, discussions have been held with the applicant. This has led to the agreement of an earlier trigger for the development to make a financial contribution to Penhale Dunes SAC mitigation measures as set out in the European Sites SPD. The trigger for payment is now proposed at phase 1 and 2 or approx. 1475 dwellings

significantly less than the area that the proposed Governs SANG could support based on current guidance (1900 homes). In essence the earlier trigger point for contributions ensures a greater sum of money to monitor and implement the measures set out in the European Sites SPD at Penhale Dunes SAC. This flexibility provides an additional degree of robustness to respond to both the final design of the proposed SANG at Governs and the long time period over which the development will occur allowing on going monitoring of both the proposed SANG and the existing SAC.

The SANG within the Garden Village will be managed initially by the landowner, Cornwall Council and then by the Stewardship body. As part of that management role there will be a requirement to monitor the success the success of the SANG at Governs. To support this the development will contribute towards the ongoing provision of the Stewardship body, to both manage and monitor the success of the onsite SANG.

As Competent Authority, the Local Planning Authority is content that the broad approach and on-going management, as agreed in principle by Natural England, meets its duties placed on it with regard to the Habitat Regulations in accordance with the above and as set out in the S106 Obligation Heads of Terms referred to below.

#### **Strategic Landscape and Ecology Management Plan and Biodiversity Net Gain:**

The strategic delivery and management of Biodiversity Net Gain (BNG) is set out at paragraphs 719-725 of the Committee Report. The applicant has updated the BNG calculation to reflect the amended parameter plans and Design Code. This revised BNG calculation is still in excess of the target of 10% for application proposals.

|                                  |                |          |
|----------------------------------|----------------|----------|
| <b>On site baseline</b>          | Habitat units  | 710.91   |
|                                  | Hedgerow units | 453.19   |
| <b>On site post-intervention</b> | Habitat units  | 911.78   |
|                                  | Hedgerow units | 499.10   |
| <b>Total net unit change</b>     | Habitat units  | + 200.87 |
|                                  | Hedgerow units | + 45.91  |
| <b>Total net % change</b>        | Habitat units  | + 28.26% |
|                                  | Hedgerow units | + 10.13% |

Given the recalculated BNG figures it is recommended that condition 12 is amended to refer to the latest Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy as set out below.

**S106 Obligation/Heads of Terms:**

The detailed Heads of Terms for the S106 Obligation are attached to this update (**Appendix 1**). Further to the recommendation set out in the Committee Report, financial contributions towards cycle trails and an obligation to secure approval of an EV charging plan are now not sought as the delivery of such are controlled by planning conditions. For the reasons set out in the report, it is considered that the Heads of Terms set out the measures required to mitigate the impacts identified within the Committee Report and meet the CIL Regulation 122 tests of being;

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The Heads of Terms provide detail as to the contribution towards works within Threemilestone to provide a mobility hub and village centre highway and parking improvements to manage traffic impacts, in particular during the construction period, whilst providing enhanced connectivity and integration with the development. It is considered that the contribution meets with the CIL Regulation 122 tests set of above.

**Recommendation**

Delegated authority to the Head of Development Management to approve planning permission subject to:

- A) conditions as set out in the Committee Report or as amended below or similar as may be agreed under delegated authority given to the Head of Development Management and;
- B) completion of a Section 106 Obligation to deliver appropriate infrastructure and mitigation as may be agreed under delegated authority given to the Head of Development Management. Matters to reflect the Heads of Terms as agreed between the Applicant and LPA and to include no less than the following:

Financial contributions towards:

- i. Strategic transport mitigation including bus service subsidy, off-site mobility hub infrastructure and other sustainable transport measures such as car clubs, online cycle provision, electric bikes
- iii. Junction improvements
- iv. Sustainable transport bond to support implementation of LGV monitoring and evaluation plan

- v. Travel plan and monitoring fee, appointment of travel plan coordinator and contribution towards implementation personalised travel planning measures
- vi. Air quality
- vii. Education
- viii. Healthcare
- ix. Offsite flood resilience measures
- x. Protected habitats
- xi. Design code and neighbourhood design code implementation and review
- xii. Offsite sports pitches
- xiii. Park & ride extension
- xiv. TRO contribution towards controlling on-street residential parking
- xv. Public realm and highways improvements in Threemilestone

Obligations to secure:

- xvi. Affordable housing, in accordance with the Affordable Housing Teams consultation comments including provision for key worker accommodation/student accommodation and self-build/custom build units.
- xvii. Use of local labour and materials
- xviii. Biodiversity monitoring and management
- xix. SANG/SAMM
- xx. Stewardship arrangements and 'clerk of works' liaison
- xxi. Interim and permanent woodlark mitigation
- xxii. Open Space provision, management and transfer/adoption
- xxiii. SUDS transfer/adoption
- xxiv. Community facilities / optional onsite health facility
- xxv. Connections to district heating network if provided

The condition set out in the officer report, with amendment and/or additional conditions as follows:

#### **10. Neighbourhood Design Code**

The detailed Masterplans for each phase, submitted pursuant to condition 9, shall be the plan regulating the development within the relevant Neighbourhood in accordance with the relevant Neighbourhood Design Code. The Neighbourhood Design Code shall include, but not limited to, details of the matters listed below:

