

Date: 31 January 2018  
Our ref: 234152  
Your ref:

PS.138.1

The logo for Natural England, featuring the words "NATURAL ENGLAND" in white capital letters on a green rectangular background.

David Coulthard  
Cornwall Programme Officer

[ProgrammeOfficer@cornwall.gov.uk](mailto:ProgrammeOfficer@cornwall.gov.uk)

**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear David Coulthard

**Planning consultation: Cornwall Allocations Development Plan Document Examination – Response to Inspectors’ Matters and Issues**

Thank you for your email on the above dated 11 December 2017.

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

Natural England raised a number of issues and concerns in relation to the publication draft of the Cornwall Allocations Development Plan Document (DPD). However since then we have worked with Cornwall Council under the Duty to Cooperate to prepare a Statement of Common Ground (SoCG) and to resolve issues where possible. The SoCG prepared with Cornwall Council is enclosed as Annex 1 to this letter and confirms that subject to a number of changes to the DPD we have now reached agreement on all issues raised in response to the Regulation 19 publication version of the Cornwall Allocations DPD.

The Inspectors raise a number of specific questions regarding the Allocations DPD in Examination document INSP.S4. For clarity we have summarised below the resolution reached on those specific issues as set out in the SoCG.

*Matter 1. f.: Does the CSADPD make appropriate provision for open space and sports pitches and green infrastructure with reference to current guidance?*

In Natural England’s response to the publication draft of the DPD we raised concerns that Sustainability Appraisal findings were not consistently reflected in site specific policy, that policy criteria requiring green infrastructure delivery were lacking for a number of allocations and that the DPD was not underpinned by a green infrastructure delivery plan. Since our submission however the relevant allocation policies were amended to reflect Sustainability Appraisal findings and policy requirements for the delivery of green infrastructure were added. Whilst there is no detailed green infrastructure delivery plan, we are satisfied that the policy amendments as set out in the SoCG

regarding the provision of green infrastructure on relevant allocation sites will result in appropriate green infrastructure delivery on these sites.

*Matter 1. g.: Does the CSADPD make appropriate provision for the protection of European wildlife habitats (in advance of the adoption of a European Sites Mitigation SPD)?*

At the Regulation 19 stage Natural England raised the issue that the European Sites Mitigation Strategy SPD should be adopted prior to the commencement of the Allocations DPD Examination and that a number of Habitats Regulations Assessment findings were not translated into policy. Following discussions with the Council and further work being undertaken by the Council in conjunction with Natural England, we are now satisfied that the Council has made sufficient progress with the SPD and that the Council is committed to progress the SPD to adoption by summer 2018. We are also satisfied that the findings of Habitats Regulations Assessment will be reflected in relevant site allocation policies, as set out in the SoCG, and will result in appropriate protection of designated European wildlife sites.

For any queries relating to this letter please contact Corine Dyke on [REDACTED]

or [REDACTED] or Carol Reeder on [REDACTED]  
[REDACTED]

Yours sincerely

Corine Dyke and Carol Reeder  
Lead Advisers  
Sustainable Development Team – Devon, Cornwall & Isles of Scilly  
Natural England

Enc.: Annex 1 - Cornwall Allocations DPD, Statement of Common Ground between Natural England and Cornwall Council.

## Appendix 1

### Cornwall Site Allocations DPD, Statement of Common Ground – January 2018 Cornwall Council and Natural England

#### 1. Introduction

Natural England and Cornwall Council recognise that the Cornwall Site Allocations DPD is important for the future growth and prosperity of Cornwall, and also recognise that the natural environment needs to be conserved, enhanced and managed.

The Council and Natural England have engaged constructively and regularly throughout the production of the Allocations DPD, through meetings and correspondence.

This Statement of Common Ground sets out the agreed position of both Cornwall Council and Natural England in relation to the proposed Site Allocations DPD and the impact on the natural environment. It sets out the agreed position following the Regulation 19 consultation during which Natural England made representations. Cornwall Council and Natural England met to review and discuss the representations on 12/9/17, and this statement reflects both parties' positions subsequent to that meeting (and the Reg 19 representations).

#### 2. Habitats Regulation Assessment (HRA) – significant effects on European sites arising from recreational disturbance

Reg 19 rep: Natural England maintained that it is important that the European Sites Mitigation SPD which the Council is progressing should be adopted before the submission of the DPD and commencement of the Examination. This is based on the agreement about the timing of the SPD reached at Local Plan hearings as reflected in paragraph 2.142 of the Local Plan (This paragraph referred to an SPD being produced, with a view to adoption by the Council in summer 2017).

