



Representations to the Perranzabuloe Proposed Amendments
to the Regulation 14 Pre-submission Plan.

Supplementary Public Consultation

January 2023

Representations submitted on behalf of



28th February 2023

Representation produced by:

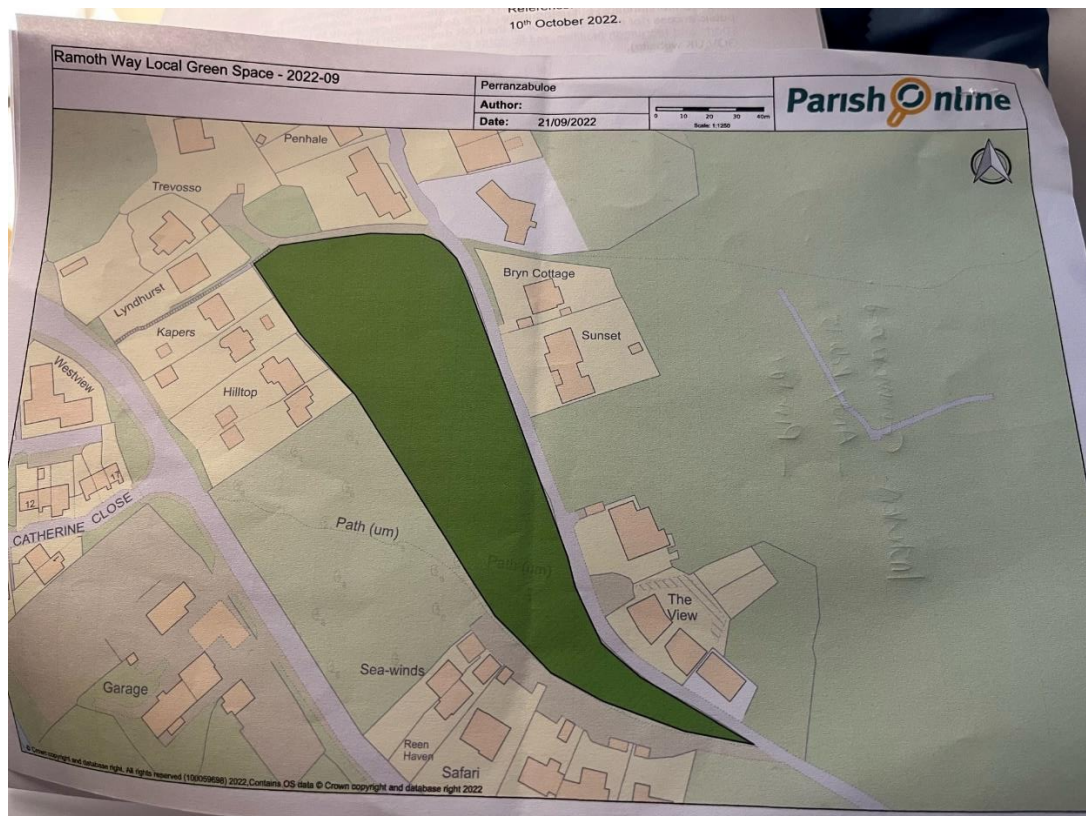
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Introduction:

- 1 Influence Planning were instructed by [REDACTED] to make representations in relation to the letter sent to them by Mr William Rogers (Hon. Sec for Perranzabuloe Neighbourhood Plan) dated 10th October 2022. A formal objection was sent to the NDP Group Secretary by email dated 20th November 2022. The majority of the objections to the proposed designation remain valid, it is requested that the original content submitted as part of an informal consultation (by letter) be referred to as part of this supplementary Regulation 14 Consultation.
- 2 The Supplementary Consultation by the NDP Steering Group is seeking comments in relation to designating land at 'Ramoth Way, Perranporth' as a '*Local Green Space*'. This has changed the proposed designation at the original Regulation 14 Consultation stage from a 'settlement gap/green buffer' (a designation objected to on behalf of the landowners).



Map attached to letter dated 10th October 2022 showing proposed LGS Designation.

- 3 The NDP letter makes the assertion in the final paragraph of Page 1 that:

“we believe that support given during the recent consultation for designation of the parcel as a Settlement Gap/Green Buffer also indicates public support for this Local Green Space (LGS) designation. This aligns with historic surveys of the majority of the parishioners views”.