- development block types
- building form

- building height
- materials strategy
- architectural language (constructional details and articulation e.g. windows, porches/canopies, bike storage, rainwater goods etc)
- private and public space (including public open space and community gardens)
- green infrastructure
- compliance with the Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy dated 7th December 2021
- landscape/public realm treatment
- street typology showing their role and purpose in the Neighbourhood
- local centres – including associated land uses
- community buildings/uses
- interaction with the Northern Access Road
- hard surfacing materials
- street furniture and structures (e.g. but not limited to play equipment, bus stops, refuse and other storage units, street and road signs, lighting)
- functional services above and below ground (e.g. but not limited to drainage, power, communications cables and to serve any district heating infrastructure)
- retained historic features and proposals for restoration or alternative use elsewhere, where relevant.
- lighting schemes where used on all road and routes in the Neighbourhood including technical information
- access and circulation
- car and cycle parking (to include any transport hubs and electric car/cycle charging)
- waste storage and recycling facilities
- boundary treatment
- mix of units and distribution of affordable units
- siting of services and utilities (e.g. but not limited to meter boxes, any vents)
- a scheme to show how the Neighbourhood Design Code achieves cultural distinctiveness pursuant to the approved Arts and Culture Strategy
- public art strategy

Reason: To ensure that high standards of urban design and comprehensively planned development designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved in accordance with Policies 1 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraphs 73, 126 and 129 of the National Planning Policy Framework 2021.

## 12. **Biodiversity Net Gain**

A. Each application for reserved matters under the Application B shall be accompanied by a Biodiversity Conformity Statement and Implementation Timetable demonstrating compliance with the Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy for Langarth Garden Village dated 07 December 2021.

B. There shall be no commencement of development in any area to which an application for reserved matters relates (a Reserved Matters Area) until the Local Planning Authority has approved the Biodiversity Conformity Statement and Implementation Timetable in connection with that Reserved Matters Area. The Biodiversity Conformity Statement shall explain how the development in the Reserved Matters Area conforms with the approved Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy and achieves biodiversity net gain in respect of that Reserved Matters Area (and in the event it does not conform and yields a biodiversity net loss what compensatory measures are proposed to achieve biodiversity net gain in accordance with the objectives of the Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy). The Implementation Timetable shall set out the programme for delivering the biodiversity net gain measures set out in the Biodiversity Conformity Statement.

C. The biodiversity net gain measures in the approved Biodiversity Conformity Statement shall (subject to criterion D below) be implemented in full prior to first occupation or beneficial use of the development in the relevant Reserved Matters Area.

D. In the event the Reserved Matters Area relates to infrastructure development only, the biodiversity net gain measures in the approved Biodiversity Conformity Statement shall be implemented in accordance with the approved Implementation Timetable.

Reason: To ensure a minimum net biodiversity gain of 10% over the pre-development site score across the development as a whole in accordance with Policy E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174 and 179 of the National Planning Policy Framework 2021.

## 21. **Landscaping**

Applications for approval of reserved matters for landscaping within any phase, sub-phase or development parcel shall include a scaled plan or plans:

- 1) showing all existing trees and vegetation, Cornish hedges and landscape features to be retained and buffered, as well as proposals for new trees, hedge and any planting;
- 2) identifying the root protection areas of retained trees;
- 3) showing the location, type and materials to be used for hard landscaping (including specifications, where applicable) for:
  - car parking layout;
  - hard surfacing materials, to include permeable paving;
  - street furniture and structures to include play equipment, bus stops, refuse and other storage units, street and road signs, lighting;
- 4) identifying proposed and existing functional services above and below ground (e.g. but not limited to drainage, power, communications cables and to serve any district heating infrastructure)
- 5) identifying retained historic features and proposals for restoration or alternative use elsewhere, where relevant;
- 6) identifying- tree pit design, to include where appropriate root barriers and underground modular systems;
- 7) identifying how the development on the phase, sub-phase or development parcel integrates with the approved sustainable urban drainage system
- 8) detailed lighting strategy for the operational phase of the development to prevent harm to light-sensitive species (which strategy shall make use of directional lighting, careful positioning of lighting and appropriate light levels and shall be developed in consultation with an ecologist or other suitably qualified profession, and shall be informed by survey information, to ensure that the lighting avoids adverse effects to bats.);
- 9) a schedule detailing size, number and density of all proposed trees/plants;
- 10) specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and
- 11) means of enclosure, to include types and dimensions of all boundary treatments
- 12) identifying how the development phase, sub-phase or development parcel is compliant with the Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy dated 7th December 2021

During the implementation of the landscaping hereby approved there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees.

Unless required by a separate landscape management condition in connection with Application A or Application B, all soft landscaping shall have a ten year maintenance programme following planting. Any new trees or plants (other than trees) that die, are removed, become severely damaged or diseased within a period of ten years from planting will be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

The phase, sub-phase or development parcel shall be landscaped strictly in accordance with the approved details in the first planting season after completion or any building within the phase, sub-phase or development parcel being occupied, whichever is the sooner.

Reason: To ensure that the development does not have a detrimental impact upon the natural environment in accordance with the aims and intentions of Policies E4, E5 and C3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 2 and 23 of the Cornwall Local Plan Strategic Policies: 2010 - 2030 and paragraph 174 of the National Planning Policy Framework 2021.

