



# **Climate Emergency Development Plan Document**

**Duty to Co-operate Statement of Common Ground**

**V2 February 2021**



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## Introduction

The Council is preparing a new Development Plan Document (DPD) to set the framework for dealing with climate change. The Climate Emergency DPD will sit underneath the Local Plan which provides the strategic framework.

The DPD contains the following topics areas:

- Climate change principles;
- Agriculture and rural development;
- Natural climate solutions;
- Town centres;
- Sustainable transport;
- Renewable energy;
- Energy and sustainable construction;
- Coastal change and flooding.

These have been subject to consultation during the Regulation 18 Scoping Stage and form the basis for policy development and the evidence base and the Pre-submission Stage which sets out the draft policies. The Climate Emergency DPD is available at [www.cornwall.gov.uk/climatechangedpd](http://www.cornwall.gov.uk/climatechangedpd)

## Duty to Co-operate in Cornwall

The Duty to Co-operate was introduced by the Localism Act in 2011 in relation to the preparation of; Development Plan Documents, Other local development documents and Marine Plans. It places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation relating to strategic cross boundary matters. Guidance on effective engagement and the Duty to Co-operate is provided in Section 3 of the National Planning Policy Framework<sup>1</sup> (NPPF) and the Government's guidance on plan-making<sup>2</sup>.

The Cornwall Local Plan was adopted in 2016 and sets out the vision and strategy for the county over the period to 2030. It includes strategic planning policies and provides the framework for decisions. As part of the preparation of the Local Plan, Cornwall Council has been actively involved in a number of cross-boundary and joint partnerships. Sitting underneath the Local Plan, the Climate Emergency DPD will contain non-strategic policies on a number of different topics which can assist in reducing or mitigating the impacts of climate change. Therefore the Duty to Co-operate undertaken for the Climate Emergency DPD has built upon the joint working established through the Local Plan.

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<sup>1</sup> <https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making#para20>

<sup>2</sup> <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

This statement documents where effective co-operation has taken place throughout the plan-making process and that the duty to co-operate has been complied with in the production of the DPD.

## Content and Purpose of the Statement of Common Ground

### Statement of Common Ground

The national guidance on Statement of Common Ground states that the document should contain:

- A short description of the location and administrative area covered by the Statement;
- The key strategic matters being address by the Statement;
- The plan-making authorities responsible for joint working detailed in the Statement and any additional signatories;
- Governance arrangements for the co-operation process;
- If applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the Statement;
- Distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need);
- A record of where agreements have (or have not) been reached on key strategic matters;
- Any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to other statement of common ground covering all or part of the same area.

The purpose of the document is to capture the actions taken when addressing strategic cross-boundary matters through the Duty to Co-operate. The national guidance indicates that these activities, which will need to be tailored to address local circumstances, could include:

- Working together to identify cross-boundary matters which will need addressing;
- Producing or commissioning joint research and evidence to address cross-boundary matters;
- Assessing impacts of emerging policies; and
- Preparing joint, or agreeing, strategic policies affecting more than one authority area to ensure development is co-ordinated.

## Strategic Matters

The Planning and Compulsory Purchase Act 2004 defines strategic matters for the purpose of the Duty to Co-operate as “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) in connection with infrastructure that is strategic and has, or would have, a significant impact on at least two planning areas”.

The NPPF states that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

- Housing (including affordable housing), employment, retail, leisure and other commercial development;
- Infrastructure for transport, telecommunications, security, waste management, water supply, waste water, flood risk and coastal change management, and the provision of minerals and energy;
- Community facilities;
- Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

In Cornwall the strategic policies relating to these themes are set out in the adopted Local Plan and the DPD will provide the non-strategic policies to enhance those policies in the Local Plan.

## Parties Involved

Surrounded by sea on three sites, Cornwall is uniquely limited in its number of neighbouring authorities, nevertheless the Council recognises that the duty to co-operate is an important consideration and is committed to working with its neighbours and other key partners. As a Unitary Authority many of the matters that require joint working do so within the Council itself.

That being said, the neighbouring authorities that border or have key strategic interests in Cornwall are:

- Dartmoor National Park Authority;
- Devon County Council;
- Plymouth City Council;
- Torridge District Council;
- South Hams District Council;
- West Devon Borough Council; and
- The Council for the Isles of Scilly.

The Duty to Co-operate also covers a number of public bodies in addition to the Local Planning Authorities listed above. These bodies are set out in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and comprise:

- Environment Agency;
- Historic England;
- Natural England;
- Mayor of London;
- Civil Aviation Authority;
- Homes and Communities Agency;
- Clinical Commissioning Group (Primary Care Trust);
- Office of the Rail Regulator;
- Highways Agency;
- Transport for London;
- Integrated Transport Authorities;
- Highways Authorities; and
- Marine Management Organisation.

The level of participation should be proportionate to the strategic matters; therefore in the context of the Climate Emergency DPD it is considered that the Mayor of London, Transport for London and the Integrated Transport Authority are not relevant to the strategic matters of the DPD.

Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty to co-operate, however, local planning authorities must co-operate with Local Enterprise Partnerships and Local Nature Partnerships. This requirement is set out in the Town and Country Planning (Local Planning) (England) (amendment) Regulations 2012.

All the Duty to Co-operate bodies have been consulted at the following formal and informal stages of the plan's preparation:

- Initial Duty to Co-operate Letter – February 2020
- Regulation 18 Scoping Stage – March 2020
- Pre-submission Stage – August 2020
- Renewable Energy & Sustainable Construction Evidence – December 2020

A record of the responses received and discussions with each Duty to Co-operate body is contained in the Statement of Consultation which accompanies the DPD and is available online at [Climate Change Development Plan Document - Cornwall Council](#)

## **Strategic Geography**

The Climate Emergency DPD covers the administrative area of Cornwall and will cover all planning decisions within the county.

## **Initial Engagement February 2020**

At the outset of the plan preparation, the Council began initial engagement with the Duty to Co-operate bodies, a letter was sent to each organisation by email in February

2020. This initial engagement sought to establish the key contacts within the relevant organisation and to set the scene for the DPD. The initial engagement also sought thoughts on how the organisation would wish to participate in the development of the DPD going forward and any approaches to mitigating or preparing for the impacts of climate change.

The responses received noted that each organisation had taken action through its plans or programmes to address the impacts of climate change.

### **Regulation 18 Scoping Consultation March 2020**

The first formal stage in the preparation of the Climate Emergency DPD set out the scope of the Plan. This was subject to public consultation in March 2020, with the consultation closing on 26<sup>th</sup> May 2020 (extended to take into account the current Covid-19 pandemic). All Duty to Co-operate bodies were notified of the consultation and invited to make representations. The responses from each of the Duty to Co-operate bodies are summarised in the section 'Duty to Co-operate Bodies' below.

### **Pre-submission Consultation August 2020**

This consultation set out the draft policy wording in relation to the various topic areas. The draft policies were subject to public consultation in August 2020, with the consultation closing on 25<sup>th</sup> September 2020. All Duty to Co-operate bodies were notified of the consultation and invited to make representations. The responses from each of the Duty to Co-operate bodies are summarised in the section 'Duty to Co-operate Bodies' below.

### **Consultation on Proposed Renewable Energy and Sustainable Construction Policy and Evidence December 2020**

This consultation included additional evidence on renewable energy and sustainable construction. The consultation included;

- Renewable Energy Landscape Study – provides evidence to support proposed broad areas for renewable energy generation.
- Constraints and Opportunities Assessment for Large Scale Renewables in Cornwall – gives an estimate of Cornwall's potential to generate electricity from renewable energy resources, in particular large-scale wind and solar energy. The assessment is based on a spatial assessment of technical constraints, natural features and built features.
- Draft Renewables and Sustainable Energy and Construction Policies – draft policies on renewable energy and sustainable construction.

## Climate Emergency DPD Strategic Matters

While the strategic context for the DPD is provided by the Cornwall Local Plan<sup>3</sup>, it is considered that the DPD does aim to address some strategic matters, albeit through non-strategic policies. These are:

- Climate change mitigation
- Biodiversity
- Flood risk and coastal management
- Renewable Energy
- Sustainable transport

### Climate Change Mitigation

The draft policies set out in the consultation DPD have been developed to help ensure the future resilience of communities and infrastructure in Cornwall in climate change impacts. The climate change principles for Cornwall support both the guiding principles and spatial strategy of the Cornwall Local Plan, in particular Policy 2(2) which deals with resilience and providing solutions to current and future issues.

The strategy set out in the draft DPD requires development to be low carbon, be clean and green whilst also mitigating against the effect of climate change, contributing to the health, wellbeing and resilience of our communities, contributing to environmental growth and biodiversity and ensuring resource efficiency. The draft DPD also encourages development to maximise the use of sustainable and active modes of transport, minimise pollution, use land efficiently, conserve our natural and historic environment and avoid risk of flooding and coastal change.

During the preparation of the DPD, the majority of consultees welcomed the Council's commitment to tackling climate change and recognised the positive approach taken to ensure that climate change resilience is at the heart of the decision-making process. Like Cornwall Council, many of our neighbouring authorities have declared 'climate emergencies' and are actively working on climate change mitigation. Historic England considered that the DPD should be supported by a 'heritage' topic paper setting out the issues, opportunities and risks of climate change in relation to the historic environment. At this stage, the Council feel that the strategic approach to the historic environment is set out in the adopted Local Plan and that each of the topic areas will reference the historic environment, where it is considered appropriate.

### Biodiversity

The NPPF recognises the wider benefits from natural capital and ecosystem services which is reflected in the Local Plan in a broad sense. Drawing on the broad strategy set out in the Local Plan, the draft DPD's policy approach will facilitate an increase in tree cover and green infrastructure through a Biodiversity Net Gain policy. This will help to

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<sup>3</sup> <https://www.cornwall.gov.uk/localplancornwall>

fund opportunities to work towards rebuilding the wider natural world through Local Nature Recovery Networks.

The natural environment and ecosystem services do not stop at authority boundaries and therefore there are opportunities to work collaboratively with our neighbouring planning authorities and key organisations to ensure consistent approaches to Biodiversity Net Gain and Local Nature Recovery Networks.

In terms of biodiversity, the Duty to Co-operate bodies supported the DPD's aspirations to deliver net gain and enhanced biodiversity through a series of policy measures. Those that responded at the various stages welcomed nature-based solutions to climate change mitigation. Natural England, in particular, had some specific comments on the detailed policy wording.