#### Agreed position:

There are three designated European sites that require mitigation of increased recreational pressure to be included in the SPD;

- a) Penhale Dunes, a terrestrial SAC. This element of the SPD was published for consultation in 2017 and at the time of writing is proceeding to adoption by the Council.
- b) Fal & Helford is an estuarine SAC. A recreational survey and zones of influence report is complete. An agreed zone liable for mitigation measures is agreed as 13.5km from the SAC, and the draft schedule of mitigation measures and cost of these is also agreed. A complete draft of this section of the SPD will be agreed with Natural England prior to the hearings. It will then proceed to consultation and subsequent adoption.
- c) Plymouth Sound and Estuaries SAC, an estuarine SAC, and the Tamar Estuaries Complex SPA, which largely overlap and together cover the Tamar estuary. A recreational survey and mitigation schedule is completed. At the time of writing negotiations are ongoing with Plymouth City Council about the formulae for calculating the likely cost of mitigation. Once resolved this will be published for consultation and will proceed to adoption.

Policies within the DPD refer, where relevant, to the contributions and mitigation that is set out within the SPD (i.e. the level of contributions required to make provision for mitigation of HRA obligations in line with the policies in the *Local Plan: Strategic Policies*). The specific content and detail of the SPD will not be incorporated in the DPD.

Following the Regulation 19 DPD consultation and representations Cornwall Council and Natural England support the position of having a final draft Terrestrial Sites SPD on submission, and it being

published for its Reg 12 consultation in February 2018 followed by adoption under Reg 13 by April 2018. In relation to the Marine sites, agreed at the time of writing are the process and principal findings of the recreational study; the mitigation strategies, and the formulae for costing this and proposed level of financial contribution for the mitigation. The Council will adopt the Fal & Helford SAC part of the SPD by June 2018. Also, in the absence of Plymouth's agreement Natural England & Cornwall Council have an [bi-laterally] agreed way forward for the Plymouth Sound and Estuaries SAC/Tamar Estuaries Complex SPA. Cornwall Council and Natural England support the subsequent adoption of the Marine sites (Fal & Helford estuarine SAC, and the Plymouth Sound and Estuaries SAC/Tamar Estuaries Complex SPA) mitigation elements into the SPD at the earliest opportunity following the examination hearings in spring 2018. Adoption of all elements of the SPD is envisaged by summer 2018 at the latest. Natural England and the Council recognise the importance of having the SPD adopted to clarify the specific mitigation required and level of contributions for those sites where mitigation is required due to recreational impacts.

### **2.1 Habitats Regulation Assessment – non recreational mitigation**

Reg 19 rep: Natural England maintain that a number of issues required to mitigate likely significant effects on European sites are not reflected in site specific policy within the DPD, and need to be included in policy.

**Agreed position:** Cornwall Council and Natural England agree there is some inconsistency in the policy references to mitigation required. These are in respect of references to the need for SuDS; Construction Environmental Management Plans (CEMP), and the need to confirm capacity of treatment works. Cornwall Council and Natural England support wording to be included in relevant policies (PZ-H1, PZ-E4, HUE-1, H-E2, H-E3, H-EM1, H-ED1, H-D1, He-E3, STA-M1, STA-M2, STA-R1, STA-E3, all Bodmin allocations) in the DPD as a proposed modification as follows:

*“To ensure likely significant effects upon (the SPA or SAC) are avoided or appropriately mitigated, the following must be undertaken and delivered: a CEMP; and an appropriately designed SUDs scheme” ..... “confirmation of capacity of local sewage treatment facility, or provision of alternative facilities is required prior to commencement of the scheme, to ensure there are no significant effects upon the SAC/SPA”*

*The specific wording in relation to each policy is included in appendix 1*

### **2.2 HRA – Eco Community Sites**

Reg 19 rep: Natural England maintain there are HRA requirements for the two Eco-community sites ECO-M1 and M2, that should be referred to in policy.

**Agreed position:** ECO-M1 was granted outline permission in 2017 with mitigation measures agreed. However despite the planning permission, the following policy criterion has been agreed by Nat England and CC to be included in Policy ECO-M1:

‘The development must ensure that it does not impact on the populations of *Marsupella profunda*, either within or outside the designated St Austell Clay Pits SAC, through:

- Avoiding the introduction of non-native species;
- Avoiding air pollution resulting in the deposit of nitrogen;
- Ensuring the right conditions for the *Marsupella profunda* populations remain in place through appropriate management within the site. ‘

Cornwall Council and Natural England support inclusion of the following wording in policy ECO-M2:  
*“No land take of the pSPA or functionally linked habitats”*

### 3. Sustainability Appraisal

Reg 19 rep: Natural England maintain that references to priority habitat that were highlighted by the Sustainability Appraisal have not been reflected in site specific criteria and need to be included where relevant.