### **36. Landscape Ecology Management Plan**

Prior to the commencement of construction works (save for Enabling Works) within any phase, sub-phase, or development parcel pursuant to the development until a Landscape and Ecology Management Plan (LEMP) shall have been submitted to the Local Planning Authority that will address the implementation, improvement and mitigation of ecology and biodiversity of the development (in accordance with the Environmental Statement by Arcadis dated November 2020 and its associated addendums, Design and Access Statement by AHR dated November 2020 and October 2021 and the Ecology Reports as set out at Appendix of the aforementioned Environmental Statement) and appointment of an ecological clerk of works. The LEMP shall also contain details of the following ecological and landscape mitigation and enhancement measures:

- Physical protection of the retained hedgerows and trees through approved tree protection measures throughout the construction period;
- Avoidance of artificial lighting spill onto the boundary hedges during the construction;
- Management of existing and proposed trees and hedges and ecological enhancements for the lifetime of the development;
- Detailing habitat linkage and routes of passage for wildlife, mitigation for loss of habitat and the location;

- Details of the landscape and ecological mitigation, and compensation measures to be undertaken;
- Details of the management and monitoring of landscape and ecological mitigation any compensation measures to be undertaken
- Details of how the landscape and ecological mitigation will comply with the Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy dated 7th December 2021.

The development will be undertaken in accordance with the approved details and timing of the LEMP.

Reason: To ensure the habitats and species are safeguarded and where appropriate enhanced to secure the specified habitat net gain in accordance with Policy E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 2 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030, advice in paragraphs 17, 130, 174 and 180 of the National Planning Policy Framework 2021, and the requirements of the Conservation of Habitats and Species Regulations 2010.

#### **48. Gas Pipeline**

No development (save for Enabling Works) shall be commenced within the developable plots A4, A5, A6 and A7 as shown on approved plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-005 REV P13 until a scheme for modifying the High Pressure Gas pipeline within the site (ref 1522 - Indian Queens/St. Day) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Health and Safety Executive. The development shall be implemented in accordance with the approved scheme and no development within the aforementioned developable plots shall be occupied or brought into use until the required modifications to the pipeline have been carried out.

Reason: In the interests of public safety and in accordance with Policy E1 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 1 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 8 and 45 of the National Planning Policy Framework 2021.

## LGV S106 &amp; CIL Tracker – as at 14.12.21

| Obligation  | Purpose   | EST. Quantum or Description   | Payment or Compliance Trigger  | TOTAL (before Indexation)  |
|---|---|---|--|--|
| <b>TRANSPORT AND HIGHWAYS</b>                                   |   |   |  |  |
| <b>Transport Contribution</b>                                   | a) Offsite mobility hub infrastructure<br>b) Contribution to LGV sustainable transport measures to include A390 online cycle provision, electric bike system, car club system.  | a) 1,200,000<br>b) 1,350,000<br>Total = £2,550,000  | £1,000,000 before Substantial Implementation on Phase 1<br><br>Balance (£1,550,000) payable pro rata, before Commencement in each Residential RMA Area   | <b>£2.55m</b><br><b>*CIL Pooling</b>                                     |
| <b>Personalised Travel Plan and MEP Evaluation Contribution</b> | To fund an officer at the LPA or in the Stewardship Vehicle to (a) liaise with TP Coordinator and Stewardship Vehicle; (b) directly engage with residents and staff in Development to encourage them to try greener, cheaper and healthier ways of getting from A to B and (c) to undertake MEP monitoring and analysis | £464,973 total  | Before Occupation of more than no. of Dwellings set out below:<br>1. Occupation of 50 Dwellings<br>2. Occupation of 150 Dwellings<br>3. Occupation of 300 Dwellings<br>4. Occupation of 450 Dwellings<br>5. Occupation of 600 Dwellings<br>6. Occupation of 750 Dwellings                      | <b>£465k</b>   |
| <b>Travel Plans</b>   | To facilitate achievement of Modal Shift Target in LGV TA and achieve aspirations of LGV Framework TP including measures to include an introductory offer to subsidise bus / e-bike / car club.   | Residential, Commercial and Personalised TPs which, inter alia, provide for appointment of TP Coordinator plus public transport incentives at c. £50 per Dwelling.  | TP to be submitted to and approved by the LPA before Occupation in each RMA Area   | <b>£200k estimated</b>   |
| <b>Travel Plan (TP) Monitoring Fee</b>                          | To (a) fund monitoring and management of performance of TPs for each RMA Area over Travel Plan Monitoring Period and (b) implement upfront costs associated with LGV Monitoring and Evaluation Plan (MEP) including but not limited to sensor fitting   | £6,500 per TP   | Before Occupation in each RMA Area   | <b>c.£60k</b><br><b>(depending on no. of delivery phases/sub-phases)</b> |
| <b>Bus Service Contribution</b>                                 | Subsidised bus service to serve Development (declined subsidy over time as bus service becomes viable)  | Pump prime / declining subsidy based on following:<br><ul style="list-style-type: none"> <li>• £400,000 for first 2 years</li> <li>• £ 300,000 for next 3 years</li> <li>• £ 200,000 next 3 years</li> <li>• £100,000 next 2 years</li> </ul> | Before the following delivery milestones / in the following instalments:<br>1. First Occupation – £400,000<br>2. Occupation of 100 Dwellings - £400,000<br>3. Occupation of 200 Dwellings - £300,000<br>4. Occupation of 350 Dwellings - £300,000<br>5. Occupation of 500 Dwellings - £300,000 | <b>£2.5m</b>   |