## **Flood Risk and Coastal Management**

Cornwall has a long coastline and many of our existing settlements are coastal communities. Typically tidal flooding occurs during high spring tides and periods of low atmospheric pressure and strong winds, which exacerbate storm surges. Rates of erosion and incidents of flooding are expected to increase throughout this century. Coastal change is different to flooding, as it will lead to permanent changes to Cornwall's coastline. The Local Plan contains a strategic policy on flood risk management and coastal change but the draft policies in the DPD further expand these to provide support vulnerability and candidate Coastal Change Management Areas and flood risk requirements, natural flood solutions and sustainable drainage design.

Whilst the majority of Duty to Co-operate Bodies support the recognition in the DPD of a need to tackle flooding and coastal change, both the Environment Agency and Natural England consider further engagement is necessary on the designating of Coastal Change Management Areas. The Environment Agency noted that coastal communities should have a long-term strategy for their growth and development and therefore policy should be flexible.

## **Renewable Energy**

Cornwall benefits from a significant range of renewable energy resources, including onshore wind, solar, deep geothermal, biomass and marine energy potential. Whilst the strategic principles for renewable energy are set out in the Local Plan. The strategy in draft DPD aims to maximise the installation of renewable energy technology while ensuring that any adverse impacts are addressed satisfactorily.

The NPPF is clear about the development of wind energy, it should be located within an area identified as suitable for wind energy development in the development plan. Potential allocations and areas suitable for wind energy development form part of the DPD and have been subject to further engagement with our Duty to Co-operate partners, as a specific consultation on the evidence to support any allocations.

Duty to Co-operate bodies noted broad support and commented on the positive approach adopted in the DPD. However, Historic England requested that any allocation takes into account a heritage impact assessment and that a specific historic environment evidence base informs the broad areas considered suitable. There were also some specific comments from consultees on the detailed policy wording to ensure clarity of terms.

## **Sustainable Transport**

Strategic policy for sustainable transport is provided in the Local Plan and reflects the Local Transport Plan. The draft DPD aims to provide policies which address the climate change impacts of travel and encourage more sustainable transport modes and active travel. It is considered that the draft sustainable transport policies in the DPD are non-strategic and therefore do not contain any strategic or cross-boundary matters.

## Duty to Co-operate Bodies

The tables below set out a summary of the consultation responses from the Duty to Co-operate bodies at each stage of the DPD's preparation.

### Initial Engagement February 2020

Organisation	Response
Devon County Council	Devon climate emergency team contacts and also noting Greater Exeter Strategic Plan looking at significant new policy areas including tree planting.
Isles of Scilly Council	The Council here have declared a climate emergency and have committed to achieving carbon neutrality by 2030. There may be lessons we can learn and reflect in similar policy documents.
Marine Management Organisation	The draft South West Marine Plan has a number of policies which feed into climate change mitigation. Also our evidence base which may contain useful data.

### Regulation 18 Scoping Stage March 2020

Organisation	Response
Historic England (019)	<p>Supports the principle of Cornwall's DPD and taking action now will make it possible to help protect some of the historic environment, by developing adaptation measures and building resilience into your plans.</p> <p>Suggestion to review the plethora of information on the Historic England website on sustain and enhance the distinctive environment of Cornwall.</p> <p>Notes a concerning lack of integration of the historic environment and cultural landscape. The DPD has not recognised the opportunities presented by understanding the historic environment and using it to inform</p>

	<p>strategies and approaches to buildings, landscapes and the necessary adaptation schemes to address climate change. Historic environment could form a useful aspect under the DPD as well as being integrated with many of the topic areas proposed.</p> <p>It needs to be made very clear that every effort will be made to ensure that the changes envisaged or policy outcomes do not come at a cost to Cornwall's distinctiveness and historic landscapes.</p> <p>It may be helpful to prepare a Heritage Topic Paper setting out the issues, opportunities, risks and challenges facing Cornwall's historic environment as a result of climate change.</p> <p>Important to use an evidence based approach including historic environment assessment for any future renewable energy allocations including potential impacts and cumulative impacts over time.</p> <p>Broadly welcome developing use of mine water, which safeguarding the mineral resource in appropriate places and note the World Heritage Site and designated features.</p> <p>The DPD discusses energy efficiency but seems to focus on new build, it is essential to consider the position on existing and historic buildings. There is a need to avoid maladaptation and poor understanding of historic buildings.</p> <p>No mention of World Heritage Site or nationally designated historic assets in relation to vulnerable coastal areas.</p> <p>Early integration of historic environment factors in consideration of natural environment solutions avoids later identification of competing interests.</p> <p>Trees have never presented as a significant feature in Cornwall.</p>
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	<p>Welcomes whole estate plans provided they take account of the historic environment.</p> <p>Welcome the reference to making better use of upper floors in town centres and the intention to boost vitality. The approach to densification as a way to make more efficient use or redevelopment of existing buildings could offer opportunities to reinvigorate or repurpose existing historic buildings subject to appropriate assessment.</p>
Natural England (297)	<p>Natural England welcome the development of the DPD and the Council's commitment to ensure climate change is addressed in planning policy.</p> <p>In identifying allocations for renewable energy, an assessment of impact on protected landscapes will need to be undertaken. Any site allocations likely to have an impact on protected landscapes should be supported by a landscape and visual impact assessment. Any mitigation requirements to minimise the potential impacts on the landscape should be reflected in the SA and set out in allocation specific plan policy.</p> <p>Support the requirement for biodiversity net gain as part of renewable energy proposals. Also suggest that surveys of existing biodiversity value are undertaken to support proposed allocations.</p> <p>Supporting evidence will need to address the potential impacts of developing mine water heating systems. Clarification about the infrastructure likely to be required should be set out in the evidence base.</p> <p>Detailed and specific comments on the text in relation to coastal change and flooding.</p> <p>Support and welcome the Council's aspirations to deliver net gain and enhanced biodiversity through plan policy. To deliver this effectively requires a clear strategy, clear policy requirements and a mechanism for delivery.</p>

	<p>We advise that reference is made to the SCAIL screening tool in the DPD, in accompanying guidance or in guidance for applicants.</p>
Environment Agency (300)	<p>We are extremely pleased that Cornwall Council have embarked on a document aimed at addressing the climate emergency directly through the land-use planning system. This document will be critical in ensuring new development will reflect the requirement to address carbon neutrality and the need of communities to become more adaptable and resilient as climate change impacts progress.</p> <p>It must be recognised that the approach set out in the SMP does not preclude alternative approaches funded by private investment nor does SMP policy necessarily represent the most sustainable option when considered against other matters relevant in balancing the complex management issues unique to coastal communities.</p> <p>Resilience and adaptation does not begin and end with the Shoreline Management Plan and the SMP policy intent should not exclusively set the narrative for the short, medium or long term sustainability of coastal community.</p> <p>We recommend that reference is made to policy that recognises, promotes and supports a dynamic and sustainable coastal economy. A sustainable future for coastal communities will require many factors to be taken into consideration in both the planning balance and the development of an adaptation strategy.</p> <p>We would recommend that adaptation strategies should be undertaken under the ICZM framework. Any future management plan for the coastal zone must take a broad view of coastal issues and not rely solely on natural processes as the only means for defining what change will look like.</p> <p>Our view would be a hybrid of the two options suggested:</p> <ul style="list-style-type: none"> <li>• Within the Climate Change DPD develop and host the Cornwall Council policies that can apply to CCMA, once a CCMA has been formally adopted.</li> </ul>

	<ul style="list-style-type: none"> <li>• These policies set out the framework and provide the policy tools for how CCMA develop, including designated appropriate uses, principles of time limited development and provision for the roll back of communities, in terms of critical infrastructure, vulnerable services, housing and community services.</li> <li>• Within the Climate Change DPD identify Candidate CCMA, and an associated process for their formal designation, including delineation of the extent of the CCMA to allow inland migration of development.</li> </ul> <p>The Climate Change DPD should use this opportunity to explicitly link the spatial planning process to wider initiatives to create a Resilient Landscape, such as the Nature Recovery Network Plan and those being developed by Cornwall Council and the Cornwall Catchment Partnership.</p>
Cornwall and Isles of Scilly Local Nature Partnership (LNP)	<p>We are very supportive of strong action by Cornwall Council in its work on climate change and its integration of those policies into the planning system.</p> <p>Cornwall's farmed land surface plays a key role in sequestering carbon and this could be increased with changes to land management and certain farming practices. We note that the Environment Agency are working with partners to see if there are any cross overs between the various DEFRA funding streams at a local level. It is vital that environmental schemes rolled out in Tier 2 and Tier 3 levels of ELMS are complementary to local programmes e.g. the Nature Recovery Network strategies and the Local Plan.</p> <p>There is a need for an over-arching Land Use Strategy to inform spatial planning.</p> <p>We would be very concerned if peatlands, both their preservation and restoration, were not included as an important feature of the DPD.</p> <p>The Forest for Cornwall programme is already underway, but we emphasise the need to steadily, substantially, and in an appropriately targeted way, increase our tree cover across Cornwall.</p>

	<p>We see this as a major cross cutting theme to be taken account of through the DPD and embedded into decision making.</p> <p>We strongly welcome the draft DPD's emphasis on nature-based solutions to help adapt to climate change.</p> <p>We are severely concerned at the current levels of enforcement of planning conditions, and of building regulations resulting in issues such as the actual energy efficiency performance of newly built dwellings.</p> <p>Any increase in the production of biofuels needs to be cognisant of the overall impact on natural systems. While transport and heating need to decarbonise, substituting biofuel feedstuffs for food crops can have overall negative consequences. Biofuel crops can also be damaging to nature. We note however that AD can fulfil an important role in terms of converting organic waste into energy products.</p>
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### Pre-submission Consultation August 2020

Organisation	Response
Natural England (297)	<p>Natural England welcomes development of the Climate Change DPD and the Council's commitment to ensure climate change is addressed in planning policy. Innovation on measures to combat and adapt to climate is an ever evolving and fast-moving field. We therefore commend the Council's positive approach to address this complex issue.</p> <p>General comments: The document is very detailed. To ensure the overall policy message is clear we suggest there may be merit in including some of the detail in a supporting supplementary planning document (SPD)</p>

	<p>Chapter 6: Plan vision. We suggest that the vision could be clearer in setting out the overall vision for Cornwall as a result of implementing the policies in the DPD. The policies and proposals also need to be supported by an appropriate evidence base.</p> <p>Chapter 10: Scope of the DPD. This chapter should explain that the Plan’s remit extends to the mean low water mark and includes estuaries.</p> <p>Policy C1: Climate change principles. It is unclear what clause (4) actually means. We advise that it is reworded.</p> <p>Chapter 13: Natural Climate Solutions</p> <p>Para 13.4. We suggest some text is added to this paragraph to highlight the role green infrastructure can play in enabling species to move from less favourable habitats to more favourable ones as climate changes. In this way green infrastructure can provide a stepping stone or corridor as part of an overall nature recovery network.</p> <p>Policy G1: Green Infrastructure (GI) design and Maintenance. It is importance that the design and layout of GI reflects the need for different uses to be compatible. This should be reflected in policy. For instance, where net gain provision is incorporated within overall green infrastructure provision, development of a habitat that is vulnerable to eutrophication or trampling is unlikely to be suitable as a recreational space to exercise dogs or for informal sport. In addition, biodiversity within GI schemes should have regard to a future Local Nature Recovery Strategy.</p> <p>Para 13.5, 4th bullet point, biodiversity offsetting and net gain: This paragraph needs revision to avoid confusion between biodiversity offsetting and net gain.</p> <p>Para 13.5, 5th bullet point on pre-emptive clearance and net gain: We support the principle of seeking to avoid pre-emptive site clearance.</p>
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Para 13.5, 6th bullet point: We note the Council's intention to develop a green points system for minor applications and the inclusion of a suggested points system in the supporting topic paper on natural climate solutions. The Council should bear in mind the Government's intention to keep small sites in scope of the mandatory net gain approach, but to consider whether minor residential developments should be subject to longer transition arrangements or a lower net gain requirement than other types of development.