- 4 Prior to the issuing of the Regulation 14 Consultation The Perranzabuloe NDP Group had produced a Background Paper Report called a ‘Local Green Spaces Assessment’ as part of their evidence base.

https://www.perranplan.co.uk/wp-content/uploads/2022/04/Perranzabuloe-NDP_Background-Local_Green_Spaces_Assessment-2022-04-13.pdf

- 5 This report considered all potential Local Green Space (LGS) Designations and ruled out the land at Ramoth Way as not meeting the nationally established criteria for LGS designations.

No.	Notable Green Space	Close proximity to the community it serves?	Demonstrably special to the local community?	Local in character?	Extensive tract of land (and approx. land area)?	Planning permissions (unimplemented) which could affect LGS designation?	Commentary to inform appropriate policy consideration	Possible Policy / Designation
8	Ramoth Way Gap	Y	Rewilded mining area and wildlife	Y	N 0.6 ha	N	Green Buffer Zone. Cornwall Wildlife Site Worth designating as an area of habitat protected by policy in the Plan? Could protect as Gap if landscape character and anti-coalescence relevant. Not LGS , include as Settlement Gap extended to B3285 and around to Golf Club.	Settlement Gaps and Green Buffers

- 6 Regulation 14 (Pre-submission) Version of NDP at Page 63 extract below stated:

6.2.4 Local Green Spaces

Justification for our policy

We have already set out the importance of our natural environment and semi-natural greenspace in relation to biodiversity and wildlife, landscape and leisure and recreation.

Through national planning policy, we have an opportunity to designate our important Local Green Spaces in order to protect them and ensure that their current use is retained⁸³. Through local consultation and gathering evidence on the nature, use and quality of important local spaces, we have identified numerous spaces which we have designated as Local Green Spaces (LGS).

They are designated principally for social, leisure and / or heritage reasons. All designated spaces meet the requirements set out in national policy which must be met for the spaces formally to receive protection as LGS and their designation is underpinned by a study into their validity for designation (see "Background paper – Local Green Spaces")⁸⁴.

7 And on Page 66 extract below:

Community consultation has demonstrated support for this policy having identified Local Green Spaces as important in maintaining both the quality of life, the environment and mental and physical health⁸⁵. Those spaces which do not meet the LGS criteria have either been included within policy relating to Landscapes of Local Significance, or Settlement Gaps and Green Buffers or are covered generally within policy relating to landscape character and green infrastructure.

- 8 The Perranzabuloe NDP has previously assessed the land as potentially being Local Green Space against the established criteria. The assessment agreed that the land did not meet the requisite criteria for such a designation.
- 9 Indeed, the background paper highlights that to designate land as LGS it is important that consultation is required with any landowners at an 'early stage' of the process.
- 10 Given that the first my client has heard about the potential U-turn in relation to the status of their land was by a hardcopy letter dated 10th October 2022, no such 'early stage' consultation has occurred, the NDP Group had already decided to designate the land prior to any communication with the landowners.

- 11 The letter suggested that supportive feedback at the NDP Regulation 14 stage, in relation to the earlier proposed designation of the land as a '*green buffer/settlement gap*' is sufficient evidence to pursue the new designation of '*Local Green Space*'.
- 12 No information is provided as to what level of support was received. Given the alleged support was directed at a totally different issue/land designation, it has absolutely no relevance to the current proposal which was not consulted on in any published document prior to this current supplementary Regulation 14 Consultation exercise.
- 13 The National Planning Policy Framework 2021(NPPF)
101. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.
102. 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.
103. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.
- 14 The NPPF sets out the criteria for designating land as Local Green Space with Para 102) b) being very important. This paragraph states land must be 'demonstrably special to a local community'.

- 15 No evidence is provided to show that the land is ‘demonstrably special’ to the local community has been submitted, the only evidence seems to be that neighbouring residents and friends of the NDP Group are suggesting they support the proposed designation. The only formal assessment undertaken by the NDP Group concluded that the land was not suitable for the LGS designation and hence the original Regulation 14 submission showing it as a *‘green buffer’*.
- 16 The claim that the land is ‘demonstrably special’ does not stand up to scrutiny and seems to be simply an opinion of the NDP Group who when previously formally going through the criteria for designation prior to the Regulation 14 consultation did not deem the land worthy of designation.
- 17 To meet the criteria of for LGS the criteria to be met are:
- a) **Beauty** – the LGS criteria relates to its visual attractiveness of the site, and it’s contribution to landscape and character. Given the land is surrounded by residential development combined with the extant four plots for residential dwellings below, it does not make any significant contribution in terms of ‘beauty’.
- 18 The large swathes of Perranporth Golf Course beyond is a much stronger visual feature that contributes to the character of the area, not this small parcel of land within a residential area (now included in the proposed settlement boundary (according to the Perranzabuloe NDP letter of 10th October 2022 and this new Supplementary Consultation).
- b) **Historic Significance** – the land has no historical significance and does not impact upon the setting of any heritage assets.
 - c) **Recreational value** – the land is in private ownership with no public access rights, it does not have any significance from a recreational perspective. It is private land, not used by any associations or groups in the community.