## LGV S106 &amp; CIL Tracker – as at 14.12.21

| Obligation                            | Purpose  | EST. Quantum or Description                                      | Payment or Compliance Trigger  | TOTAL (before Indexation)                               |
|---------------------------------------|--|--|--|---|
|                                       |  |  | 6. Occupation of 650 Dwellings – 200,000<br>7. Occupation of 800 Dwellings – 200,000<br>8. Occupation of 950 Dwellings - 100,000<br>9. Occupation of 1100 Dwellings - 100,000  |   |
| <b>[NAR Contribution]</b>             | [Eastern Junction]   | [£7,500,000] [pay or provide]                                    | [Pro rata, before Occupation in each Residential RMA Area (subject to Eastern Junction Offset in the event Eastern Junction delivered as works in kind (WIK))]   | <b>[£7.5m]</b>  |
| <b>P&amp;R Extension Contribution</b> | P&R Extension for 600 spaces to be delivered before Occupation of more than 750 Dwellings  | £7.5m total / £1973 per Dwelling subject to P&R Extension Offset | Payment pro rata, before Occupation in each Residential RMA Area (subject to P&R Extension Offset in the event P&R Extension delivered as WIK before Occupation of more than 750 Dwellings)  | <b>£7.5m</b><br><b>*CIL Pooling</b>                     |
| <b>TRO Contribution</b>               | To help Council consult on, implement and monitor TRO(s) to reduce on-street parking / make effective use of existing parking including carrying out a study into parking management in Threemilestone village | £7,500 per TRO   | Before the following delivery milestones:<br>1. Substantial Completion of NAR<br>2. Occupation of 250 Dwellings<br>3. Occupation of 500 Dwellings<br>4. Occupation of 750 Dwellings<br>5. Occupation of 1000 Dwellings<br>6. Occupation of 1250 Dwellings<br>7. Occupation of 1500 Dwellings<br>8. Occupation of 1750 Dwellings<br>9. Occupation of 2000 Dwellings<br>10. Occupation of 2250 Dwellings<br>11. Occupation of 2500 Dwellings<br>12. Occupation of 2750 Dwellings<br>13. Occupation of 3000 Dwellings<br>14. Occupation of 3250 Dwellings | <b>£113k</b>  |
| <b>Air Quality Contribution</b>       | Towards measures to address the air quality impacts of the Development and to achieve compliance with Cornwall's Clean air for Cornwall Strategy 2020-2025   | £60 per Dwelling   | Before Occupation in each RMA Area (subject to Onsite Air Quality Mitigation Offset)   | <b>£228k</b><br><b>(depending on onsite mitigation)</b> |

## LGV S106 &amp; CIL Tracker – as at 14.12.21

| Obligation                        | Purpose  | EST. Quantum or Description  | Payment or Compliance Trigger  | TOTAL (before Indexation)   |
|-----------------------------------|--|--|--|---|
| <b>Sustainable Transport Bond</b> | Cash Deposit or Bond to incentivise achievement of Modal Shift Target and pay for Additional Transport Mitigation Measures as part of “predict and provide” strategy (priority given for sustainable travel then highway capacity/junction improvements) | <p><b>Sustainable Transport Bond = <math>(N \times \text{£}x + n \times \text{£}y) / 2470 \times Z</math></b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>▪ <math>\text{£}x = 3,000,000</math> (value assigned for a full mitigation of a junction)</li> <li>▪ <math>\text{£}y = 200,000</math> value assigned for a “half” mitigation of a junction;</li> <li>▪ <math>N</math> is the number of new junctions where traffic impact suggests mitigation would be required in 2023 Scenario C, compared with 2023 Scenario A under the LGV MEP (3 junctions); and</li> <li>▪ “<math>n</math>” is the number of junctions which would require mitigation in 2023 Scenario A, but would experience an increase in development impact in Scenario C under the LGV MEP (2 junctions).</li> </ul> <p><math>Z =</math> maximum number of Open Market Dwellings specified a RMA</p> | Deposit / Bond to be put in place before Occupation in each RMA Area   | <b>c.£5-10m</b><br><b>(refundable depending monitoring results)</b> |
| <b>COMMUNITY FACILITIES</b>       |  |  |  |   |
| <b>Community Facilities</b>       | Implementation of LGV Social Infrastructure Strategy for a range of Community Facilities as set out in the Strategy, including Phase 1 and Phase 2 Community Hubs  | Phase 1 Community Hub min. 400 sqm<br>Phase 3 Community Hub min. 400 sqm   | <p><u>Community Facility Scheme</u> to be submitted to and approved by the LPA before Commencement of Phase 1 (this will set out location, specification, standards, timing for delivery, proposed management details etc. for all of the Community Facilities across LGV including indicative details for Health Facility) and shall thereafter implemented in accordance with approved details</p> <p><u>Community Use Agreement</u> for Phase 1 Community Hub to be submitted to and approved by LPA before Commencement on Phase 1</p> | <b>N/A</b>  |