The points system set out in the Natural Climate Solutions Topic paper (page 16) gives scores for bat/bird boxes and bee bricks. It should be noted that the scheme for measuring biodiversity net gain using the Defra metric 2.0 (which will form the basis of future mandatory biodiversity net gain) focusses solely on measuring habitat features, so bird/bat boxes do not generate any biodiversity units.

Chapter 14: Agriculture and rural development

Policy AG1. Linking agriculture to development:

Further clarification is sought about the type of development this policy is targeted at, given that planning permission is only required for some types of farm related development but not for farming operations, to use existing farm buildings for farming purposes, to change the inside of a building or where there are permitted development rights.

We note the Council's proposal that 'whole estate/farm plans' should be a material consideration in decision making. Further justification for this approach would be useful and clarification on whether farm plans will be a requirement or prepared on a voluntary basis. Is it the intention that estate/farm plans will be a requirement before permission is granted?

Agricultural development and European sites.

Where planning permission is required for agricultural development the implications of a recent European Court of Justice (CJEU) ruling, (referred to as the Dutch nitrogen case) may be relevant where sites of European or international importance could be affected by proposals. This case law is particularly relevant to the River

Camel Special Area of Conservation (SAC). The conservation status of this site is unfavourable and potential impacts from elevated levels of phosphate are of concern.

Consequently, proposals for agricultural development (e.g. slurry lagoons) and anaerobic digestion plant (as well as proposals that increase residential units), which add nutrients both directly (via ammonia emissions) and indirectly (via STW and agricultural intensification) into a catchment (such as the Camel) may have a likely significant effect on a protected site and may therefore need to be subject to appropriate assessment (AA).

Whilst the DPD does not include specific allocations for agricultural development or housing it does suggest that 'farm plans' be identified as material consideration in decision making on agricultural development. We therefore advise that the DPD is clear in the Plan text that in certain circumstances agricultural development & AD may need to be subject to AA and that mitigation measures may be required to ensure no adverse effect on integrity of protected sites. We also advise that this issue is picked up in the forthcoming Habitats Regulations Assessment for the DPD.

#### Environmental Land Management Schemes

Regarding agricultural land-use it should also be noted that the Government's forthcoming Environment Land Management scheme (ELMs) will provide incentive for farmers, foresters and other land managers to manage their land in a way that delivers the Government's 25 year plan goals. This will include consideration of factors such as mitigation of, and adaptation to, climate change and thriving plants and wildlife.

A further point regarding policy AG1 relates to the requirement that a future use of a building is for "low carbon and sustainable practices". We advise that clarity is provided on what would be considered as a likely "low carbon and sustainable practice". Is it something that can reasonably be defined?

#### AG2: Regenerative low impact development:

The policy preamble supports development where there is a regenerative use of land. Clarification on what constitutes a regenerative use of land would be helpful.

AG2 (3). The policy requires self-sufficiency in terms of waste. Is this likely to be practical given the inevitable use of plastic goods?

AG2 (5). Low impact development will be required to deliver net gain as will be the case for other forms of development. This should be clarified within the policy or within the plan text (see also comments in relation to net gain and AG1 above). The policy requires that development “leads to the environmental and biodiversity regeneration of the site through a binding action plan”. Will this be a requirement over and above the need to avoid/mitigate/compensate for likely impacts and deliver net gain or is the action plan seen simply as a means for setting out exactly how ensuring ‘no net loss’ and net gain’ will be achieved?

AG (6). This clause requires restoration of the site. We suggest that the policy specifies that land be restored to an acceptable after use and that some further guidance on what might be appropriate be given in the plan text or supplementary guidance. We also suggest that policy or guidance specifies whether all structures or building should be removed.

Policy TC4 – Density of Development in Town Centres:

The third para in this policy refers to a ‘green points calculator’. Further information on the green calculator is sought. Will this be prepared as evidence to support the plan or a supporting supplementary planning document?

RE1 (2) – protected landscapes:

As worded/punctuated this clause suggests that the need to conserve and enhance just applies to heritage assets. We advise that this clause is re-phrased to state that landscape and scenic beauty in nationally protected landscapes is conserved and enhanced.

RE1 (3) – biodiversity. Either policy should state a requirement for net gain or net gain should be covered by a general policy, applicable to all development. This clause doesn’t set out the general Local plan/NPPF

requirement that biodiversity should be protected and enhanced. This is a different approach to that taken for landscape issues in clause (2), where CLP policy is repeated. This is confusing. The DPD should be clear on what issues are covered by general policies.

RE1 (6) - Site restoration. We advise that restoration of the site to an acceptable alternative use requires clarification. Does the wording mean an alternative to the original use or an alternative to the energy use?

RE2 – Safeguarding renewable energy sites:

This policy refers to potential sites for renewable energy. We assume that these will be published for consultation in a future iteration of the document.

RE3 – RE3 (1) – sites for wind energy:

This policy refers to potential sites for wind energy. We assume that these will be published for consultation in a future iteration of the document. We advise that site allocations likely to have an impact on protected landscapes should be supported by a landscape and visual impact assessment (LVIA). Any mitigation requirements to minimise potential impacts on the landscape should be reflected in the Sustainability Appraisal and set out in allocation specific Plan policy.

RE4: Solar development:

We suggest that policy sets out criteria relevant to the specific nature of solar development rather than repeat, in very general way, criteria set out in the Local Plan.

RE5 – Geothermal Energy:

One of the policy criteria for geothermal energy development is 'appropriate siting'. We suggest that more detail is provided on the criteria which would help define an appropriate location given the likely nature and scale of this type of development. Hydropower. There is no mention of hydropower. This is an area of growing interest and such development often has environmental implications. Specific policy, supporting information

and specific guidance in a supplementary planning document, would be useful here as is proposed for solar, wind and geothermal.

Coastal change:

We advise that this chapter highlights the need to retain and enhance natural coastal defences, particularly saltmarsh, seagrass beds and kelp forests. These habitats can act as carbon stores as well as reduce the need for high carbon artificial defences.

Para 19.2.3. Natural England does not support this approach as it could lead to inconsistencies or gaps where there is no Neighbourhood Plan. In addition, such an approach cannot reflect strategic measures to address issues affecting more than one neighbourhood plan area.

Para 19.4.1. The methodology developed in the 'SWEEP CCMA' project may help in providing information on future erosion rates.

Policy CC1:

CC1 – Coastal vulnerability map. The policy states that the Coastal Vulnerability Zone is identified on the policies map. We assume this will be included in a future iteration of the Plan.

CC1(b) – protecting the natural environment in coastal vulnerability zones. We advise that specific reference to biodiversity is made here as new development within the coastal vulnerability zone could have an adverse impact on biodiversity through coastal squeeze. This could result where development reduces areas used by species such as birds for foraging or roosting. Clarification is sought on how sustainable adaptability would be assessed.

CC1 (c). Should this clause not also address 'replacement development'. Also, should it end with 'and/or' or just 'or'

CC1 (e) – Coast Path. It should be noted that the English Coast Path, enabled by the Marine and Coastal Access Act 2009, introduces the concept of roll back: where a section of coast erodes, the path will move back accordingly. We suggest that 'moved back' be replaced with 'rolled back' in clause (e).

CC1 – Exceptions. The sentence regarding exceptions is confusing and needs clarification.

	<p>CC1 (2)(b). A definition should be provided for ‘public health and safety purposes’ as referred to in this policy. Para 19.5.1, 2nd sentence. The risks referred to here are already set out in the Shoreline Management Plan and the NPPF requires that they are planned for now.</p> <p>Para 19.5.3. Clarification is sought on how Natural England may contribute to the development of CCMA’s where these are prepared by the community. In addition, what will be expected of Town and Parish Council’s in managing these plans.</p> <p>“Triggers” for formal designation. Our view is that work should commence on developing these plans now, in line with the NPPF.</p> <p>CC2. The 2nd sentence needs to clarify what exactly will be permitted here.</p> <p>1st bullet. What sort of allocation is being referred to here. Do you mean areas allocated for relocation?</p>
Environment Agency (300)	<p>We welcome the council’s aspirations on the topic of climate change and the progress made over the last 12 months.</p> <p>The DPD provides clarity on the expectations of new development and the need to ensure climate change resilience is at the heart of the decision-making process.</p> <p>We are of the view that the policy could be improved by ensuring that the wording reflects the need to take a wide-ranging perspective on what constitutes sustainable development within a coastal community. Policy addressing coastal zone management, must allow decision makers to adequately balance the environmental, social, institutional, economic and cultural characteristics of an area. Policy CC1 instructs decision-makers to apply the SMP policy unit intention, limiting the type of flexibility required to sustainably manage and grow coastal communities.</p> <p>It is imperative that each and every coastal community develops a long-term strategy for growth and development, providing a more sophisticated recognition of the problems associated with coastal zones and developing a bespoke strategic approach through the application of Integrated Coastal Zone Management principles. Such a strategy must encompass all the elements of management from planning and design</p>

