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**Date:** 17 June 2022

**Our ref:** 04051/17/NT/ECu/21129078v7

**Your ref:**

Dear Sir/Madam

## **Perranzabuloe Neighbourhood Development Plan (NDP) 2018-2030 Regulation 14 (Pre-Submission)**

On behalf of our client, Bourne Leisure Limited ("Bourne Leisure"), please find enclosed representations in response to the draft Perranzabuloe Neighbourhood Development Plan (NDP) Regulation 14 (Pre-submission) consultation, published for comment until 17 June 2022.

By way of background, Bourne Leisure operates more than 50 holiday sites in the form of holiday parks, family entertainment resorts and hotels in Great Britain and is therefore a significant contributor to the national tourist economy, as well as local visitor economies. In the designated Perranzabuloe area, Bourne Leisure operates Perran Sands Holiday Park under its Haven brand.

It is evident that there has been a lot of time spent in preparing the consultation draft but in our experience neighbourhood plans are succinct, focused and better aligned with the Local Plan. This draft is long, and in our view significant amendment is required as we set out in the remainder of this response.

For ease of reference, we provide representations on the following elements of the emerging NDP within this letter:

- General points
- Tourism Aims and Objectives
- Policy TO1: Existing and New Static Caravan, Camping, Glamping and Towing Caravan Sites
- Policy TO2: New Built Tourist and Visitor Accommodation (Bed and Breakfast, Hotels, Guest Houses and Purpose-built Holiday Lets and Lodges)
- Policy TO3: Broadening the Visitor and Tourism Offer through Sustainable and Wet Weather Attractions

- Policy SD2: Sustainable Design of Development and the Quality and Distinctiveness of the Built Environment
- Policy SD3: Reducing the Need to Travel by Car (Major Development)
- Policy NE1: Areas of Ecological, Landscape, Biodiversity and Geodiversity Value
- Policy NE2: Landscape Character and Landscapes of Local Significance
- Policy NE3: Embedding Green and Blue Infrastructure into New Development
- Policy NE4: Protecting Trees, Woodland and Hedgerows
- Policy NE5: Biodiversity Net Gain in New Development
- Policy NE6: Settlement Gaps and Green Buffers
- Policy NE7: Important Views and Vistas
- Policy NE9: Dark Skies
- Policy TT1: Transport Plan
- Policy TT2: Transport Assessments and Travel Plans
- Policy EW1: Renewable Energy and Community Energy Projects

## General points

The Cornwall Local Plan (adopted by Cornwall Council in November 2016) forms part of the statutory development plan. The emerging NDP repeats many policies of the Cornwall Local Plan and national planning policy. This repetition is unnecessary as the National Planning Policy Framework (NPPF) states that *“Plans should: serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant”* (paragraph 16f).

There is no need to repeat policies. Indeed, Planning Practice Guidance states, “It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared” (Paragraph: 041 Reference ID: 41-041-20140306).

Further, Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306) sets out the basic conditions that a draft neighbourhood plan must meet if it is to proceed to referendum. These basic conditions are set out in paragraph 8(20) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchases Act 2004. Basic condition a) states *“having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*

Therefore, to ensure that the draft NDP meets basic condition a) and can proceed to referendum, all policy repetition with the Cornwall Local Plan should be removed from the emerging NDP.

### ***Draft NDP Policies that Conflict with the Cornwall Local Plan***

There are multiple draft policies within the emerging NDP that are conflicting with the strategic policies contained in the Cornwall Local Plan. If the emerging policies are not amended so that they are consistent with the strategic policies in the Local Plan, the emerging NDP will not be able to proceed to referendum in accordance with basic condition e) of Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306). Basic condition e) states *“the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).”* We have not gone into individual detail on these on this occasion but urge the group to critically review the draft policies prior to the submission to the Council for the next round of consultation.

### ***A Positive Approach is Required***

The emerging NDP must also provide a positive approach to planning policies with sufficient recognition of the need to consider the context and nature of proposals. This would ensure consistency with Planning Practice Guidance which sets out that neighbourhood plans should be prepared positively, in a way that is aspirational but deliverable (Paragraph: 005 Reference ID: 41-005-20190509). It does on to state, *“Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy”*.