LGV S106 & CIL Tracker – as at 14.12.21

| Obligation                                     | Purpose  | EST. Quantum or Description  | Payment or Compliance Trigger   | TOTAL (before Indexation)  |
|--|--|--|---|--|
|  |  |  | Community Use Agreement for Phase 3 Community Hub to be submitted to and approved by LPA before Commencement on Phase 3 (this sets out the end user requirements and public access and charging arrangements etc. ) |  |
| <b>HEALTH</b>                                  |  |  |   |  |
| <b>CCG Contribution</b>                        | Capacity improvements at the following medical centres:<br>• Chacewater Health Centre<br>• Lander Medical Practice<br>• The Three Spires Medical Practice (unless Health Facility provided onsite)   | £447 per Open Market Dwelling excluding Student Accommodation Units and Extra Care Units                       | Pro rata, before Occupation of each residential RMA area - subject to Health Facility Offset in the event Health Facility provided onsite – see below   | <b>£984k</b><br><b>(subject to Health Facility Offset)</b>               |
| <b>Health Facility</b>                         | OPTIONAL provision of onsite primary healthcare facility on Phase 1 in lieu of or in part payment of CCG Contribution  | At least 300 sqm (stand alone or co-located facility)  | Health Facility Scheme to be submitted to and approved by the Council before Occupation of more than 200 Dwellings (this Scheme will set out the detailed specification and delivery timeframe)                     | <b>N/A</b>   |
| <b>EDUCATION</b>                               |  |  |   |  |
| <b>Education (£)</b>                           | - First School /First School Extensions<br>- Second School (subject to pupil yield)  | £2736 per Qualifying Dwelling (Open Market Dwelling with more than one bedroom)                                | Before Occupation in each RMA Area  | <b>£.5.5-£6m</b><br><b>(depending on number of Qualifying Dwellings)</b> |
| <b>First School (delivery)</b>                 | First School   | Provision of First School  | Before Occupation of more than 200 Dwellings  | <b>N/A</b>   |
| <b>Education (land)</b>                        | Second School Land safeguarded for delivery of second primary school until Occupation of 2300 <sup>th</sup> Dwelling   | Council can serve Second School Notice calling for transfer of the Second School Land for use as Second School | Second School Notice to be served between Occupation of 1700 and 2300 Dwellings   | <b>N/A</b>   |
| <b>OFFSITE PUBLIC REALM &amp; CONNECTIVITY</b> |  |  |   |  |
| <b>Threemilestone Contribution</b>             | - Improved parking for the TMS GP surgery<br>- Mobility hub in TMS<br>- Village centre public realm, highway and parking improvements to manage traffic impacts (particularly construction traffic impacts) from Development improve connectivity and integration with the Development | £2,780,000   | Three Instalments linked to calendar dates:<br>- £100,000 - 12m of start of NAR<br>- £1,800,000 - 36m from start of NAR<br>- £880,000 - 48m from start of NAR   | <b>c£2.8m</b><br><b>*CIL Pooling</b>                                     |

## LGV S106 &amp; CIL Tracker – as at 14.12.21

| Obligation                               | Purpose   | EST. Quantum or Description  | Payment or Compliance Trigger  | TOTAL (before Indexation)   |
|--|---|--|--|---|
| <b>OFFSITE SPORTS PROVISION</b>          |   |  |  |   |
| <b>Offsite Sports Pitch Contribution</b> | Compensation for under-provision of formal sports public open space onsite including but not limited to pitches at TMS, Stadium Land (if Stadium not provided here), and any other local facilities approved by LPA   | £1,265,400 / £333 per Dwelling   | Pro rata, before Occupation in each RMA Area   | <b>£1.27m</b>   |
| <b>ONSITE OPEN SPACE AND SUDS</b>        |   |  |  |   |
| <b>POS</b>                               | Provisions governing delivery, inspection, completion, ongoing maintenance and management, Open Space Land Transfer / adoption in consideration for payment of Open Space Commuted Sum (which is to be calculated by reference to the approved Open Space Scheme assuming a 20 year maintenance period) | Delivery in accordance with LGV Landscape Strategy (or any subsequent landscape plans or strategies approved under the Planning Permission)<br><br>The default provision is that Open Space will be Practically Completed by 50% Occupation and Finally Completed by 75% Occupation in each RMA Area; and thereafter the Open Space Transfer will be completed to the approved management body, and any Open Space Commuted Sum due will be paid | Open Space Scheme (governing typologies, layout etc.) and Open Space Management Plan (governing arrangements for ongoing management and maintenance) to be submitted to and approved by the LPA before Commencement in each RMA Area and implemented in accordance with approved details | <b>N/A</b><br><b>(Open Space Commuted Sum payable in the event Open Space is adopted by CC, a Parish Council, OR the Stewardship Vehicle)</b> |
| <b>SUDS</b>                              | Provisions governing SUDS Land Transfer / adoption if not privately maintainable by a Management Company  | Delivery in accordance with details approved under Planning Permission   | Default provisions for SUDS Transfer / payment of SUDS Commuted Sum as per Open Space (see above), unless Planning Permission otherwise specifies  | <b>N/A</b><br><b>(SUDS Commuted Sum payable in the event SUDS is adopted by CC, a Parish Council, OR the Stewardship Vehicle)</b>             |
| <b>FLOODING AND RESILIENCE</b>           |   |  |  |   |
| <b>New Mills Dam Contribution</b>        | Monitoring the effectiveness of the design of the New Mills Dam and working up design improvements in order to improve the future extreme event resilience of the New Mills Dam   | £100,000   | Before Occupation of more than 250 Dwellings   | <b>£100k</b><br><b>*CIL Pooling</b>   |
| <b>STEWARDSHIP</b>                       |   |  |  |   |
| <b>Stewardship Vehicle</b>               | <b>Functions</b><br>a) to assume ongoing responsibility for the management and maintenance of certain Open Space, Green Infrastructure,   | To submit to and secure the LPA's approval of a Stewardship Vehicle Business Plan which will explain the various different lawful sources of funding to enable the set up and  | Form of Stewardship Vehicle to be confirmed to LPA before Substantial Implementation it could be one of the following:   | <b>N/A</b>  |