**Agreed position:** On review there were references missing in three site policies, SLT-UE1 and LAU-H3 and ECO-M2 to a priority habitat within the policy wording. Cornwall Council proposes the following wording for a new clause to be included as follows:

LAU-H3: *"Measures for the protection and, where possible, enhancement of the woodland priority habitat at the western edge of the site should be incorporated"*

SLT-UE1: (added text is in bold) *"ensure the protection **and, where possible, enhancement** of Broadmoor Wood and Ball Wood (**a priority habitat and** designated County Wildlife Site site) together with all potentially affected streams, such as the Latchbrook and its tributaries ; and,"*

ECO-M2: *'ensure the protection and , where possible, enhancement of the priority habitat (mudflats) within the site ...'*

Natural England supports the inclusion of the text in all three policies.

3.1 Reg 19 rep: Nat England maintains that impacts should be assessed in relation to the Mounts Bay Marine Conservation Zone (MCZ) at Penzance (south of allocations at Long Rock) and reflected in site policy if appropriate.

**Agreed position:** The SA conclusion in response to criterion 9 'Maritime' of the SA scoring methodology states the following: *"At this stage it is not possible to assess what specific impact development of this site could have (on the MCZ). This will be further assessed through any planning application process. (only applies to those areas in proximity to the coast)".* Natural England agrees that SA criterion 9 'Maritime' can be assessed at the planning application stage and agree no further amendments to the DPD or its evidence base are necessary.

3.2 Reg 19 rep: Nat England maintains that the issue of run off and impact on designated sites should not only be assessed for allocation sites immediately adjacent to a designation but impact pathways should also be assessed where the designation is at a distance from the allocation.

**Agreed position:** The SA scoring includes assessment of allocation sites 'in proximity' to designated sites in accordance with the SA methodology criterion 7: Biodiversity. For the allocations in this DPD this only occurs in relation to European designated sites and is dealt with in the HRA. The assessment of European sites is not shown in detail in the SA but is referred to where relevant. Natural England acknowledges this and agree no further amendments to the DPD or its evidence base are necessary.

### 4. Green Infrastructure

Reg 19 rep: Natural England welcomes the Green Infrastructure features in the DPD. However where 'key green links, key habitat corridors and/or enhanced existing corridors' are proposed within or adjacent to allocations, Natural England wish to see policy criteria specifying the green infrastructure requirement to ensure its delivery.

**Agreed position:** Any GI features within allocations will be expected to be delivered by the developer; any GI features such as GI corridors, outside of allocations may be funded by the CIL and are included as potential recipients of CIL funds on the 123 list. Cornwall Council proposes that reference is added to relevant site allocation policies (PZ-H3, PZ-H4, H-UE1, CPIR-UE1, CPIR-E7, FP-H1, FP-H2, FP-H3, FP-M1, FP-M2, NQ-H1, NQ-H2, NQ-M2, Bd-UE2, Bd-UE3, Bd-UE4, LAU-H1, LAU-H2, LAU-H3, LAU-E1, LAU-E2) clearly linking the strategy map to the policy e.g. "...pedestrian and cycle links, or...at least xx sqm of open space should be provided on site, **in line with the Hayle GI strategy as indicated on figure H3.**" The more detailed site specific masterplan process will need to include the principle of the GI strategy map and text for each town, amongst the other masterplan and place-making requirements. Natural England acknowledges this approach and welcomes the inclusion of proposed wording linking the Green Infrastructure strategy maps to policy.