Many of the emerging policies risk undermining the local plan strategy and fail to understand the implications of taking a restrictive approach to development. Again, we expect that this will be reviewed prior to the submission to the Council so that when the NDP is examined, the Neighbourhood Development Forum can be confident that the plan will be able to proceed to referendum.

### ***Plans of Insufficient Quality***

Many of the plans within the Pre-submission (Regulation 14) stage consultation documents (including but not limited to Appendix 6 – Cornwall Wildlife Trust Mapping) are of insufficient scale and poor resolution which means that it is not possible to properly consider the implications of the proposed policies. This raises questions as to whether the consultation is sufficient and has been adequately carried out, (Planning Practice Guidance (Paragraph 047 Reference ID: 41-047-20140306) requires that the wider community is kept fully informed of what is being proposed). As a minimum, the quality of these maps should be improved ahead of the next round of proposed public consultation to enable proper scrutiny.

### ***Opportunities to Mitigate and Compensate for Adverse Impacts are Required***

Notwithstanding the need to avoid repetition, if the Neighbourhood Development Forum is minded to progress on the basis of the policies drafted, there are multiple draft policies within the emerging NDP, in particular those relating to the protection of biodiversity and landscape character, which either exclude the option for mitigation of adverse impacts or allow for mitigation but do not allow for compensation of adverse impacts. This approach is inconsistent with local and national planning policy which states:

*“Development should avoid adverse impact on existing features as a first principle and enable net gains by designing in landscape and biodiversity features and enhancements, and opportunities for geological conservation alongside new development. Where adverse impacts are unavoidable they must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort.”* (Cornwall Local Plan Policy 23 (Natural Environment))

*“When determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused”. (NPPF paragraph 180a)*

As such, all relevant policies within the emerging NDP should be amended so that they permit the mitigation and allow for compensation of adverse impacts of development on biodiversity and landscape features. These amendments to emerging NDP policies are vital, not only to ensure that the NDP can proceed to referendum, but because taking a more onerous position than set out in local and national policy risks undermining the ability of businesses to invest in Perranzabuloe which would have a negative impact on the local economy, and therefore, people’s jobs and livelihoods.

## **Tourism Aims and Objectives**

The tourism aim of the emerging NDP states *“to extend the visitor and tourism season, reduce seasonal dependency and improve the tourist offer in range and diversity”* through the following objective *“set parameters for development of new tourist and visitor accommodation to ensure that proposals respect the local character and environment in the Parish”*.

As drafted, the above tourism objective does not support the delivery of Cornwall Local Plan Strategic Policy 5 (Business and Tourism) which states that *“the development of new or upgrading of existing tourism facilities through the enhancement of existing or provision of new, high quality sustainable tourism facilities, attractions and accommodation will be supported where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes. Proposals should provide a well balanced mix of economic, social and environmental benefits”*.

Local Plan Policy 5 does not attempt to define parameters for tourism development and seeking to restrict tourism development will not seek to deliver the aims of the strategic policy, contrary to Paragraph 13 of the NPPF. The emerging tourism objective should recognise that tourism development proposals in Perranzabuloe must be assessed on a case-by-case basis in the context of scale and local character. It is vital for Bourne Leisure to operate within a positive policy context that encourages investment in its holiday parks, to widen and increase the quality of the tourism offer which is necessary to attract large visitor numbers who in turn support the local economy through the creation of jobs, facilitating further investment and through visitor spending.