LGV S106 & CIL Tracker – as at 14.12.21

| Obligation | Purpose  | EST. Quantum or Description  | Payment or Compliance Trigger   | TOTAL (before Indexation) |
|------------|--|--|---|---------------------------|
|            | <p>SUDS, Community Facilities and other public benefit assets associated with the Development as set out in the Stewardship Vehicle Business Plan;</p> <p>b) to promote informal and formal forms of community governance;</p> <p>c) to promote the vision of LGV including but not limited to through promoting understanding of the LGV Design Code;</p> <p>d) to promote commercially viable social enterprise, economic development and job creation;</p> <p>e) to promote development of social networks and health and wellbeing of the community within the Development;</p> <p>f) to liaise with the TP Coordinators or TP Coordinators to promote the objectives of the Framework Travel Plan;</p> <p>g) (if appointed to do so) to undertake or assist the Personalised Travel Plan officer in the performance of their role including undertaking of the interim and full monitoring, surveys and evaluation of traffic generated by the Development in accordance the LGV Monitoring and Evaluation Plan (including proposing and agreeing additional mitigation with the Council in its capacity as Highway Authority);</p> <p>h) to perform any roles allocated in the Stewardship Vehicle Business Plan in relation to the LGV Energy Centre</p> <p>i) to keep residents aware of opportunities to participate in or democratically influence the</p> | <p>operation of the Stewardship Vehicle, form public or private grant, service charge, rents, dividends, commuted sums payable under the s106 in respect of infrastructure to be maintained by the Stewardship Vehicle etc.</p> <p>Developers will need to include in land disposal documents covenants for owners and occupiers to pay a proportionate service or estate charge (or equivalent) towards the Stewardship Vehicle, in accordance with the approved Stewardship Vehicle Business Plan</p> <p>Developers are also required to provide residents with a Stewardship Vehicle Welcome Pack explaining the role of the Stewardship Vehicle and opportunities for residents to participate in governance</p> | <ul style="list-style-type: none"> <li>• company limited by guarantee;</li> <li>• company limited by shares;</li> <li>• community interest company;</li> <li>• community benefit society; or</li> <li>• another organization, person or body capable</li> </ul> <p>Stewardship Vehicle Business Plan is to be submitted to the LPA before Substantial Implementation of Phase 1 (unless LPA agrees a later timeframe) approved before first Occupation on any Phase</p> <p>Stewardship Vehicle Welcome Pack is to be submitted to and approved by the LPA before occupation in any RMA Area</p> |                           |

## LGV S106 &amp; CIL Tracker – as at 14.12.21

| Obligation                                | Purpose   | EST. Quantum or Description  | Payment or Compliance Trigger   | TOTAL (before Indexation)  |
|---|---|--|---|----------------------------|
|   | governance and decision-making of the Stewardship Vehicle<br>j) (if appointed to do so) to monitor the performance of the Development against key performance indicators including but not limited to renewable energy, energy efficiency, access to and uptake of electric vehicles, healthy living objectives, compliance with Planning Conditions relating to landscaping and biodiversity |  |   |                            |
| <b>ECOLOGY, HABITATS AND BIODIVERSITY</b> |   |  |   |                            |
| <b>SANG</b>                               | To offset impacts of Phases 1 and 2 on Terrestrial SAC (Penhale Dunes SAC)  | SANG at Governs - SANG Plan setting out standards and specification of SANG, plus details for ongoing management and maintenance | SANG Plan to be submitted to LPA before Commencement in Phase 1 and to be approved by LPA (in consultation with NE) before Occupation in Phase 1<br><br>If SANG delivered SANG to be Practically Completed before Occupation of more than 50% Dwellings in Phase 1 and Finally Completed before Occupation of more than 75% Dwellings in Phase 1<br><br>If SANG not delivered then SAC contributions towards Terrestrial SAC below apply to Phases 1 and 2. | <b>N/A</b>                 |
| <b>SAC (SAMM payments)</b>                | a) Terrestrial SAC Contribution towards Penhale Dunes SAC<br>b) Marine SAC Contribution towards Fal and Helford SAC   | a)Terrestrial SAC:<br>- £180 per Dwelling other than a Student Accommodation Unit;<br>- £75 per Student Accommodation Unit       | Terrestrial SAC Contribution to be paid before Occupation of in each RMA Area across Phases 3-5 (from Occupation of 1475  | <b>c.£1.6m<sup>1</sup></b> |

