

Note - no postal address provided

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Date: 17 June 2022

Our ref: 63784/01/JCO/ECu/21142337v6

Your ref:

Dear Sir / Madam,

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

On behalf of our client, Park Leisure 2000 Ltd ("Park 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, Park Leisure is a leading UK provider of luxury holiday home accommodation, operating 11 holiday home parks across country and coastal destinations throughout the UK. Within Perranzabuloe, Park Leisure operates Oyster Bay Coastal & Country Retreat. Elsewhere in Cornwall, Park Leisure operates Par Sands Holiday Park and Pentire Holiday Park and employs 50 people across the county.

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 NE8: Local Green Space

General points

Repetition of Local and National Planning Policy

The Cornwall Local Plan (adopted by Cornwall Council in November 2016) forms part of the statutory development plan. The emerging NDP repeats many of the 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 goes 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 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 Park Leisure to operate within a positive policy context that encourages investment in its holiday parks, to widen, increase and improve the quality of the tourism offer which is necessary to attract visitors 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 TO1 of the emerging NDP states that:

“1. Development proposals which result in the loss of the whole or part of existing static caravan, camping, glamping and towing caravan sites to alternative uses, not associated with its main or ancillary uses, will not be supported. Where loss is unavoidable, the preferred use of such sites is to return it (or allow it to return to) natural landscape and habitat.

2. Development proposals for new static caravan, camping, glamping and towing caravan sites on land which is previously undeveloped, agricultural or open space will not be supported.

3. Development proposals for the extension or intensification of use (through increased occupancy or density of units) of existing sites for statics, camping and caravans will only be supported where proposals demonstrate that:

i) there would be no adverse visual impact to cross-country views and the landscape character of the area or impacts can be satisfactorily mitigated;

ii) the site has direct access to the public footpaths, cycle tracks and public transport; and,

iii) the proposal meets the requirements of Local Plan Policy 5.”

As drafted, Policy TO1 is inconsistent with the Cornwall Local Plan as it sets out far more onerous requirements for the location and accessibility of tourism development sites than that of Local Plan Policy 5 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” (Lichfields emphasis).

In addition, the NPPF states that “*planning policies and decisions should enable: sustainable rural tourism and leisure developments which respect the character of the countryside*” (paragraph 84c).

Similarly, Local Plan Policy 23 (Natural Environment) 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.”

The support set out in Policy TO1 for development proposals for the extension or intensification of existing tourism accommodation sites is also contrary to the NPPF which requires planning policies and decisions to ensure that developments “*are sympathetic to local character and history, including the surrounding built character and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*” (paragraph 130 (c)).

To ensure consistency with the Cornwall Local Plan and the NPPF, the following amendments are proposed to emerging Policy TO1:

“1. Development proposals which result in the loss of the whole or part of existing static caravan, camping, glamping and towing caravan sites to alternative uses, not associated with its main or ancillary uses, will not be supported. Where loss is unavoidable, the preferred use of such sites is to return it (or allow it to return to) natural landscape and habitat.

~~*2. Development proposals for new static caravan, camping, glamping and towing caravan sites on land which is previously undeveloped, agricultural or open space will not be supported.*~~

~~*3. 2. Development proposals for new static caravan, camping, glamping and towing caravan sites or the extension or intensification of use (through increased occupancy or density of units) of existing sites for statics, camping and caravans will ~~only~~ be supported where proposals demonstrate that:*~~

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

~~*ii) the site ~~has direct access to the~~ is accessible by public footpaths, cycle tracks and public transport; and,*~~

~~*iii) the proposal meets the requirements of Local Plan Policy 5.”*~~ (proposed amendments underlined and with strikethrough)

The above amendments are required for two reasons. Firstly, to remove any repetition from the emerging policy with adopted local and national planning policy. Secondly, because it is vital for tourism accommodation development to have in-principle policy support as holiday parks, such as Oyster Bay Coastal & Country Retreat, require continual investment for maintenance and 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.

Policy NE8: Local Green Space

Policy NE8 of the emerging NDP proposes to designate land within the parish as Local Green Space (LGS). The policy sets out that the proposed LGS allocations will be protected for their local environmental, heritage and/or recreational value. Draft Policy NE8 further sets out that development proposals on LGSs or within their setting will only be supported where they meet a list of criteria, including that they do not change the purpose for which the space is valued and the reason for designation.

These representations refer specifically to the proposed LGS designation “12. Goonhavern Fishing Lakes”. Park Leisure strongly objects to the proposed LGS designation of this area as it does not reflect the requirements of Local Green Space set out in national planning policy. These requirements are set out in the NPPF which states:

“The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and,*
- c) local in character and is not an extensive tract of land.” (paragraph 102)*

The fishing lakes are located within the Perran Springs Holiday Park and there is a condition attached to the planning permission for the excavation of the lakes (ref. PA21/1162/01/G) which states that “*The lakes hereby permitted shall only be utilised by persons staying at Perran Springs Touring Park*”. It is therefore clear that the Goonhavern Fishing Lakes do not serve the community of Goonhavern nor are they able to in planning terms.

Furthermore, the “Local Green Space Background Paper” does not demonstrate how or why the Goonhavern Fishing Lakes are special to the local community or why the lakes are of particular local significance. The commentary within the background paper is limited to saying that the area “*should qualify as LGS if part of wider lakes green / recreational area, particularly if in public ownership or landowner has no intention of developing the area and if there is public access or community use (and not just fishing membership).*”

Notwithstanding the fact that this commentary does not justify the LGS designation, the area is in private ownership, there is no public access, through its location and visual screening they have no significant amenity value to the location community, and there is clear intention to develop Perran Springs Holiday Park as demonstrated through the submission of planning application ref. PA22/03090.

We are therefore of the view that the proposed designation of Goonhavern Fishing Lakes as LGS in the is neither necessary, justified or appropriate and the proposed designation must be removed from the emerging NDP.

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. The policy sets out that the proposed LGS allocations will be protected for their local, environment, heritage and/or recreational value.

Yours faithfully,



Helen Ashby-Ridgway
Planning Director

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