The following amendments are therefore proposed to the emerging tourism objective to ensure consistency with Local Plan Policy 5:

*~~“set parameters for development of Support new tourist and visitor accommodation to ensure that proposals that respect the local character and environment in the Parish and are of an appropriate scale to their location”.~~* (proposed amendments underlined and with strikethrough)

**Policy TO1: Existing and New Static Caravan, Camping, Glamping and Towing Caravan Sites, Policy TO2: New Built Tourist and Visitor Accommodation (Bed and Breakfast, Hotels, Guest Houses and Purpose-built Holiday Lets and Lodges), Policy TO3: Broadening the Visitor and Tourism Offer through Sustainable and Wet Weather Attractions**

Draft Policies TO1, TO2 and TO3 of the emerging NDP all seek to introduce restrictions on tourist accommodation sites and ancillary facilities that are not only inconsistent with, but in part conflict with the Cornwall Local Plan and national planning policy (e.g. the requirement for tourism accommodation sites to have “direct access” to public footpaths, cycle tracks and public transport in draft Policy TO1 and TO2). The general inflection of Policy TO1, TO2 and TO3 is negative towards tourism accommodation. Such a policy position risks significant damage to the local economy of Perranzabuloe. It is vital for tourism accommodation development to have in-principle policy support as holiday parks, such as Perran Sands, require continual investment for maintenance enhancement so that it can continue to attract new and existing visitors who help support the local economy through related employment, investment and visitor spending. The NDP needs to look to support and strengthen all sectors of the economy; it also needs to diversify employment opportunities and support existing businesses.

Draft Policy TO3 requires wet weather tourism facilities to be available to residents as well as visitors, which is an unreasonable obligation. Facilities at holiday parks are provided for the purpose of guests staying on the holiday park and there are strict controls in place to ensure guest use is monitored. Operationally, wider use would be extremely difficult to manage and would be at the detriment to guests who bring in substantial economic benefits to the local economy. Facilities are also provided to meet the capacity of the parks and not wider use. Even where operators were minded to provide such access, facilities would need to be much bigger with resultant impacts upon the environment and other sustainability objectives and therefore contrary to other policies. The emerging policy must not include this obligation.

Local Plan Policy 5 (Business and Tourism) states that *“the development of new or upgrading of existing tourism facilities through the enhancement of existing or provision of new, high quality sustainable tourism facilities, attractions and accommodation will be supported where they would be of an appropriate scale to their location and to their accessibility by a range of transport modes. Proposals should provide a well balanced mix of economic, social and environmental benefits”.*

Local Plan Policy 5 provides sufficient policy to positively govern tourism accommodation and facilities and strikes a proportionate balance between the socio-economic benefits of tourism development and potential adverse environmental impacts. We cannot see any underpinning evidence that the role of tourism to the local economy has been assessed and this is a significant shortcoming of the emerging plan. Without a proper understanding, it is reckless to set out policies that set a different course to the Local Plan, notwithstanding the need for consistency.

We therefore consider that Policy TO1, TO2 and TO3 should be deleted, and that Local Plan Policy 5 need not be repeated in the emerging NDP. If a policy is sought, the three proposed policies could be merged into a single positively worded policy that is consistent with but does not repeat the Local Plan and reflects the importance of tourism to Perranzabuloe's economy, for example:

**Proposed Policy TO1: Tourist accommodation and facilities**

*"1. Development proposals which result in the loss of the tourist and visitor accommodation or facilities to alternative uses will not be supported unless it can be demonstrated that it is surplus to the needs of the Parish or where an improved provision will be delivered elsewhere in the Parish.*

*2. Development proposals for new or existing tourist and visitor accommodation or attractions (including the extension and/or intensification of existing sites), will be supported where proposals demonstrate that:*

*i) they are appropriate in scale and character to their setting and location;*

*i) there would be no adverse visual impact to the landscape character of the area or the impacts can be satisfactorily mitigated; and,*

*ii) they are accessible by a range of transport modes.*

**Policy SD2: Sustainable Design of Development and the Quality and Distinctiveness of the Built Environment**

Policy SD2 of the emerging NDP is not only repetitive of the Cornwall Local Plan and the emerging Climate Change Development Plan Document (DPD) but also sets out requirements that cannot be controlled by the planning system, for example, part xi) which requires development proposals to minimise the use of plastic and production of plastic waste in construction. Any requirements set out in draft Policy SD2 that cannot be controlled by the planning system, should therefore be removed.