*The specific wording in relation to each policy is include in appendix 2*

4.1 Reg 19 rep: Natural England maintains that to be deliverable the green infrastructure strategy needs to be supported by a delivery plan setting out how various GI elements might be developed and enhanced (also a response to the CIL consultation)

**Agreed position:** At present there is no detailed and costed delivery plan. Any GI features within allocations will be expected to be delivered by the developer; any GI features such as GI corridors, outside of allocations will be funded by the CIL and are included on the 123 list. Furthermore through policy amendments shown in appendix 2 the Council has sought to secure GI within allocation sites. The Council maintains that the green infrastructure strategy maps within each town are intended as a high level green infrastructure strategy, and are not intended at this stage as a detailed and costed strategy. The maps will inform developers and masterplan makers about what is expected on allocated sites, where appropriate, and inform the other more detailed work that is required to deliver a GI strategy for the town. The Council is undertaking additional work, outside the timescales of the Allocations DPD, to promote and support the delivery of green infrastructure through the EU funded PERFECT Project. The PERFECT (Planning for Environment and Resource Efficiency in European Cities) project is a 5 year European partnership project the aim of which is to increase the provision of GI in partnership areas by raising awareness of GI and the benefits it brings. The project commenced in January 2017.

The DPD Transport Strategy for each town also identifies cycling and pedestrian routes and each site will have to make a contribution to delivering the transportation strategy, including cycling and pedestrian links. The Cycle and pedestrian links on the transport strategy correspond to the existing and potential pedestrian and cycling links on the GI Strategy map. The identification of habitat corridors refers to the existing wildlife corridors that are important and to be protected. The map references of enhanced existing corridors refers to opportunities to enhance an existing habitat corridor as part of the GI strategy for the town, or within a site, which will be a masterplan consideration. Natural England acknowledges and supports the approach taken.

4.2 Reg 19 rep: Natural England encouraged inclusion of wording in the paragraph 'Green Links' discussing pedestrian and cycle links, to ensure that links are to be natural/green routes.

**Agreed position:** The Council maintains the word 'green' in the title 'green links' is intended as a broader 'sustainable' term in this instance, rather than referring to the physical nature of the route. These routes could be natural routes or they could be paved cycling routes. Natural England accepts this and no further amendments are necessary.

4.3 Reg 19 rep: Natural England maintains it would be useful if biodiversity / geodiversity designations could be shown on the allocation policy inset plans, helping developers and others to understand factors likely to influence development.

**Agreed position:** The proposals maps document that supports the Allocations DPD contains maps for each town. Each town map shows the allocations and designations within that area, including geodiversity and biodiversity designations e.g. County Geological Site, Cornwall Wildlife site, SSSI. The proposals maps will be referred to alongside the main document. The allocation inset plans within the main document are not looking to duplicate content of the proposals maps. Development Briefs and any Masterplans prepared for sites will also contain maps showing designations. Natural England accepts this and no further amendments are necessary.

**Matthew Brown, Cornwall Council**

**Corine Dyke / Carol Reeder, Natural England**

**Appendix 1 – Specific Policy wording in relation to HRA requirements**

Note: Proposed site allocation policy text is in bold italic:

PZ-H1, criterion c) 4<sup>th</sup> bullet: '**confirmation of capacity of local sewage treatment facility, or provision of alternative facilities is required prior to commencement of the scheme, to ensure there are no significant effects upon the SPA**'.

PZ-H1, criterion e): 'Vehicular access to the site should be from the south of the site, **utilising a standard give way...**'.

PZ-E4, criterion c): 'Vehicular access should be from the south of the site **using a standard give way**'.

PZ-E4, criterion d) 4<sup>th</sup> bullet: '**confirmation of capacity of local sewage treatment facility, or provision of alternative facilities is required prior to commencement of the scheme, to ensure there are no significant effects upon the SPA**'.

HUE-1, H-E2, H-E3, H-EM1, H-ED1, H-D1, new criterion: '**Confirmation of capacity of local sewage treatment facility, or provision of alternative facilities is required prior to commencement of the scheme, to ensure there are no significant effects upon Marazion Marsh SPA**'.

He-E3, criteria f): '**Confirmation of capacity of local sewage treatment facility, or provision of alternative facilities is required prior to commencement of the scheme, to ensure there are no significant effects upon the SAC. An appropriately designed SUDs scheme is also required**'.

STA-M1, STA-M2, STA-R1, STA-E3, new criterion: '**To ensure likely significant effects upon the SAC and pSPA are avoided or appropriately mitigated, an appropriately designed SUDs scheme must be provided**'.

ECO-M1, new criterion: '**k) The development must ensure that it does not impact on the populations of Marsupella profunda, either within or outside the designated SAC, through:**

- **Avoiding the introduction of non-native species;**
- **Avoiding air pollution resulting in the deposit of nitrogen;**
- **Ensuring the right conditions for the Marsupella profunda populations remain in place through appropriate management within the site.'**

Bd-UE2, criterion g): '**To ensure likely significant effects upon the SAC are avoided or appropriately mitigated, the following must be undertaken and delivered: a CEMP; and an appropriately designed SUDs scheme**'.