	<p>through to financing and implementation. With such a strategic approach in place, balancing planning decisions will be made much easier in future years. In the meantime we must ensure that we do not oversimplify the decision making process by constructing policy based on the advice from a single document. Policy CC1 places significant weight on conformity with the recommendations of the local policy unit of the Shoreline Management Plan (SMP). Whilst the SMP provides a useful tool in aiding decision-makers on the likely susceptibility of development to changes in the coastline, it must be remembered that as a large scale assessment, focusing on a narrow range of issues it is unlikely to capture the full spectrum of unintended consequences.</p> <p>Translating the preferred approach for each epoch directly into policy, then slavishly following the SMP's preferred policy option, will result in significant conflict with economic growth options and the overall sustainability of many coastal towns and villages across Cornwall.</p> <p>The notion presented in Policy CC1, that development within the coastal zone must comply or be consistent with the SMP to be considered appropriate and sustainable, would in many circumstances conflict with the first, second and third bullet points in the chain of conformity. In addition it would not provide the flexibility required when considering those options not strictly in accordance with SMP policy, yet shown in the short, medium or long term to be a sustainable option.</p> <p>We would welcome a policy that heals the dissonance between economy and environment in the coastal zone. In its current iteration Policy CC1 only exacerbates this conflict. Changes to Part 1 of the policy would make the policy more concise by removing the need for Part 2. Reference is made to coastal management objectives in Part 2 of the policy. It would be useful if these are laid out in the policy with supporting text explaining how the objectives have been agreed.</p>
Historic England (019)	Historic England notes that Cornwall Council has declared a climate emergency and is aiming to become carbon neutral by 2030. Historic England welcomes and supports this intent. We consider that climate change is one of the most significant and fastest growing threats to people and their cultural heritage. We recognise

that the historic environment sector must contribute to reducing greenhouse gas emissions, so as to minimise the most harmful impacts of climate change.

Historic England recognises the importance of [climate change mitigation and adaptation](#) as part of building resilience for the historic environment.

Historic England has found much to welcome and that we support. However, we have seven main concerns about how this DPD will integrate with the conservation and enhancement of Cornwall's valued and distinctive historic environment that we would like to see resolved before the publication of the Submission Document version. These are:

1. A Heritage Topic Paper should be prepared to understand the issues, opportunities, risks and challenges of climate change in relation to Cornwall's historic environment, including heritage 'at risk' and wider townscape, landscape and seascape character.
2. The DPD would benefit from greater recognition of the positive contribution that the historic environment can make to delivering carbon neutrality and climate change resilience as described above. To this end, the DPD should include a section that focuses specifically on the historic environment, which we note has not been identified as a theme or topic for policies or as a cross-cutting issue.
3. There are many draft policies in the DPD that would benefit from additional policy wording to ensure that impacts (positive and negative) on the significance of heritage assets, including their settings, as well as on wider townscape, landscape and seascape character are appropriately understood, avoided where possible, and then minimised and mitigated. In some cases, there are uncertainties to be resolved around the integration of the DPD policies with other supplementary planning documents and/or material considerations, e.g. conservation area character appraisals and/or management plans and the town centre policies.
4. The DPD should give greater attention to Heritage at Risk and climate resilience, especially where the reasons for particular heritage assets being or remaining 'at risk' are related (even in part) to climate change.
5. The outcomes of some of the DPD policies, in particular the encouragement of tree planting, may have unintended consequences for the distinctiveness of Cornwall's historic environment and its wider townscapes,

landscapes and seascapes. This needs to be better understood for and integrated into the policies in the DPD. This could be addressed in a Heritage Topic Paper.

We are aware that the DPD intends to leave some allocations, e.g. Coastal Change Management Areas and wind energy, to Neighbourhood Plans. We are likewise concerned to ensure that this process will be informed by proportionate heritage impact assessments and is appropriately resourced. Again, we would welcome further discussion on this matter.

Many of these concerns were expressed in our earlier comments on the DPD Scoping Report and it is disappointing to see that they have not been addressed. In our view, additional work is necessary to ensure that this DPD can be found 'sound' including the preparation of a relevant and up-to-date evidence base required by paragraphs 31 and 35 of the National Planning Policy Framework (NPPF) and ensuring that the DPD sets out a positive strategy for the conservation and enjoyment of the historic environment as required by paragraph 185 of the NPPF.

#### Section 6: Our Vision

Page 11: Historic England notes and welcomes the general approach to responding to the climate emergency and the goal to become carbon neutral by 2030 as set out in Our Vision. We recognise that the historic environment sector must contribute to reducing greenhouse gas emissions, so as to minimise the most harmful impacts of climate change.

To this end, we would welcome additional text that recognises the important contribution that Cornwall's historic environment is making towards achieving local and national targets.

Finally we would like to see reference in Our Vision to the impacts of climate change on heritage assets, especially those that are 'at risk'.

Section 2: Climate Emergency DPD: Draft Policies Summary

Historic England notes that the list of relevant strategic policies from the adopted Cornwall Local Plan does not include Policy 24: historic environment. This is surprising given that the equivalent strategic policy for the natural environment (Policy 23) has been included. We further note that the national policy context summary in section 12.2 omits the conservation and enhancement of the historic environment. This should be addressed. Historic England also notes the themes and topics for allocations and policies in the Climate Emergency DPD and cross-cutting issues. We are, however, concerned to see that the historic environment has not been mentioned in this section.

We also advised that you consider the relationship between the DPD and other relevant strategy and policy work by Cornwall Council.

Although we welcome the inclusion of policy text and/or criteria related to the historic environment, cultural heritage, landscape and/or character in some of the draft policies in the DPD (e.g. Policy C1), we reiterate our previous comments. We still consider that these matters should be addressed before the publication of the Submission Document.

We also note that paragraph 2.1.3 in section 2 that the policies map accompanying this DPD is still being developed. We remain unclear how Cornwall intends to approach this work and would welcome further discussion on this matter.

#### Section 12.4: Policy C1 - Climate Change Principles

Historic England welcomes the acknowledgement in Policy C1 that Cornwall's cultural assets should be managed wisely for future generations as part of achieving sustainable development.

We also strongly support objective 9).

However, we consider that this policy should also include the positive contribution that the historic environment (individual designated and non-designated heritage assets as well as wider townscapes, landscapes and seascapes) can make to understanding, mitigating and adapting to climate change.

Section 13: Natural Climate Solutions and Policy G1 - Green Infrastructure Design and Maintenance; Policy G2 - Environment Net Gain; and Policy G3 - Cornwall Nature Recovery

Historic England notes that this section concerns the natural environment and seeks to protect and enhance it, deliver long-term adaptability and resilience to weather extremes and provide carbon sinks. Our comments on this section are confined to matters related to the historic environment.

**Policy G1:**

In respect of Policy G1, we support policy principle 2). However, we consider that this principle should be broadened to include the identification of heritage assets and their settings.

We note the intent of policy principle 11 in Policy G1. Open spaces and green infrastructure may be heritage assets or may contain heritage assets or form part of their settings.

Given the above, we consider that a new principle should be introduced into Policy G1 that requires green infrastructure and planting to be designed, delivered, maintained and managed in such a way that takes account of the need to understand, conserve, enhance and enjoy Cornwall's historic environment and contribute to local distinctiveness.

We also query if Policy G1 should include blue infrastructure.

In respect of Policy G3, we note that Cornwall Council will be identifying sites for biodiversity offsetting as part of the Cornwall Nature Recovery Network and the Cornwall Nature Recovery Strategy. We consider that a proportionate heritage impact assessment should be undertaken for all potential sites to identify affected heritage assets and their settings, and to consider how alternative options could first avoid, then minimise and mitigate any negative impacts on their significance.

Finally, **Policies G1-G3** include reference to the provision or enhancement of green infrastructure, planting trees, including street trees, hedges and woodland and other planting. We advised in our previous comments on the Scoping Report that trees have never been a significant feature of Cornwall's distinctive landscape or its historic settlements. We seek assurance that there will be careful consideration of the impacts on the character of Cornwall's landscapes, seascapes and townscapes in respect of tree planting, which will need to be informed by appropriate research and historic environment/landscape character assessments.

We have two further suggestions in relation to **Policies G1-G3**:

That localised ecologies, which reflect historic industry and character are considered for protection where possible, such as around historic mining areas. This will be plants that have adapted to changes in soil mineral levels or localised thermal differences.

That the role of upland mires, e.g. Bodmin Moor, are given considered in relation to water management and peatland restoration for carbon capture.

Section 14: Agriculture and Rural Development and Policy AG1 - Whole Estate/Farm  
Plans and Rural

Development; Policy AG2 - Regenerative and Low Impact Development; Policy AG3 - Air and water quality improvements; and Policy AG4 - Rural Service Development

Historic England notes the intent of this section and welcomes the brief acknowledgement in paragraph 14.4.7 that conserving and enhancing heritage assets are part of achieving sustainable development outcomes and practices. However, we would like to see this recognised more widely in the introduction to this section.

**Policy AG1:**

In respect of Policy AG1, Historic England welcomes its intent to encourage diversification and improvements that will deliver public benefits, manage carbon and other emissions, and maintain viable and active countryside, rural estates and farms

For criterion 1) of Policy AG1, we support the principle of encouraging the preparation and implementation of Council endorsed Whole Estate or Farm Plans. However, we seek assurance that the endorsement process will ensure that plans have given appropriate consideration of the need to conserve and enhance the historic environment and promote local character and distinctiveness.

In relation to criterion 2) of Policy AG1, we welcome the reference to conserving and enhancing heritage and landscape assets. We would, however, like to see this criterion expanded to include heritage at risk to encourage diversification and improvement proposals that would deliver long-term solutions.

Consideration could also be given to either modifying criterion 2) of Policy AG1 or introducing a new criterion that would encourage the greater use of management agreements for repairs/greater access to scheduled monuments at risk (funded by Historic England) and Environmental Stewardship for landscape management (agri-environmental funding scheme run by Natural England).

**Policy AG2:**

For Policy AG2, we note its intent and we support criteria 4) and 5). We welcome the prioritisation of the adaptive reuse of redundant historic buildings as these are heritage assets and may be existing or future heritage 'at risk'. However, we would welcome inclusion additional text in criterion 5) that references addressing heritage at risk.

**Policy AG3:**

In respect of Policy AG3, we note that agricultural development and renewable energy proposals that deliver improvements to air and water quality may also enhance the settings and significance of heritage assets. They may also negatively impact on the significance of heritage assets and their settings, as well as on the character and distinctiveness of settlements, townscapes, landscapes and seascapes. This could usefully be acknowledged in the explanatory text for this Policy.

We consider that a new criterion should be included in Policy AG3 that requires appropriate consideration of the impacts (positive and negative) on the significance of heritage assets, including their settings, as well as on landscape and seascape character and distinctiveness.