In addition, whilst draft Policy SD2 recognises that some adverse impacts can be mitigated (e.g. ix) which allows for mitigation for adverse impacts on the amenity enjoyed by neighbouring uses), the ability to mitigate for adverse impacts should extend throughout Policy SD2. This would ensure consistency with the Local Plan and the NPPF which allow for mitigation of a variety of adverse impacts.

**Policy SD3: Reducing the Need to Travel by Car (Major Development)**

Policy SD3 of the emerging NDP states:

*"Major development proposals will be supported where they:*

*i) are within easy walking distance (500m) of local public transport infrastructure;*

- ii) *provide good pedestrian and cycle connections to village centres in order to encourage walking and cycling and reduce the reliance on vehicles. This could include provision of internal cycle-ways and footpaths and connections to key destinations, for example, schools, shops and other services and provision for off-site improvements if deemed necessary;*
- iii) *have more than one point of pedestrian or cycle access from the development to existing networks, demonstrating permeability and connectivity in a masterplan, ‘design and access statement’ or equivalent submitted with the planning application;*
- iv) *demonstrate how they have taken into account the principles of “Active Design” guidance; and,*
- v) *demonstrate how they have taken into account the Perranzabuloe Design Code (see Appendix 3) where relevant.”*

The requirement for major development proposals to be within 500m of local public transport infrastructure fails to recognise two important points. Firstly, Cornwall is a highly rural county where access to public transport is often limited or infrequent. This requirement should therefore be removed from emerging Policy SD3 as it is more onerous than Local Plan Policy 27 (Transport and accessibility) which requires major development proposals to “*locate development and / or incorporate a mix of uses so that the need to travel will be minimised and the use of sustainable transport will be maximised by prioritising safe access by walking, cycling and public transport to minimise car travel*”. Secondly, a maximum walking distance of 500m is unreasonable even within an urban area. Policies to encourage healthy behaviours are set out in local and national planning policy – and are promoted in other strategic documents. People are readily able and prepared to walk at least 1200m to a bus stop for a good bus service. What is acceptable will depend on the nature of the proposal, the context of the site and the infrastructure serving the site. This can only be judged on a case-by-case basis. The criterion therefore needs deleting or amending.

Major developments can cover as little as 1ha or comprise 1,000 sq m of floorspace. The requirements in the emerging policy for developments of this scale are onerous and it is evident the policy has been written with larger scale residential development in mind. For example, the requirement for major development proposals to “*have more than one point of pedestrian or cycle access from the development to existing networks*” is also unjustified and unnecessary. The NPPF states that “*Planning policies should: provide for attractive and well-designed walking and cycling networks with supporting facilities such as cycle parking*” (paragraph 106d).

Emerging Policy SD3 must recognise the rural location of many existing businesses and that not all development will readily be able to comply to points i) to v) above given the nature or scale of development. The emerging policy must be consistent with the NPPF which states (paragraph 85) “*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport...*”

The following amendments are therefore proposed to emerging Policy SD3:

*“Major development proposals will be supported where they:*

- i) are within ~~easy~~ walking distance (~~500m~~) of local public transport infrastructure;*

ii) provide good pedestrian and cycle connections to village centres in order to encourage walking and cycling and reduce the reliance on vehicles. This could include provision of internal cycle-ways and footpaths and connections to key destinations, for example, schools, shops and other services and provision for off-site improvements if deemed necessary; and.

iii) ~~have more than one point of pedestrian or cycle access from the development to existing networks, demonstrate~~ permeability and connectivity in a masterplan, 'design and access statement' or equivalent submitted with the planning application;

iv) demonstrate how they have taken into account the principles of "Active Design" guidance; and,

v) demonstrate how they have taken into account the Perranzabuloe Design Code (see Appendix 3) where relevant." (proposed amendments underlined and with strikethrough)

## Policy NE1: Areas of Ecological, Landscape, Biodiversity and Geodiversity Value

Policy NE1 of the emerging NDP states:

*"Development proposals which would result in the loss of, or have an adverse impact on, the ecological, landscape, biodiversity and / or geodiversity value of the areas (or their setting) defined on Map 6 and in Appendices 5 and 6 will not be supported."*