Bd-UE3, criterion h): '**To ensure likely significant effects upon the SAC are avoided or appropriately mitigated, the following must be undertaken and delivered: a CEMP; and an appropriately designed SUDs scheme**', and criterion i): '**Confirmation of capacity within the local sewage treatment facility, or provision of alternative facilities, is required prior to commencement of the scheme, to ensure there is not a detrimental impact upon the River Camel SAC**'.

Bd-UE4, criterion i): '**...An appropriately designed SUDs scheme is also required...**'

Bd-M1, criterion g): '**To ensure likely significant effects upon the SAC are avoided or appropriately mitigated, an appropriately designed SUDs scheme is required**'.



Bd-E1, criterion e): *'To ensure likely significant effects upon the SAC are avoided or appropriately mitigated, an appropriately designed SUDs scheme is required'*, and criterion f): *'Confirmation of capacity within the local sewage treatment facility, or provision of alternative facilities, is required prior to commencement of the scheme, to ensure there is not a detrimental impact upon the River Camel SAC'*.

## Appendix 2 – Specific Policy wording in relation to Green Infrastructure Strategy Maps

Note: Proposed site allocation policy text is in bold italic:

PZ-H3, criterion b): ‘and it should offer the opportunity to connect various parts of Gulval **as indicated on figure PZ4**’,

PZ-H4, criterion c): ‘**Opportunities to enhance green infrastructure corridors along the northern and in particular southern boundary of the site should be identified as indicated on figure PZ4**’

H-UE1, criterion i): ‘**and as indicated on figure H3**’

CPIR-UE1, criterion d): ‘and safe pedestrian and cycle paths, providing continuous links to facilities on site and to adjoining areas **as indicated on figure CPIR5**’

CPIR-E7, criterion b): ‘the development should also make appropriate pedestrian connections to Heartlands Park to the north and the existing retail area to the south **as indicated on figure CPIR5**’.

FP-H1, criterion f): ‘with good pedestrian linkages back into the town centre and adjacent communities being enabled **as indicated on figure FP3**’.

FP-H2, criterion d): ‘A pedestrian link should be created to the east of the site, so that it connects with Falmouth Road (FP-H4), as well as maximising opportunities to provide connections to existing and new neighbourhoods adjoining this site **as indicated on figure FP3**’.

FP-H2, criterion h): ‘An appropriate green screen / buffer should be created on the northern boundary of the site **as indicated on figure FP3**, to retain visual separation between Falmouth and Penryn, when also taking into consideration the other site allocations’.

FP-H3, criterion d): ‘Development of the site should support the delivery of pedestrian linkages back into Falmouth, ensuring routes within the site and highway crossings link into the wider prioritised pedestrian routes **as indicated on figure FP3**’.

FP-M1, criterion f): ‘the creation of improved pedestrian links into the wider valley area is strongly encouraged **as indicated on figure FP3**’.

FP-M2, criterion g): ‘**Pedestrian / cycle links should be created to link to the surrounding area as indicated on figure FP3**’.

NQ-H1 (there are no ped / cycle links proposed through the site on the GI or Transport strategy map)

NQ-H2, criteria c): ‘**Pedestrian / cycle routes should also be created as indicated in figure NQ3**’.

NQ-M2, criteria c): ‘**Pedestrian / cycle routes should also be created as indicated in figure NQ3**’.

Bd-UE2, criteria c): ‘The site should also provide good walking and cycling routes through the site **as indicated on figure Bd3**’.

Bd-UE3, criteria c): ‘**Pedestrian/cycle links should be created as indicated in figure Bd3**’.

Bd-UE4, criterion e): ‘The development should also provide other pedestrian and cycle links, both within the site and towards the town centre **as indicated on figure Bd3**’.

LAU-H1, criterion e): 'The development should also provide appropriate sustainable movement connections through the site and into adjoining areas ***as indicated on figure Lau3'***.

LAU-H2, criterion d): 'The design solution for the site needs to ensure appropriate and sustainable movement linkages are created, ***as indicated in figure Lau3'***.

LAU-H3, criterion b): '***Pedestrian / cycle links must be provided as indicated in figure Lau3'***.

LAU-E2, criterion c): 'The development should provide appropriate sustainable movement connections through the site, linking to adjacent allocations ***as indicated on figure Lau3'***.

LAU-E1, criterion d): 'The development must provide appropriate sustainable movement connections through the site, linking to the adjoining allocations ***as indicated on figure Lau3'***.