The site is not accessible to the public, has no recreational value and has been declared as 'dangerous' by Cornwall Mining Consultants (who recommended it should be fenced off)

- d) **Tranquillity** – the land is not shown on any tranquillity mapping and it is surrounded by residential development with the B3285 to the south. The nearby coastline is far more tranquil than this land at Ramoth Way.
- e) **Richness of Wildlife** – whilst forming part of and the south western edge of a much larger non statutory designated County Wildlife Site (Perranporth Dunes) an Ecological Assessment by Spalding Associates (Environmental) Ltd (August 2022) has been undertaken to respond to this matter. A full assessment of the site confirms that in terms of habitat it consists of mix of sand dune grassland and scattered scrub. The report states:

'It is (the land) currently in an unfavourable condition due to the abundance of the non-native invasive species Wall Cotoneaster'. Wall Cotoneaster - Cotoneaster horizontal is listed under the Wildlife and Countryside Act 1981 (as amended) and is prevalent across the site and should be removed. Montbretia is growing on site and is also listed under the Wildlife and Countryside Act and should be removed.

Wall Cotoneaster and Montbretia are present on site and are listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). Under the Act it is an offence to 'plant or otherwise cause to grow in the wild' any plant species which are listed.

The Ecologist Adrian Spalding has further advised:

The site is surrounded by development on all aspects so its value as a wildlife corridor has already been reduced by previous development. The Phase 1 habitat survey recorded a high cover of non-native and invasive species listed on Schedule 9 of the Wildlife & Countryside Act, 1981, as amended, which reduce the wildlife value of the site further. One such species, Wall Cotoneaster

is spreading along the north of the site and encroaching into the middle of the sand dune , replacing native coastal grassland species. The site does contain priority dune habitat but this has been assessed through species composition and vegetation structure to be in poor ecological condition based on the criteria in the UK Habitat Classification System guidance. Large areas of the dune are dominated by Ivy and Bramble and not typical of the habitat description .

The reptile survey (submitted with application PA22/10797) did find a small population of Slow Worm and Common Lizard on the site and recommendations for translocating these into a safe area within the site until development is complete has been proposed. Post construction the proposal site has the potential to deliver a 14% net gain in biodiversity if the post construction management of the site follows a 30-year strategy for reinstating the undeveloped dune grassland and the planting of new native hedgerows.

- 19 The abundance of non-native invasive species undermine and refutes any claims that the site should be designated LGS due to a perceived 'richness in wildlife'.
- 20 The ecological survey, supported by a further reptile survey, confirms that the land is not a key reptile site. The site is relatively isolated within the landscape with poor connectivity to other habitats suitable for reptiles.
- 21 The ecological assessment undertaken also confirms that bats do not roost on the site and that whilst it is likely that nesting birds will use the land this does not lead to any particular 'richness in wildlife' criteria necessary for a LGS designation.
- 22 It is clear that whilst the NDP group may have considered it a good idea to designate the land at Ramoth Way as LGS, assessment does not stand up to scrutiny against the national established criteria for designation as set out in the NPPF.
- 23 The proposed designation as LGS should fail for three reasons:

1 – the NDP Group when assessing sites as LGS in their own background papers to the Regulation 14 NDP Consultation had already discounted the site as LGS as it did not fulfil the criteria for designation.

2 – Following an objection to the Regulation 14 consultation, where the land was shown as '*settlement gap/green buffer*', it has been switched to a new designation with the claim that the perceived public support for the earlier alternative designation enables the new designation to proceed.

24 The process does not work like this, the fact is that no identification or assessment against the criteria set out in the NPPF has been undertaken that shows the land meets the specific LGS criteria. The only assessment undertaken against the criteria as part of the NDP Reg 14 process stated that the land did not warrant the designation of LGS.

3 - The NPPF sets out that for a piece of land to be designated LGS it must be '*demonstrably special*' to a local community. No evidence has been provided to show that the land meets any of the criteria required as set out in the NPPF. The land has not been designated because of its '*beauty, historic significance, recreational value, tranquillity or richness of its wildlife*'. It falls short against the established criteria as the NDP groups own LGS Background Paper concluded.