As drafted, Policy NE1 is inconsistent with Local Plan Policy 23 (Natural Environment) which states that:

*"Development should avoid adverse impact on existing features as a first principle and enable net gains by designing in landscape and biodiversity features and enhancements, and opportunities for geological conservation alongside new development. Where adverse impacts are unavoidable they must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort."*

In order for Policy NE1 to be consistent with the Local Plan and therefore to proceed to referendum, the emerging policy must allow for mitigation and compensation of potential adverse impacts of development on ecological, landscape and biodiversity/geodiversity features. The following amendments are therefore proposed to emerging Policy NE1:

*"Development proposals should avoid ~~which would result in the loss of, or have an~~ adverse impact on, the ecological, landscape, biodiversity and / or geodiversity value of the areas (or their setting) defined on Map 6 and in Appendices 5 and 6 ~~will not be supported~~. Where adverse impacts are unavoidable, they must be fully mitigated or, as a last resort, compensated for" (proposed amendments underlined and with strikethrough).*

However, in bringing this consistency, it is evident that there is no need for this emerging policy in the emerging Neighbourhood Plan and the draft policy should be deleted.

## **Policy NE2: Landscape Character and Landscapes of Local Significance**

It is important to highlight that within the larger Local Landscape Character Areas (LLCAs) there are significant variations of landscape context and as such, the entire LLCA is not uniformly contributing to landscape character. Emerging Policy NE2 should therefore recognise the need to establish a baseline appraisal for individual development proposals within LLCAs.

## **Policy NE3: Embedding Green and Blue Infrastructure into New Development**

Policy NE3 of the emerging NDP states:

- “1. Development proposals are expected to protect the quality of the landscape setting of the built and natural environments. Proposals should demonstrate how they have reflected the overall quality of the Parish’s landscape and natural environment, including that of areas with no formal policy designation, through a landscape led approach to design. This should be based on an appraisal of all natural environment factors to a level of detail appropriate to the scale, nature and location of the site.*
- 2. The application of the most up-to-date sustainable design principles and guidance, such as Building with Nature standards, will help ensure that the proposal relates positively to its landscape and environmental setting.”*

Bourne Leisure endorses the approach of Policy NE3 to require the appraisal of natural environment factors to an appropriate level of detail. However, the requirement for proposals to ‘demonstrate how they have reflected the overall quality of the Parish’s landscape’ would present an issue for all development proposals as the Parish has quite distinct landscape characteristics, recognised through the LLCAs, and emerging Policy NE3 needs to recognise this.

In addition, the requirement for development proposals to incorporate sustainable design principles and guidance, such as ‘Building with Nature’ standards is more onerous than the Local Plan which states at Policy 12 (Design) that *“development should demonstrate a design process that has clearly considered the existing context, and how the development contributes to the social, economic and environmental elements of sustainability through fundamental design principles”*. It would therefore be appropriate for emerging Policy NE3 to encourage the use of sustainable design principles and guidance, like the Building with Nature standards, rather than making this a policy requirement as taking a more onerous position than is set out in the Local Plan risks undermining the ability of businesses to invest in Perranzabuloe which would have a negative impact on the local economy.

The following amendments are therefore proposed to Policy NE3 to ensure consistency with the Cornwall Local Plan:

- “1. Development proposals are expected to protect the quality of the landscape setting of the built and natural environments. Proposals should ~~demonstrate how they have reflected the overall quality of the Parish’s landscape and natural environment, including that of areas with no formal policy designation, through~~ take a landscape led approach to design. This should be based on an appraisal of all natural environment factors to a level of detail appropriate to the scale, nature and location of the site.*

2. *The application of the most up-to-date sustainable design principles and guidance, such as Building with Nature standards, will be encouraged to help ensure that the proposal relates positively to its landscape and environmental setting.* (proposed amendments underlined and with strikethrough)

#### **Policy NE4: Protecting Trees, Woodland and Hedgerows**

Policy NE4 of the emerging NDP states:

- “1. Existing trees, woodland or hedgerows as defined in Appendices 5 and 6 must be subject to a BS5837:2012 Arboricultural Survey (or the most up-to-date requirements if superseded) to establish condition and the root protection area. Unless removal is advised within this survey on a condition basis or is required to achieve access visibility splays all existing trees and hedges must be retained and protected within the design and proactively managed to maintain, create and enhance effective wildlife habitats and corridors. Development which does not achieve this will not be supported.*
- 2. Development within areas or affecting specimens subject to a Tree Preservation Order will only be supported where it includes provision for proactive management of the protected trees for condition, wildlife and amenity value.*
- 3. Cornish hedges are a distinctive landscape feature and habitat and styles of stonework and planting vary across the Parish. Development proposals should seek to retain and enhance all Cornish hedges within and forming the boundaries of the site; any new sections of hedge should reflect local styles.*
- 4. Proposals for the reinstatement of historic hedge lines in a style which reflects local character will be supported.”*

Draft Policy NE4 is too onerous in relation to tree, woodland and hedgerow loss. As drafted, Policy NE4 is inconsistent with the requirements of Local Plan Policy 25 (Green Infrastructure) which recognises that the benefits of development can outweigh the need to retain green infrastructure assets. Local Plan Policy 25 states that:

*“In exceptional circumstances where retention of the most important green infrastructure assets and connections is outweighed by the benefits arising from the development proposals and they cannot be retained on site, the loss resulting from the proposed development should be replaced by equivalent or better provision in terms of quantity and quality of ecological or open space value in a suitable location.”*

It is important that each site and project is considered on a case-by-case basis and is not overly restricted by burdensome policy requirements which have good intentions but will prove restrictive in application. Taking a more onerous position than set out in local planning policy risks undermining the ability of businesses to invest in Perranzabuloe which would have a negative impact on the local economy. The following amendments are therefore proposed to emerging Policy NE4 to ensure consistency with the Cornwall Local Plan:

*““1. Existing trees, woodland or hedgerows as defined in Appendices 5 and 6 must be subject to a BS5837:2012 Arboricultural Survey (or the most up-to-date requirements if superseded) to establish*

condition and the root protection area. ~~Unless removal is advised within this survey on a condition basis or is required to achieve access visibility splays all existing trees and hedges must be retained and protected within the design and proactively managed to maintain, create and enhance effective wildlife habitats and corridors. Development which does not achieve this will not be supported.~~ Development proposals must seek to retain and enhance the most important green infrastructure assets where possible.

2. Development within areas or affecting specimens subject to a Tree Preservation Order will only be supported where it includes provision for proactive management of the protected trees for condition, wildlife and amenity value.

3. Cornish hedges are a distinctive landscape feature and habitat and styles of stonework and planting vary across the Parish. ~~Development proposals should seek to retain and enhance~~ The retention and enhancement of all Cornish hedges within and forming the boundaries of the site will be encouraged; ~~any new sections of hedge should reflect local styles.~~

4. Proposals for the reinstatement of historic hedge lines in a style which reflects local character will be encouraged~~supported.~~ (proposed amendments underlined and with strikethrough)

## Policy NE5: Biodiversity Net Gain in New Development

Policy NE5 of the emerging NDP states:

*“Development proposals must demonstrate compliance with best practice, as set out in the Cornwall Biodiversity SPD and 10% biodiversity net gain guidelines, in relation to the creation of new habitats such as bee bricks, bird/bat boxes and hedgehog corridors as standard, in addition to any niche species requirements of the site and its setting. Measures, including architectural, hard and soft landscaping to achieve Biodiversity Net Gain should be appropriate to local character.”*

Emerging Policy NE5 appears unnecessary as it provides no additional requirement to the Local Plan and other guidance documents that do not form part of the statutory development plan. It provides suggestions and guidance that would be better placed in supporting text if it is considered helpful to signpost readers to other Cornwall Council prepared documents. This draft policy should be deleted.