We also note that this Policy requires a binding Farm Plan as evidence in support of proposals. We seek assurance that the endorsement process will ensure that plans have given appropriate consideration of the need to conserve and enhance the historic environment and promote local character and distinctiveness.

**Policy AG4:**

In relation to Policy AG4, we welcome the intent and support criteria 1) and 5) in particular. These types of uses may enable redundant and/or underused historic farm buildings to be retained and adaptively reused, some of which may be existing or future heritage ‘at risk’. Such historic buildings and associated features also contribute to the character and distinctiveness of settlements, landscapes and seascapes. This could be usefully reference in the explanatory text for this Policy.

However, we consider that either criterion 5) should be modified or a new criterion introduced that considers the need to conserve and enhance the significance of heritage assets, including their settings; the character and local distinctiveness of landscapes and seascapes; and secures solutions for heritage ‘at risk’.

Section 15: Town Centres, Design and Density and Policy TC1 - Town Centre Development Principles; Policy TC2 - Place Shaping Vision and Priorities, including Town and Town Centre Renewal Priorities; Policy TC3 - Diversification of Uses in Town Centres; Policy TC4 - Density of Development in Town Centres

Historic England welcomes much of the text in the Introduction. Brief reference could also be made in paragraph 15.1.2 to the additional challenges faced by towns and high streets in recovering from the impacts of COVID-19 as well as a summary of Redruth’s High Street Heritage Action Zone, which was recently launched. The Introduction and Policy Context should also reference the historic character and local distinctiveness of Cornwall’s historic town centres and high streets and relevant Local Plan and Neighbourhood Plan policies and related provisions.

**Policy TC1:**

In respect of Policy TC1, we welcome the general intent of this policy and in particular the requirement for developments to complement local character and cultural heritage, enhance host 'historic buildings' and the public realm, improve green infrastructure and open space, and bring underused and redundant space into use and maintain active ground floors. However, we consider this Policy needs to go further to positively encourage the retention, conservation and enhancement of designated and non-designated heritage assets in town centre development proposals and to encourage development that addresses heritage 'at risk'. We would like to see amended policy wording that reflects this.

**Policy TC2:**

We support the intent of Policy TC2. However, we consider that definitions of 'locally led Place Shaping Vision and Priorities' and 'locally produced town centre strategies' are needed.

While we support criterion 5) in its support for various matters related to the historic environment in town centres and high streets, its wording is a bit confusing.

We also consider that this new criterion should include a new bullet point to encourage the conservation and enhancement of heritage assets and their settings in town centres and high streets and development that secures the future of underused and redundant historic buildings and heritage at risk.

**Policy TC3:**

Historic England supports the intent of Policy TC3, which could assist with the adaptive reuse of underused and redundant historic buildings, including heritage at risk. However, we are seeking the introduction of a new criterion that seeks the conservation and enhancement of heritage assets, including their settings in town centres and high streets and development that secures the future of underused and redundant historic buildings and heritage at risk. An acceptable alternative would be to introduce appropriately worded new sub-criteria to criteria 2), 3), 4 and 5).

**Policy TC4:**

We note the intent of Policy TC4. However, we are seeking the introduction of new policy wording that encourages new residential development in town centres that conserves and enhances heritage assets, including their settings, and development that secures the future of underused and redundant historic buildings and heritage at risk.

Finally, **Policies TC1-TC4** include reference to the provision or enhancement of green infrastructure, including planting street trees, and/or urban greening.

Section 16: Sustainable Transport and Policy T1 - Sustainable Transport, Policy T2 Parking and Policy T3 - Safeguarding of transport infrastructure sites and routes

**Policy T1 and Policy T2:**

Historic England notes the intent of this section and Policy T1 and Policy T2. We are pleased to see acknowledgement in paragraph 16.1.3 and 16.5.2 of the potential negative impacts of parking on streetscapes and the reference to the Cornwall Design Guide in paragraph 16.1.4 and 16.5.5. It should also be noted, however, that conservation area character appraisals and/or management plans may also contain relevant information, e.g. identifying parking as a negative feature that needs addressing.

To this end, we consider that a new requirement should be introduced into Policy T1 and Policy T2 for parking and electric vehicle charging points to be carefully sited and designed so as to conserve and enhance the significance of heritage assets, including their settings.

**Policy T3:**

We note the intent of Policy T3. Former railway land may contain heritage assets and their reuse may offer opportunities for the conservation and enhancement of their significance, as well as opportunities for greater public understanding and appreciation, e.g. through interpretation. Their reuse may also offer opportunities to enhance the setting of heritage assets located outside of former railway land.

Section 17: Renewables and Policy RE1 - Renewable Energy principles, Policy RE2 - Safeguarding Strategic Renewable Energy Sites, Policy RE3 - Wind energy, Policy RE4 - Solar Energy Installations, Policy RE5 - Geothermal/Mine Water and Policy RE6 - Community Led Energy Proposals  
 Historic England recognises the importance of [climate change mitigation and adaptation](#) as part of building resilience for the historic environment.

Historic England notes from paragraph 17.2.1 of the Introduction that new wind energy development sites need to be identified as suitable in the Local Plan and/or neighbourhood plans. We are uncertain as to what the Council's intended approach in relation such allocations, taking into account the explanatory text for Policy 14 in paragraphs and 2.96 2.94 of the adopted Local Plan and the information in paragraphs 17.5.1 and 17.6.3 of this DPD.

We also note from that the following renewable energy policies will replace Policies 14 and 15 in the adopted Cornwall Local Plan: Strategic Policies. Policy 14 contains criteria that require impacts, including cumulative impacts, on the World Heritage Site and other heritage assets and their settings, as well as on some landscapes and undeveloped coast, to be considered with direction to other relevant policies in the Plan.

**Policy RE1:**

Historic England welcomes the intent of Policy RE1 and we support criterion 2). We consider that this criterion would benefit from minor change to reference the World Heritage Site and wider townscapes, landscapes and seascapes.

**Policy RE2:**

We note the intent of Policy RE2. We note from paragraph 17.5.1 that areas are intended to be identified as suitable for large scale, strategic renewable energy installations in the DPD. Further to our comments above, we seek assurance that this allocation process will be informed by proportionate heritage impact assessments for all potential sites.

**Policy RE3:**

We note the intent of Policy RE3 and support the inclusion of criterion 3) and the bullet points related to the historic environment, landscape character, and cumulative impacts. However, we consider that the wording of the first bullet point would benefit from broadening to reference townscapes and seascapes in addition to landscapes and the 'built and historic assets' are replaced with 'heritage assets, including their settings'.

We also note the intent to identify suitable areas for wind energy development. Further to our comments above, we seek assurance that this allocation process will be informed by proportionate heritage impact assessments for all potential sites.

**Policy RE4:**

We note the intent of Policy RE4 and support criterion 1). However, we consider that this criterion should be broadened to include the conservation of the outstanding universal value of the World Heritage Site (where relevant) and the character of townscapes, landscapes and seascapes.

**Policy RE5:**

We note the intent of Policy RE5 and support the inclusion of a criterion that requires proposals to demonstrate that heritage or historic landscape issues are addressed, noting the presence of the Cornwall and West Devon Mining Landscape World Heritage Site. We consider that the wording of this criterion would benefit from being amended to set out more explicit information and policy requirements.

Section 18: Energy and Sustainable Construction and Policy SC1 - Energy and Sustainable Construction and Policy SC2 - Protecting Natural Carbon Storage

Historic England supports the approach outlined in this section. However, the Introduction omits reference to the important positive contribution that the historic environment, and in particular historic buildings, can make towards minimising carbon emissions and the target of becoming carbon neutral by 2030.

**Policy SC1:**

We note the explanatory text for Policy SC1 notes the contribution that reducing emissions from existing buildings can make in paragraph 18.4.2. While we welcome this, the wording could be expressed in a much more positive way – see our comments above about the contribution of historic buildings to reducing emissions. While we are also pleased to see the reference to the Council’s ‘Improving Energy Efficiency in Historic Cornish Buildings’ in paragraph 18.4.3,

In respect of Policy SC1 itself, we strongly support part 2 and its positive approach to encouraging the retention of historic buildings, including designated and non-designated heritage assets, and securing sustainable futures for them through proposals that conserve, and where appropriate, enhance their significance.

We also support the intent of part 3 of this Policy. However, we consider this should be re-worded to consider impacts on all types of designated and non-designated heritage asset, (not just listed buildings) and their settings, as well as the wider townscapes, landscapes and seascapes.

**Policy SC2:**

We note the intent of Policy SC2. We would refer you to comments we have made elsewhere in relation to the potential allocation of sites for carbon offsetting and need for proportionate heritage impact assessments to inform their selection.

Section 19: Coastal Change and Flooding and Policy CC1 - Coastal Vulnerability Zone, Policy CC2 - Candidate Coastal Change Management Areas, Policy CC3 - Reduction of Flood risk and Policy CC4 - Sustainable Drainage System Design

The Introduction to this section notes Cornwall’s distinctive and large coastline but does not consider the historic character of the landscape and seascape, nor the that of its historic ports and harbours, and villages and other settlements (many of which are conservation areas) let alone the many individual designated and non-designated heritage assets that are located on coast and public access to enjoy them (where appropriate).

It also does not consider the role of upland mires, e.g. Bodmin Moor, in relation to basin and catchment level water management and the potential for peatland restoration for carbon capture. Intertidal peats are also particularly vulnerable to coastal changes and episodic damage due to storms and tidal surges. In the same way that dunes should not be impacted by permanent and fixed structures, neither should intertidal peats.

**Policy CC1:**

We note the intent of Policy CC1 but it is unclear if the Coastal Vulnerability Zone is already designated or not. Paragraph 19.4.2 implies that it is. However, the Interim SA Report states that it is being considered at paragraph 3.71. Coastal areas contain a wealth of heritage assets, especially non-designated heritage assets of archaeological interest. Heritage assets (designated and non-designated) will be present in a Coastal Vulnerability Zone and can be affected by natural erosion, flooding, infrastructure and management schemes intended to address coastal change as well as by new development (temporary and permanent).

We seek assurance that the designation of a Coastal Vulnerability Zone will be informed by a proportionate heritage impact assessment.

We consider that parts 1, 2 and 3 of this Policy should have new criteria that require new and replacement development and infrastructure, including sea defences and cliff stabilisation works, to conserve and enhance the significance of heritage assets, including their settings, and the wider townscape, landscape and seascape. These criteria should also enable development of other works that are intended to conserve heritage at risk.