25 The updated Background Paper to support the Supplementary Consultation includes a Paper C as part of the evidence base 'Paper C: Proposed Change to the Designation of Land at Ramoth Way from Settlement'. The Paper contains a number of photographs which are considered to be misleading. Photographs used for a Landscape Visual Impact Assessment are taken with a 35mm focal length, in line with best practice and current guidance, which provide a more realistic interpretation of the landscape context.

26 Those provided in the NDP Groups Paper are taken as 'zoomed imagery' and do not follow the Landscape Institutes specifications. They also failed to have regard to the extant planning permissions above and below the land they are

trying to designate (approximate positions marked on in blue outline for information using the same photos as per the consultation paper).



Photo 1: Vista north from St Pirans Road from western pavement towards the proposed Ramoth Way Local Green Space (Courtesy of Sarah Jenkins).



Photo 3: Vista north from St Pirans Road from western pavement closer to the proposed Ramoth Way Local Green Space nearer the site (Courtesy of Sarah Jenkins).



Photo 5: Vista north-east from Droskyn towards the proposed Ramoth Way Local Green Space (Phil Moore).

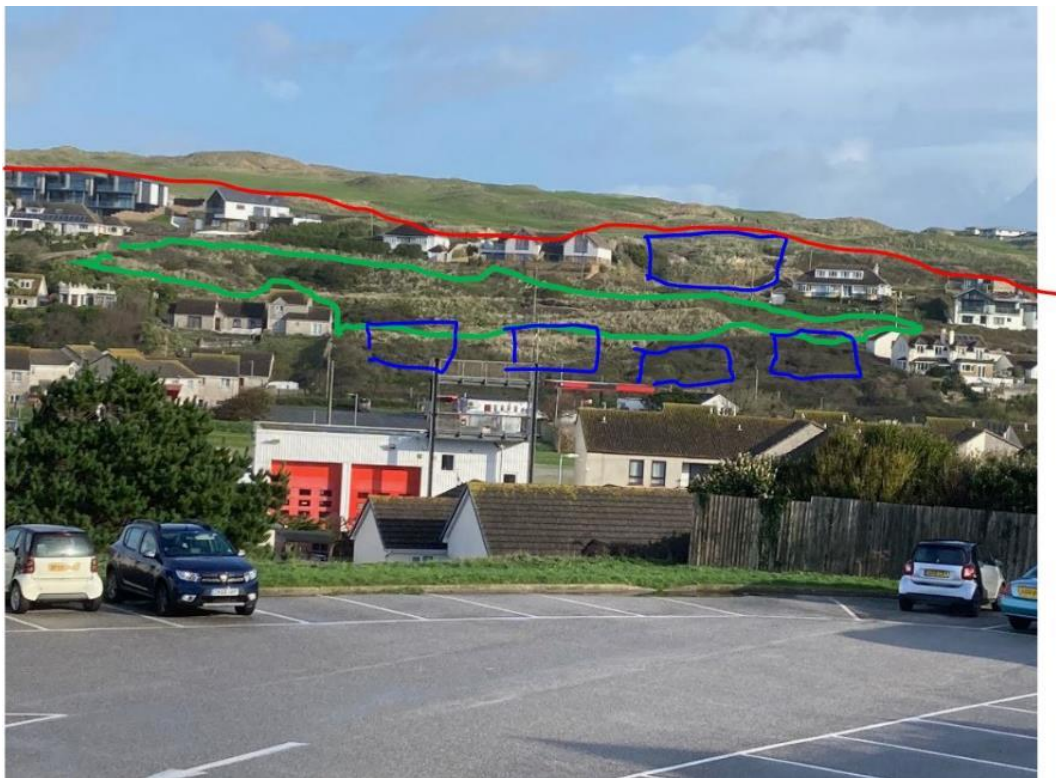


Photo 6: Vista north from Wheal Leisure car park towards the proposed Ramoth Way Local Green Space (Phil Moore).



Photo 8: Vista North from Bolingey Road on Perranporth's north eastern fringe across the valley to largely undeveloped dunes and undulating land beyond (Courtesy of Phil Moore)

- 27 This is a flawed LGS land designation, on behalf of my Client it is requested that the proposed designation of 'Land at Ramoth Way, Perranporth' as Local Green Space is omitted from the NDP Local Green Space designation.
- 28 If the designation remains in the NDP document my Client will not hesitate to consider a Judicial Review against the Perranzabuloe NDP as the process of designation has not followed the correct process or meet the criteria of the NPPF as set out in this submission.
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