Any retained policy must be in keeping with the requirements of national policy and/or the Local Plan. It must also allow for mitigation and compensation of unavoidable significant impacts to biodiversity in accordance with the NPPF which states (paragraph 180):

*“When determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused”.*

## **Policy NE6: Settlement Gaps and Green Buffers**

Policy NE6 of the emerging NDP proposes to allocate land within the parish as settlement gap/green buffer. The policy sets out that the proposed allocations provide a valued open space and that adverse effects on these settlement gaps and green buffers will not be supported. Policy NE6 further states that *“any proposals to increase the extent and prominence of built form on the edge or adjacent to the edge of existing developed areas must include provision for the definition and enhancement of defensible boundaries to that area to avoid erosion of the Parish’s open countryside or otherwise undeveloped areas”*.

These representations refer to specifically to the proposed Settlement Gap/Green Buffer which is defined on page 56 of the Pre-submission NDP as *“Gear Sands which includes a wedge of land between Perranporth Golf Club to the south-west, Tollgate Farm to the southeast, Gear Sands LLS to the north east and Perran Sands Holiday Park to the north west which provides an important buffer to the Perranporth and Holywell AGLV and Perranporth Dunes County Wildlife Site”*.

There is no specific background paper/evidence base justifying the safeguarding of the Settlement Gaps/Green Buffers by Policy NE6. We note that some of the proposed settlement gaps/green buffers are considered in the ‘Local Green Space Background Paper’. However, the commentary within this background paper does not provide further background evidence for the safeguarding of the proposed settlement gaps/green buffers by Policy NE6.

Under the heading ‘justification for our policy’ the emerging NDP states *“A key part of our spatial and sustainable development strategy in the Parish, in response to Community consultation, is to establish local gaps between settlements where development at the edge of either settlement could lead to encroachment and coalescence, appreciable adverse harm to the area’s landscape character, and resultant loss of distinct identity.”*

The ‘justification’ for the proposed settlement gaps/green buffers by Policy NE6 appears to be analogous to the five purposes of ‘Green Belt’ set out in paragraph 138 of the NPPF as follows:

*“Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and,*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

It is clear from the NPPF that Green Belt designations need to be progressed through strategic plan making, rather than during the preparation of neighbourhood development plans.

If an alternative tool was available to the neighbourhood development plan, the proposed Gear Sands Settlement Gap/Green Buffer should not be allocated as such because any development in this gap would not lead to encroachment or coalescence of settlements. It would also not result in the loss of the area’s distinct identity, given that the character of this area is principally holiday park development.

If the separation of Perranporth Golf Club, Tolgate Farm, Gear Sands LLS and Perran Sands Holiday Park is indeed necessary and indeed an alternative device was available through policy, there are other parcels that would provide a more robust function of separating the holiday park with Perranporth town given the proposed form and scale of the proposed designation.

However, we are of the view that the proposed designation is neither necessary, justified or appropriate, in this instance.

### **Policy NE7: Important Views and Vistas**

Policy NE7 of the emerging NDP states that:

*1. “Development proposals will be supported where there is no adverse impact on important views and vistas, or where the proposals include measures to protect, restore or enhance key views or defining features within them to the benefit of the overall visual amenity. Proposals must ensure that key views of distinct buildings, heritage assets, areas of landscape, coast and open countryside can continue to be enjoyed. Proposals that may affect these areas or assets should submit a visual impact assessment proportionate to the location, scale and nature of the proposals which applies the principles outlined in industry guidance such as GLVIA3 and LITGN-06-19 showing how their development will impact on relevant views.”*

Part 2 of Policy NE7 sets out a list of ‘important views and vistas’ that “include but are not limited to” sixteen named views and vistas. Bourne Leisure strongly objects to the inclusion of an open-ended list of protected views and vistas as this creates significant uncertainty for developers. There are other policies within the adopted plan that address impacts upon the landscape.

In addition, Map 10 of views and vistas is of insufficient quality to be able to accurately assess the extent of the proposed important views and vistas. There is no justification for the choice of the views; it is difficult to understand the rationale for some of these. The map quality should be improved and further information provided so that it can be re-consulted upon prior to the Regulation 15/16 consultation by the Council.