<sup>1</sup> Marine SAC is approximately 3600 x 335 (£1.2m) plus 148 x 200 (£30k); and Terrestrial SAC is only payable for Phases 3-5, so assuming 2000 Dwellings for simplicity this is 2000 x 180 (£360k)

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| Obligation                                      | Purpose   | EST. Quantum or Description   | Payment or Compliance Trigger   | TOTAL (before Indexation)  |
|---|---|---|---|----------------------------|
|   |   | b) Marine:<br>- £335 per Dwelling excluding Student Accommodation Unit<br>- £148 per Student Accommodation Unit   | Dwellings) (and Phases 1 and 2 if SANG not delivered).<br><br>In Phases 3 to 5 there is an option for the payment obligation to be offset through the provision of Additional SANG onsite or offsite with the agreement of the LPA and NE<br><br>Marine SAC Contribution is to be paid before Occupation in each RMA Area across Phases 1-5   |                            |
| <b>SANG and BNG Monitoring</b>                  | Additional contribution towards monitoring SANG and Additional SANG and Biodiversity Areas            | £30 per Dwelling for SANG monitoring  | Before Occupation in each RMA Area served by SANG   | <b>c. £60k<sup>2</sup></b> |
| <b>Woodlark Habitat</b>                         | Compensatory habitat for protected species  | Interim: onsite habitat provision and management over 10-15 years<br><br>Permanent: offsite habitat provision     | Interim Woodlark Habitat Scheme to be appended to the s106; Permanent Woodlark Habitat Scheme to be submitted to the LPA before Occupation of more than 700 Dwellings; and approved before Occupation of more than 1000 Dwellings   | <b>N/A</b>                 |
| <b>Biodiversity Net Gain</b>                    | Monitoring, maintenance and management of Biodiversity Areas laid out pursuant to Planning Permission | Covenant Period is 30 years from the date of Practical Completion of each Biodiversity Area (Covenant Start Date) | Management in accordance with Biodiversity Strategy approved in connection with Planning Permission for Covenant Period<br><br>Monitoring at the following intervals:<br><ul style="list-style-type: none"> <li>two year anniversary of the Covenant Start Date;</li> <li>five year anniversary of the Covenant Start Date;</li> <li>thereafter, at five year intervals for the remainder of the Covenant Period</li> </ul> | <b>N/A</b>                 |
| <b>DESIGN CODES – REVIEW AND IMPLEMENTATION</b> |   |   |   |                            |

<sup>2</sup> Assuming, for simplicity, that 2000 Dwellings served by SANG

## LGV S106 &amp; CIL Tracker – as at 14.12.21

| Obligation  | Purpose  | EST. Quantum or Description  | Payment or Compliance Trigger  | TOTAL (before Indexation)                                  |
|---|--|--|--|--|
| <b>Design Code Review and Implementation Contribution</b>               | Checking conformity of RMAs with LGV Design Code; monitoring performance of the LGV Design Code over the lifetime of the Development; periodic updates to the LGV Design Code to reflect latest national and local standards and guidance  | £70, per Dwelling  | Within 20 Working Days of validation of RMAs   | <b>£266k</b>   |
| <b>Neighbourhood Design Code Review and Implementation Contribution</b> | Review and implementation of the LGV Neighbourhood Design Code and thereafter checking conformity of RMAs with LGV Neighbourhood Design Code   | £15,000, per Neighbourhood   | Within 20 Working Days of validation of RMAs containing Neighbourhoods                           | <b>£90,000<br/>(depending on number of Neighbourhoods)</b> |
| <b>ENERGY</b>   |  |  |  |  |
| <b>Heating Plan</b>   | Plan setting out how the Dwellings in each RMA will be heated  | Plan to have regard to LPA's preferred energy hierarchy (in order of preference) (a) geothermal heating provided through the District Heating Network; (b) shared-loop ground source heat pumps; (c) individual air source heat pumps; (d) any other heating solution compatible with the Council's net zero carbon objectives | Heating Plan to be submitted to and approved by the LPA before Commencement in each RMA Area     | <b>N/A</b>   |
| <b>District Heating Network Connection</b>                              | Connection to DHN if in place  | Obligation to connect the Dwellings and Commercial Units constructed in each RMA to the DHN if in place unless connection not feasible or viable   | Connection obligation applies if DHN in place when Development is Commenced in a RMA             | <b>N/A</b>   |
| <b>CLERK OF WORKS AND LOCAL LABOUR</b>                                  |  |  |  |  |
| <b>Clerk of Works</b>   | Owner to appoint person or body (either independent or Council or Stewardship Vehicle officer at Owners discretion but in each case approved by the LPA) to ensure, inter alia, that the quality of materials and workmanship of construction in the RMA Are are in accordance with the details approved under the Planning Permission; to help the S106 Monitoring Officer monitor compliance with the s106; to coordinate compliance across development phases | To report on satisfaction of key delivery milestones and to be an accountable person / the first point of contact to ensure compliance with planning control (NB: links with Local Forum condition)  | To be appointed before Commencement in each RMA Area (with each appointment approved by the LPA) | <b>N/A</b>   |