In relation to part 3, it should also be noted that any changes to hydrology in wetland areas, including floodplains, mires and peats, will have a potential impact on the buried archaeological and palaeoecological resource. This may be positive if desiccation of sensitive sites or erosion of vulnerable buildings or archaeology is prevented, but in the case of already compromised resources, rewetting may be highly destructive.

**Policy CC2:**

We note from the explanatory text in paragraphs 19.2.3 and 19.5.1-3 that the Council intends to identify candidate Coastal Change Management Areas (CCMAs) on the policies map but leave communities to prepare Coastal Change Management Plans (CCMPs) and include them in Neighbourhood Plans. Coastal areas contain a wealth of heritage assets, especially non-designated heritage assets of archaeological interest. Heritage assets (designated and non-designated) can be present in candidate and designated CCMAs.

We also seek assurance that the designation of candidate CCMAs and designated CCMAs and the preparation of CCMPs have been informed by a proportionate heritage impact assessment and include designated and non-designated heritage assets

In respect of Policy CC2 itself, we would like to see the introduction of new criterion that requires relocated development and infrastructure to conserve and enhance the significance of heritage assets, including their settings, and the wider townscape, landscape and seascape.

**Policy CC3:**

We support the intent of Policy CC3 as heritage assets can be damaged or even destroyed by flooding. Some heritage assets may be 'at risk' due to flooding and/or addressing flood risk may be a contributing factor to finding long-term solutions to their conservation.

Given the above, we consider that a new criterion should be introduced into this Policy that requires the impacts of flood risk reduction development proposals to consider the impacts (positive and negative) on the significance of heritage assets, including their settings, as well as on the wider townscape, landscape and seascape. The criterion should also encourage the proposals that deliver resilience for heritage assets that are at risk from flooding and other climate change related effects. It should include reference to the need for appropriate assessment, recording and monitoring of buried archaeological and palaeoecological resource where relevant.

**Policy CC4:**

	<p>We note the intent of Policy CC4. The provision of SuDs may, however, have unintentional effects on the historic environment. As such, we are seeking the introduction of a new criterion into this Policy (with additional explanatory text as required) that requires the significance of heritage assets, including settings, and the historic environment to be conserved and enhanced. This will help to reduce the risk of any detrimental impacts on the historic environment as a result of engineering, urban and landscape design responses to problems of surface water run-off and flooding, by helping to ensure the heritage dimension is included in SuDS decision-making and design.</p>
<p>Plymouth &amp; South West Devon (417)</p>	<p>The following comments are the joint response of Plymouth City Council, South Hams District Council and West Devon Borough Council on the Cornwall Climate Emergency DPD Regulation 19 Pre-Submission draft. The three councils have also declared climate and biodiversity emergencies.</p> <p><b>Climate Change Principles</b>  The DPD's underlying principles are supported.  The JLP contains a carbon reduction target in policy (DEV32), and this provides a strong framework for considering the carbon implications of all development. A commitment to a carbon reduction target would provide a more tangible focus to the DPD and provide an aim for all applications to contribute to, and it suggested that Cornwall Council considers establishing a carbon reduction figure in policy, to be monitored against BIES per capita carbon emission figures by local authority area.</p> <p><b>Town Centres, Design &amp; Density</b>  The DPD's approach to Town Centres, Design and Density is supported. The JLP Councils agree with the aim of introducing greater diversity in town centres, and emphasising the importance of community facilities in policy. A local town centre 'Place Shaping Vision and Priorities' document will provide a useful framework with which to consider proposals, and encourage engagement and ownership within the local community.</p> <p><b>Transport</b></p>

	<p>The JLP Councils agree with the aims of these policies, and would encourage Cornwall Council to consider how they can work proactively with developers to contribute to a regional network of EV charging points in new and existing developments. This will help to rapidly de-carbonise domestic and commercial travel, and enable low carbon travel between Cornwall and adjoining authority areas.</p> <p>Renewables The JLP councils support the proposal to identify suitable areas for wind energy, and would encourage any evidence base study to consider the potential landscape impacts of identifying areas for onshore wind development beyond the Cornwall - Devon border.</p> <p>Coastal Change and Flooding The JLP councils support the identification of Coastal Vulnerability Zones and candidate Coastal Change Management Areas on the policies map.</p>
Highways Agency (386)	<p>Highways England is responsible for operating, maintaining, renewing and improving the strategic road network (SRN) which in Cornwall comprises the A30 and A38 trunk roads.</p> <p>We are supportive of the Climate Emergency DPD, particularly with regards to creating sustainable and connected places that reduce the need to travel and seek to change travel behaviours especially for shorter trips. The SRN fulfils a strategic function to enable the safe, effective and efficient long distance movement of people and goods and makes a significant contribution to enabling and sustaining economic growth, prosperity and productivity, while also contributing to wider sustainability objectives and improved accessibility to key economic and social services.</p> <p>We note that within the aims section, reference is made to targeting CIL towards projects which lead to carbon neutrality supported by low carbon infrastructure. We would welcome further clarification here to ensure that this does not jeopardise funding streams for strategic highway interventions that may be identified as necessary to enable planned growth to come forward, or address existing safety or capacity constraints.</p>

	<p>Whilst recognising the value of “green” measures, these do not negate the need for or importance of highways schemes where appropriate.</p> <p><b>Policy T1</b> We are fully supportive of Policy T1 Sustainable Transport which states that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment, that gives details of proposed measures to improve access by public transport, walking, cycling etc, and to mitigate transport impacts in line with guidance set out in the National Planning Policy Framework and reflected in a Travel Plan where one is required.</p> <p><b>Policy T3</b> Policy T3 refers to the safeguarding of strategic transport infrastructure sites and routes. Should this also include the safeguarding of land to mitigate for flooding or sea level rise impacts for example with regards to Hayle Causeway referenced above and the potential for a new junction on the SRN. In due course, we will need to understand further what any new junction proposal would look like, how it would be funded etc.</p> <p><b>With regards to Policy CC2</b> Candidate coastal change management areas, we note that these will be detailed in the policies map which is not yet available to view and which will be subject to a separate consultation. Of particular interest to us here would be any measures in relation to Hayle Causeway which has the potential to impact on the need for a possible future junction on the SRN. We therefore look forward to further opportunities to comment on the coastal change management areas.</p>
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### Consultation on Proposed Renewable Energy and Sustainable Construction Policy and Evidence December 2020

Organisation	Response
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Natural England (297)	<p>Natural England welcomes development of the Climate Change DPD and the Council’s commitment to ensure climate change is addressed in planning policy. Innovation on measures to combat and adapt to climate is an ever evolving and fast-moving field. We therefore commend the Council’s positive approach to address this complex issue.</p> <p><b>Renewable Energy policies</b></p> <p>RE1 (1c) – protected landscapes. As worded/punctuated this clause suggests that the need to conserve and enhance just applies to heritage assets. We advise that this clause is re-phrased to state that landscape and scenic beauty in nationally protected landscapes is conserved and enhanced.</p> <p>RE1 (1d) – biodiversity. It is unclear why this clause of the policy requires the continuation of agricultural activity or the provision of 10% biodiversity net gain. The two don’t need to be mutually exclusive.</p> <p>RE1 (1f) - Site restoration. We advise that restoration of the site to an acceptable alternative use requires clarification. Does the wording mean an alternative to the original use or an alternative to the energy use?</p> <p>RE1 (2a) – sites for wind energy. This policy refers to suitable areas for wind energy. We assume that these will be published for consultation in a future iteration of the document. We note that a Renewable Energy Landscape Sensitivity Assessment has been undertaken and that the findings will inform the Draft Constraints and Opportunities Assessment for Large Scale Renewables in Cornwall, in its role in identifying suitable areas for wind energy and solar energy developments.</p> <p>Natural England notes that land-based infrastructure for offshore wind developments are supported by the policy but the Council might like to consider how they intend to manage the landscape impacts of off-shore wind developments. It should also be noted that onshore renewables developments also have infrastructure demands (cabling and grid connections etc) and the impacts of these will need to be considered as well as those for offshore wind developments.</p> <p>RE1 (2b) – affected local community. The policy should make it clear that the requirement to address the concerns of locally affected communities is in addition to meeting the requirements of all relevant planning considerations and Local Plan policies.</p>
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For instance, an assessment of the impact on protected landscapes will need to be undertaken and we advise that proposals likely to have an impact on protected landscapes should be supported by a landscape and visual impact assessment (LVIA). This advice is based on the assumption that the DPD will not be allocating specific sites for wind energy generation, but will instead be identifying suitable areas.

If the DPD does allocate specific sites then the assessment of impact on protected landscapes will need to be undertaken at the Plan-level for the site options, and any plan-level mitigation required to address potential impacts on the landscape should be reflected in the Sustainability Appraisal and set out in allocation specific Plan policy.

In addition, development proposals, or for site appraisals if the DPD allocates sites, will need to be accompanied by an ecological impact assessment, and will need to be accompanied by the following information in order to ensure opportunities for biodiversity net gain are secured:

- Does the site present significant risks to biodiversity? If so, have alternative sites with lesser impacts been explored?
- What site specific recommendations can help deliver biodiversity net gain, for example what further survey work may be required at the planning application stage?
- Whether the site can accommodate on-site biodiversity net gain provision or whether there is a need for off-site contributions? What types of habitat creation or enhancement are most appropriate?
- Does there need to be any restrictions on the type of development that will be acceptable or particular parts of the site that should not be developed?

RE1 (3) – solar energy development. This policy is quite restrictive, are there any circumstances where a solar development would be acceptable on a greenfield site or on best and most versatile agricultural land? Natural England notes that the general criteria have been removed from the policy, as previously advised, but suggests that the policy includes sign-posting back to the relevant Local Plan policies for clarity.

RE1 (4) – hydroelectricity development. The inclusion of this clause within the policy is welcomed. However, as stated previously, the policy should make it clear that these particular impacts have been identified as being specific to hydroelectricity development but that all relevant planning considerations and Local Plan policies still apply. The term ‘water regime’ requires further clarification, does this refer to the water environment and/or hydrological processes or something else? RE1 (5) – geothermal and mine water energy development.

Clauses 5b and 5c are incomplete sentences. This clause refers to addressing ‘historic landscape’ issues but does not specifically refer to protected landscape issues. If the policy is reliant on Local Plan policies to address certain planning issues then this needs to be made clear.

#### **Sustainable Construction policies**

SEC1 (2b(iii) and (iv)) – New Development – Residential

Natural England welcomes the Council’s aspiration to develop ambitious standards, and acknowledges the caveat that the policy may be subject to change in light of future Government decisions.