### **Policy NE9: Dark Skies**

Policy NE9 of the emerging NDP states:

*“Development proposals should include measures to minimise adverse impact on tranquillity and dark skies and, where relevant and appropriate, should include a lighting appraisal to ensure protection of wildlife and night-time amenity is achieved alongside appropriate security measures. Lighting measures proposed should align with guidance provided by the International Dark Skies Association.”*

Bourne Leisure endorses the approach taken in emerging Policy NE9 which sets a proportional approach for the requirement for a lighting appraisal to demonstrate measures to minimise adverse impacts on tranquillity and dark skies. The approach of Policy NE9 is consistent with Cornwall Local

Plan Policy 23 which states that “development must take into account and respect the sensitivity and capacity of the landscape asset, considering cumulative impact and the wish to maintain dark skies and tranquillity in areas that are relatively undisturbed, using guidance from the Cornwall Landscape Character Assessment and supported by the descriptions of Areas of Great Landscape Value.”

### **Policy TT1: Transport Plan**

Policy TT1 of the emerging NDP states:

*“1. Our Transport Plan is set out in Map 12 and identifies the key transport and accessibility constraints, opportunities and the network’s key features’ contribution to Perranzabuloe’s character, across modes. Where relevant, development proposals will be supported which:*

- i) deliver identified opportunities and / or resolve identified constraints; and / or,*
- ii) do not erode key features’ contribution to the built and landscape character of the Parish; and / or,*
- iii) do not exacerbate identified constraints, satisfactorily mitigating any adverse impacts which arise from the proposal.”*

Bourne Leisure endorses the approach taken in emerging Policy TT1 which includes support for proposals that resolve identified constraints and/or do not exacerbate identified constraints, satisfactorily mitigating any adverse impacts which arise from the proposal. The approach of Policy TT1 is consistent with Local Plan Policy 27 which states that all developments should “provide safe and suitable access to the site for all people and not cause significantly adverse impact on the local or strategic road network that cannot be managed or mitigated.”

### **Policy TT2: Transport Assessments and Travel Plans**

Policy TT2 of the emerging NDP requires “development proposals for business and retail units and for 10 or more dwellings” to be accompanied by a Transport Assessment and Travel Plan. This requirement is more onerous than that of Policy 27 of the Cornwall Local Plan which requires major development proposals to be accompanied by a Travel Plan.

The following amendment is therefore proposed to emerging Policy TT2:

*“1. Development proposals for business and retail units and for 10 or more dwellings-should be accompanied by a ~~Transport Assessment and~~ Travel Plan which examines the quantum of vehicle generation, in particular HGV vehicles to be created by the new development. The Transport Assessment must show the likely routes of any additional HGV traffic travelling from or to the site during construction and include mitigation measures where necessary along with the promotion of sustainable travel patterns.”*

However, in bringing this consistency, it is evident that there is no need for this emerging policy in the emerging Neighbourhood Plan and the draft policy should be deleted.

**Policy EW1: Renewable Energy and Community Energy Projects**

Policy EW1 of the emerging NDP states:

*“1. Development proposals for renewable energy schemes will be supported, where they are:*

*i) integrated so that the energy generated can be supplied directly to domestic, business and other buildings in the Parish, thereby reducing energy consumption; or,*

*ii) are owned by Parish residents, businesses or Community associations and can demonstrate that the development being fully or partly owned through a constituted Community Energy England (CEE) scheme...”*

Bourne Leisure endorses the approach of emerging Policy EW1 which provides support for, but does not require, renewable energy development proposals to be owned by Parish residents, businesses or community associated and to demonstrate that the development is at least partly owned through a CEE scheme. This is consistent with the NPPF which states that *“Local planning authorities should support community-led initiatives for renewable and low-carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.”*

We trust that these representations are clear and will assist in finalising the Perranzabuloe Neighbourhood Development Plan policies. Please do not hesitate to contact me should you require further clarification on any of the points made.

We would also be grateful if you would continue to keep us informed of progress on the emerging Perranzabuloe NDP.

Yours faithfully



**Helen Ashby-Ridgway**  
Planning Director

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