## LGV S106 &amp; CIL Tracker – as at 14.12.21

| Obligation                          | Purpose   | EST. Quantum or Description  | Payment or Compliance Trigger   | TOTAL (before Indexation)  |
|-------------------------------------|---|--|---|--|
| <b>Local Labour &amp; Materials</b> | To ensure LGV contributes to Council's employment and skills strategy and uses local labour and materials wherever possible | Local Labour and Materials Strategy for each RMA including local advertising of Construction Phase jobs  | To be submitted to and approved by LPA before Commencement in each RMA Area                                     | <b>N/A</b>   |
| <b>POLICE</b>                       |   |  |   |  |
| <b>[Police</b>                      | Personnel / accommodation infrastructure  | TBC  | TBC   | <b>TBC<br/>Request not considered<br/>CIL Reg 122 compliant]</b> |
| <b>AFFORDABLE HOUSING</b>           |   |  |   |  |
| <b>Total</b>                        | To ensure policy compliant affordable housing delivery  | 35% total  | Subject to viability review mechanism   |  |
| <b>Mix</b>                          |   | Default mix:<br>70% rented<br>30% intermediate including self-build and custom build and key worker accommodation  | Type, tenure, size, plot etc. details to be approved as part of Affordable Housing Scheme accompanying each RMA | <b>N/A</b>   |
| <b>Phasing</b>                      |   | Delivery triggers linked to Open Market Occupations  |   | <b>N/A</b>   |
| <b>Viability Review Mechanism</b>   | To ensure LGV is economically viable throughout build out period  | Mechanism which can be utilised at RM stage and which is subject to open book evidence of Development Costs and Expert determination and where Developer pays for LPA review of viability evidence | Viability Appraisal to be agreed by LPA before Commencement in relevant RMA Area                                | <b>N/A</b>   |

| <b>CIL (before Indexation and subject to Charging Schedule Reviews)</b> |  |   |
|---|--|---|
| Question  | Answer                                       | Comment   |
| <b>Rate</b>   | Currently £60 per sqm (Value Zone 3) Indexed | Rate in Charging Schedule on date of RM Approvals applies (it could be more, it could be less, over the lifetime of the Development) <sup>3</sup> |

<sup>3</sup> CIL Regulation (3A) provides: *In the case of a phased planning permission, planning permission first permits a phase of the development— (a) for any phase of an outline planning permission which is granted in outline— (i) on the day of final approval of the last reserved matter associated with that phase...*

## LGV S106 &amp; CIL Tracker – as at 14.12.21

| CIL (before Indexation and subject to Charging Schedule Reviews)  |  |  |
|---|--|--|
|   | <b>NB:</b> this could change over time as it is the rate on the date on which the Planning Permission <b>first permits development</b> which counts  |  |
| <b>Open Market Residential Floorspace</b>   | 135,000 sqm (estimate)   | CIL is charged on actual floorspace consented under RMAs - any estimate at outline stage is therefore indicative only  |
| <b>Total</b>  | £8,100,000 (estimate) assuming Social Housing Relief for all Affordable Housing floorspace and subject any other Exemptions and Reliefs which may apply e.g. Self-Build Relief   | Total figure will depend on actual floorspace under RMAs (it could be more, it could be less, depending on details approved)   |
| <b>When Calculated?</b>   | On approval of RMAs  | This is when the LPA would issue a Liability Notice confirming the CIL due   |
| <b>When Paid?</b>   | As the LGV Development is phased, on commencement of Development in each RMA Area  | The Developer is required to serve a Commencement Notice before material start on site; after which the LPA serves a Demand Notice confirming arrangements for payment   |
| <b>What can CIL be used for?</b>  | Generally, provision, improvement, replacement, operation or maintenance infrastructure as defined in Planning Act 2008  | Such as roads, transport, flood defences, health and social care and other community facilities including schools, open spaces and sporting facilities etc. (but not affordable housing)   |
| <b>What is the Neighbourhood Portion?</b>   | 25% as there is a NDP for the area in which the Development is situated (TKNDP)  | The Neighbourhood Portion is paid to the Parish in which the floorspace is located (Kenwyn) – this can be spent on the provision, improvement, replacement, operation or maintenance any infrastructure and anything else that is concerned with addressing the demands that development places on an area (including affordable housing)  |
| <b>Infrastructure towards which CIL Receipts from LGV may be applied by CC (subject to Cabinet approval 15.12.21)</b> | <ul style="list-style-type: none"> <li>• Cycle and car club 'mobility' hubs serving LGV</li> <li>• Integrated bus services with Park &amp; Ride and local services</li> <li>• Additional bus services serving LGV and key local connections</li> <li>• Dedicated cycle paths in NAR</li> <li>• Public realm improvements in Threemilestone</li> <li>• Cycle routes: St Georges Road, Saints Trail Chiverton Link, Truro loops</li> <li>• Use of Park &amp; Ride for out of hours van parking</li> <li>• Park &amp; Ride Extension</li> <li>• Strategic Flood mitigation measures serving Truro and wider area</li> </ul> | <p>It is permissible to 'pool' CIL receipts with s106 receipts (and other funding sources) for the same item of infrastructure. See reference to <b>*CIL Pooling</b> in the table above.</p> <p><i>The actual CIL spending purposes over the lifetime of the Development will be published in the Council's Annual Infrastructure Funding Statement; this sets out the infrastructure projects or types of infrastructure which CC intends will be, or may be, wholly or partly funded by CIL.</i></p> |