Natural England welcomes the idea of developers being required to demonstrate the difference between the carbon storage capacities of their site before and after development. Has there been any consideration of which tool will be acceptable, previously the Plan text stated that calculations should be based on examples provided in Natural England’s ‘Carbon storage by habitat’ report. An updated version of the report is expected in the Spring.

Whilst the report wasn’t intended for use as a Carbon Storage calculator, it does provide valuable data to support the evidence base being prepared by the Council. Natural England agrees that there may be a relationship between the processes for calculating carbon storage and calculating biodiversity net gain. In this respect, it might be worth following the progress of the development of the biodiversity net gain tool (Defra Biodiversity Metric) and the environmental net gain tool (Eco-Metric).

The Plan (or an associated SPD if appropriate) will need to be clear about the standard of calculation that will be acceptable to support an application, how the offset mechanism will be implemented, what the relationship with the Local Nature Recovery Strategy is, and what the mechanism will be for contributing to schemes within the LNRS, or carbon reduction technology within Cornwall, and how double-counting will be avoided.

Will sequestration opportunities be identified in the Climate Emergency DPD or will the DPD sign-post to opportunities identified in the LNRS? Will habitats offering the best biodiversity and carbon sequestration be the top priorities? Will habitats identified for safeguarding through the DPD be identified in advance of a future Local Nature Recovery Strategy or be informed by it?

### **Renewable Energy Landscape Study**

Natural England welcomes the review of the landscape sensitivity evidence and the fact that the previous Landscape Sensitivity/Capacity work adopted by the Council in 2016 forms the basis for the Study. Natural England also welcomes the fact that the Sensitivity Assessment methodology is informed by Natural England's 'An approach to landscape sensitivity assessment – to inform spatial planning and land management' (June 2019) guidance.

The review of current operational wind and solar PV developments is a useful addition to the report, I would advise that a summary section would be beneficial, inserted after the photos and before the Conclusions on page 17. The summary or summary table could capture the effects, more generally, that are discussed for each example in the green boxes above, and provide a description of the key attributes of the two different types of development and how they are likely to affect the key characteristics and values of the landscape.

Natural England notes that the criteria used for assessing the landscape and visual characteristics most likely to be affected by wind and solar developments, has been updated since the original assessment. There is a slight concern about the removal of the 'distinctive landscape features' criteria. I note that this may be linked to the comment in paragraph 3.24 of the report which suggests that the criteria have been developed to avoid giving the impression that all distinctive landscape features are equally sensitive or 'can automatically be associated with certain sensitivities'. How will each distinctive landscape feature be taken into consideration/ incorporated into the criteria in the assessment, to ensure they are still given appropriate weight and not overlooked? It may be that they have been considered individually within the assessment profile for each RLU but explanatory commentary in the main body of the report would be useful.

Paragraph 3.4 of the report states that six character areas will be scoped out of the sensitivity assessment because they were identified in the UoE study as being unsuitable "from a technical perspective". This paragraph should also note that for solar developments an additional character area has been scoped out, RLU14/CA18.

The comment made above about the scoping out of character areas may, however, be a moot point. From my understanding of the UoE study these six/seven areas were identified as having high sensitivity to wind and/or solar energy development, but this is on the basis of the data from the 2011 Assessment of the Landscape Sensitivity to on-shore wind energy & large-scale PV development in Cornwall, which this LUC report is the update to. Therefore, shouldn't these areas be subject to the most recent sensitivity assessment methodology also, the results of which should then inform the UoE study, rather than the other way around? The UoE report does not exclude these areas, as a whole, for any other physical constraint reasons although, of course, there may be areas within these character areas with physical constraints.

The following inconsistencies are noted on the Spatial Framework map (page 24) and the Opportunity Maps for Wind and Solar (pages 39 – 46):

- RLU 08 / CA12 and RLU 01 / CA05 are shaded grey on Figs 4.1, 4.2, 4.3, and 4.4, is this correct? They weren't identified in Fig 2.8 of the UoE report as having high sensitivity to wind developments or in Fig 3.4 as having high sensitivity to large-scale solar developments, nor were they listed as being scoped out in paragraph 3.4;
- CA04 (and part of CA01) have been scoped out of the Landscape Sensitivity Assessment on the basis of the UoE report but Fig 2.8 and Fig 3.4 of the UoE do not identify this area as having high sensitivity to wind or solar developments.

### **Constraints and Opportunities Assessment for Large Scale Renewables in Cornwall**

#### 1. Introduction

Natural England is broadly supportive of the methodology used in the report, in that first the naturally available resource for wind and then solar is identified, followed by identifying any physical constraints, and excluding areas of land that are further than 2km from a grid connection and landscapes that have been identified as being highly sensitive to wind or solar developments. The outcome of this process is to be able to identify what unexploited wind and solar resource remains.

#### 2.2 Technically accessible resource (wind)

	<p>Natural England agrees with the reasoning for identifying areas where average wind speed at 45m is at least 5m/s, as suggested in the guidance. This results in no areas in Cornwall being excluded, and gives developers some flexibility then to determine for themselves whether a site is constrained by wind speed for their project. The technically accessible resource was calculated on the basis of one size of turbine (2.5MW with 100m diameter rotors). Were any other turbine sizes considered, and if so did they result in different installed capacity densities? Is this size representative of the turbines that have been granted approval in Cornwall? Would it be better to present the technically accessible resource as a capacity range rather than total capacity based on one type of turbine?</p> <p>2.3 Physically constrained resource (wind) and 3.3 Physically constrained resource (solar) Natural England is supportive of protected sites (NNRs, RAMSAR, SSSI, SAC and SPA) being identified as a physical constraint, and their exclusion from mapping that identifies the potential wind and solar resource in Cornwall. Natural England advises that for some Protected Sites there may be a likelihood of impacts on the Site from wind and solar schemes that are outside of the boundary of the Protected Site but are within an Impact Risk Zone, as identified on MAGIC. These zones need to be taken into consideration when identifying areas as suitable for wind or solar development.</p> <p>In addition, it would be advisable, when calculating the remaining unexploited wind and solar resource, and when identifying suitable areas for wind and solar energy on the Policy map, to take into consideration other constraints that will reduce the potential area available for electricity generation. For example, land allocated for homes and employment uses in the Local Plan that have not yet been built, priority habitats that are functionally-linked to Protected Sites, Flood Zones, land in other uses (such as quarries, mines, and landfill), and land to be safeguarded for nature recovery in the forthcoming Cornwall LNRS.</p> <p>5. Conclusions Natural England agree that the report will need to be revised in light of findings from the recently updated Landscape Sensitivity Assessment.</p>
Historic England (019)	<b>Draft Renewables and Sustainable Energy and Construction Policies</b>

Historic England is disappointed that our previous comments on policies Policy RE1, RE2 and SEC1 do not appear to have been addressed in this consultation version. While we support the intention to identify areas suitable for wind energy and non-renewable energy proposals on the Policies Map, we still consider that site selection needs to be informed by more historic environment evidence. There may also be a need for site-specific policy and criteria relating to limit development and for avoiding, minimising, mitigating and enhancing specific heritage assets and wider, historic landscapes, townscapes and seascapes.

**Review of the Cornish Renewable Energy Landscape Sensitivity Assessment – Draft Report (December 2020) and Constraints and Opportunities Mapping for Large Scale Renewable Energy in Cornwall (2020)**

While we commend the use of such thorough assessments to inform the site selections for renewable energy (wind and solar) in the DPD, we have looked at how the potential impacts on Cornwall’s historic environment and distinctive landscape have been approached in both reports.

In relation to the Review of the Cornish Renewable Energy Landscape Sensitivity Assessment – Draft Report (December 2020), we welcome the inclusion of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) (a designated heritage asset) in the Review of the Cornish Renewable Energy Landscape Sensitivity Assessment – Draft Report (December 2020). We also note that the methodology for this study and the detailed assessments in the Renewable Landscape Units include consideration of some other designated heritage assets and settings, although these have not been mapped. We also support the exclusion of some character areas (3.4 and 3.5), which are some of Cornwall’s most sensitive from an historic environment perspective.

In respect of the Constraints and Opportunities Mapping for Large Scale Renewable Energy in Cornwall (2020), we welcome the inclusion of listed buildings, registered parks and gardens and scheduled monuments as constraints used to exclude development. We also note that a further update to this report is to follow based on the results of the above study. However, the potential impacts on the historic environment have not been systematically considered but split across two reports and only in partial form. We have several related concerns that we would like to draw to your attention:

- ☒ Neither report considers the potential impacts on all designated heritage assets, e.g. registered battlefields have not been addressed;
- ☒ The potential impacts on the **significance** of heritage assets have not been considered;
- ☒ With the exception of listed buildings for which a 400m buffer has been used in Constraints and Opportunities Mapping for Large Scale Renewable Energy in Cornwall (2020), neither report has considered the potential impacts on the settings of heritage assets. Although we do not advocate for the use of buffer zones or set distances alone in our site selection methodology (see HEAN 3: Site Allocations (2015), they can be a useful starting point in identifying heritage assets and locations in need of careful consideration. We consider that there should be some form of distance-based exclusion in relation to the settings of all designated heritage assets;
- ☒ In relation to the Review of the Cornish Renewable Energy Landscape Sensitivity Assessment – Draft Report (December 2020), it might be appropriate to also include seascape character areas (Seascape Character Assessment for the South West Inshore and Offshore Marine Plan Areas (2018)) given the extent of Cornwall’s coastline.

#### **Need for Heritage Impact Assessment**

Taking this into account, we do not consider the above evidence contains sufficient information about the potential impacts on the significance of heritage assets and their settings to enable areas suitable for wind energy and solar energy development to be identified on the Policies Map in the DPD and justified.

We remain of the view that heritage impact assessment is required inform the selection of appropriate sites; their extent for mapping on the Policies Map; the need for site-specific allocation policy in relation to the type, quantity, size/scale, positioning and design of renewable energy development; and the requirement for any special criteria for avoiding, minimising, mitigating and enhancing specific heritage assets and wider, historic landscapes, townscapes and seascapes.

We consider that this further work is necessary as part of gathering an up-to-date and proportionate evidence base for this DPD (as per NPPF paragraph 31) and as part of setting out the DPD’s positive strategy for the

conservation and enjoyment of the historic environment as an irreplaceable resource that contributes to local character and distinctiveness (as per NPPF paragraphs 184 and 185).

#### Policy RE1 - Renewable and Low Carbon Energy

Historic England welcomes the intent of Policy RE1 and we support criterion 1.c). However, criterion c would benefit from a minor wording change to specifically reference the World Heritage Site and wider townscapes, landscapes and seascapes.

Suggested Change - 1.c. It will not result in significant adverse impacts on the local environment that cannot be satisfactorily mitigated, including cumulative landscape and visual impacts, ~~and~~ the special qualities of all nationally important landscapes, and the significance of heritage assets including their settings, **including the outstanding universal value of Cornwall and West Devon Mining Landscape World Heritage Site and the character of wider historic townscapes, landscapes and seascapes**, which must be conserved or enhanced; and

We note that Policy RE1 has been broadened to include specific criteria for specific generation types and further note criterion 5.a in relation to deep geothermal and mine water energy development. In our view, an amended version of this criterion should be included for all energy types (1/2, 3, 4, 6 and 7) as all have the potential to impact upon the historic environment. Supporting text can be used to set out how this is to be achieved, e.g. Statements of Heritage Significance and Heritage Impact Assessments (where relevant) provided with applications with links to appropriate advice and guidance; impacts on archaeology, including those from changes to hydrology on any buried archaeological and palaeoecological resource, including in adjacent wetland areas, floodplains and peatland.

We note that areas suitable for wind energy are to be identified on Policies Map and we support this intent. We have commented on the Renewable Energy Landscape Study and the Constraints and Opportunities Assessment for Large Scale Renewables in Cornwall in the attached letter. However, we consider further evidence is required in relation to the impacts on the historic environment including proportionate heritage impact assessment (HIA) to inform site selection. We cannot comment further on this Policy until we have

seen these results, the identified sites on the Policies Map and any proposed site-specific policy and criteria that may be necessary to limit development and avoid, minimise, mitigate and enhance specific heritage assets and wider, historic landscapes, townscapes and seascapes.

Suggested Change - a. ~~Heritage or historic landscape issues are adequately addressed~~ **the Outstanding Universal Value of the Cornwall and West Devon Mining Landscape World Heritage Site, the significance of heritage assets and their settings, and the character of historic townscapes, landscapes and seascapes are conserved and, where appropriate, enhanced;**

Policy RE2 – Safeguarding strategic renewable energy sites

We note from Policy RE2 that suitable areas for non-renewable energy proposals are to be identified on the Policies Map and we support this intent. We have commented on the Renewable Energy Landscape Study and the Constraints and Opportunities Assessment for Large Scale Renewables in Cornwall in the attached letter. However, we consider further evidence is required in relation to the impacts on the historic environment including proportionate heritage impact assessment (HIA) to inform site selection. We cannot comment further on this Policy until we have seen these results, the identified sites on the Policies Map and any proposed site-specific policy and criteria that may be necessary to limit development and avoid, minimise, mitigate and enhance specific heritage assets and wider, historic landscapes, townscapes and seascapes.

Policy SEC1 – Sustainable Energy and Construction

Historic England strongly supports part 4 of Policy SEC1 and its positive approach to encouraging the retention and sensitive reuse of historic buildings, including designated and non-designated heritage assets, and securing sustainable futures for them through proposals that conserve, and where appropriate, enhance or better reveal their significance.

We would like to see supporting text used to emphasise the positive contribution that the historic environment can make to reducing carbon emissions and meeting targets.

	<p>We support the intent of part 5 of this Policy to conserve the significance of listed buildings. However, we consider this should be re-worded to consider impacts on all types of designated and non-designated heritage asset, (not just listed buildings) and their settings, as well as the wider townscapes, landscapes and seascapes.</p> <p>We also support part 7 of this Policy where it seeks to maintain and enhance local character and distinctiveness, the use of local materials and construction techniques as described in the Cornwall Design Guide.</p> <p>However, the Policy could also signpost the Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document (2017) and conservation area character appraisals and management plans (where relevant) as other useful references.</p> <p>5. ...Where fixed to a listed building, proposals must ensure that: technology will not cause significant harm to the appearance and special historic character of the building; require minimal intervention with the fabric of the building; and shall be easily reversible. <b>Proposals affecting heritage assets, including their settings, shall seek avoid and minimise negative impacts on their significance and conserve the character of historic townscapes, landscapes and seascape</b></p> <p>7. ...iv.&amp; vi. ....in the Cornwall Design Guide <b>and Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document and conservation area character appraisals and management plans (where appropriate).</b></p> <p>7.iv and vi. ...in the Cornwall Design Guide, <b>Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document (2017) and conservation area character appraisals and management plans (where relevant).</b></p>
Environment Agency (300)	<u>Policies</u>

We have reviewed the document on your authority's website which includes policies RE1 - Renewable and Low Carbon Energy, RE2 - Safeguarding Strategic Renewable Energy Sites and SEC1 - Sustainable Energy and Construction and provide the following comments.

RE1 - Renewable and Low Carbon Energy

We are supportive of specific policies for renewable and low carbon energy and are happy to see that your authority recognises the important of supporting and promoting such development where suitable.

We are supportive of policy RE1:1(a) which indicates the goal for 100% renewable electricity supply across Cornwall by 2030.

With relation to RE1:1(d), your authority may consider whether there is scope for the policy to "allow for the continuation of the site for some form of agricultural activity proportionate to the scale of the proposal 'and' provides for 10% biodiversity net gain" (as opposed the 'or' providing net gain). This more ambitious approach would be in line with the 25YEP's goal to embed net gain principles for development in planning policy.

Policy RE1:2(2) (Wind Energy\*) identifies that wind energy developments will be supported where the planning impacts are fully addressed. It would be valuable to outline, in supporting text, some of the considerations for developers, including the groundwater implications of turbine developments to avoid unintended adverse impact to the groundwater environment. This would be especially significant in areas of contaminated land or contaminating previous uses.

\*We recognise the potential future changes to the National Planning Policy Framework (NPPF) and the classification of wind turbines as 'essential infrastructure' which your authority may need to consider while progressing these draft policies.

Whilst we generally support policy RE1:3 (Solar Energy), and recognise the importance of steering development away from versatile land, it may be prudent to also encourage a sequential approach to the siting of any ground mounted Solar PV development in the context of flood risk. In other words, seek to steer new

development away from flood zones 2 and 3 (medium and high flood risk) in the first instance, taking into account current and future impacts of climate change.

With regards to policy RE1:4 (Hydroelectricity Development), we would recommend that further detail is provided as part of the supporting text for this policy regarding the meaning of ‘water regime’ and an indication of the assessment required to define ‘adverse impacts’ in this context. From our interpretation, ‘water regime’ may include matters such as water quality, geomorphology, and fish habitat.

Similarly, under the term ‘nature conservation’ it would be prudent to identify what this entails – water based habitat, ecology, water quality, fluvial geomorphology etc. Again, it may be beneficial to identify the extent to which assessment is required and, importantly, how impact to watercourses and river banks may be compensated for in addition to the provision of Net Gain. Hydroelectricity development will also be subject to permitting requirements which may affect any planning application submitted.

In principle, we support Policy RE1:5(b) (Deep Geothermal and Mine Water Energy), however the policy states that “proposals will be supported... where b) water quality”. It would be useful to understand whether additional wording is planned for this policy, such as ‘water quality impacts are assessed and adequately mitigated’. There are various types of design and operation style for deep geothermal and mine water energy developments (e.g. the depth of the boreholes, open or closed loop), and adequate assessment will be required regarding the impact to the local groundwater environment. Similarly, associated abstraction and discharge permits may also be required from the Environment Agency.

#### SEC1 – Sustainable Energy and Construction

Policy SEC1:2b (iv) (New Development – Residential) considers how financial contributions may enable the offsetting of carbon through the Nature Recovery Network or through suitable technological projects within Cornwall. Your authority may consider it beneficial to hold a database of suitable projects to which developers may contribute as applications progress.

Policy SEC1:3 (Energy Networks) recognises an important element of the wide spread transition to renewable and low carbon energy use in seeking to provide, or provide connection to, decentralised energy sources for large scale developments.

We raise the fact that, whilst these may be considered as essential infrastructure, careful design should be used so that development in areas at flood risk is avoided in the first instance (i.e. a sequential approach is taken).

Where locating development in the flood zone cannot be avoided, any application shall need to demonstrate that the development can remain operational in times of flood consistent with Table 3 (Flood risk vulnerability and flood zone 'compatibility') of the Planning Practice Guidance. In cases where siting is proposed within flood zone 3b (functional floodplain), the proposal must satisfy the requirements of the Exception Test. In turn, consideration should be given to whether the development is feasible and viable when taking into account the requirements to satisfy the Exception Test.

We welcome the considerations taken within policy SEC1:7 (Materials and Waste) and the recognition of reuse of non-contaminated soils and hardcore on sites. In addition to this, the policy could encourage the proper classification of waste to ensure the appropriate use or disposal. We suggest that there should be an ambition to deter and tackle waste crime, including fly-tipping and illegal waste activities- in this context, arising from development. We would also encourage the provision and implementation of Construction Environment Management Plans (CEMP) on large scale development which outline the measures taken to prevent pollution from the developments, especially to nearby water environments.

The policy SEC1:7, or its supporting text could also reference the endeavour towards a 'Circular Economy' in the context of waste, in which resources are kept for as long as possible, the maximum value is extracted from them whilst in use and then products and materials are recovered and regenerated at the end of each service life. Elements of a Circular Economy approach have been adopted by the Resources and Waste Strategy.

Highways England (386)	<p>Highways England is responsible for operating, maintaining and improving the strategic road network (SRN) which in Cornwall comprises the A30 and A38 trunk roads.</p> <p>We have considered the following consultation documents:</p> <ul style="list-style-type: none"> <li>• Renewable Energy Landscape Study to support proposed broad areas for renewable energy generation;</li> <li>• Constraints and Opportunities Assessment for Large Scale Renewables in Cornwall, in particular wind and solar energy, with associated maps to show areas that are likely to be suitable for renewable energy;</li> <li>• Draft Renewables and Sustainable Energy and Construction Policies for inclusion within the DPD.</li> </ul> <p>In terms of the potential impact on the SRN, we have no specific comments to offer either with regards to the evidence to identify potentially suitable areas for development, or on the proposed policies. It is recognised that most renewable energy projects generate few traffic movements once in operation, and are therefore only likely to require highways mitigation to accommodate construction and decommissioning phases. Traffic impacts are therefore likely to be satisfactorily covered by existing Local Plan Strategic Policy 27 Transport and Accessibility. However, Highways England will need to fully consider any emerging renewable energy proposals that have the potential to impact on the SRN at the application stage.</p>
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These consultation responses have informed the development of draft policies and ongoing engagement will be sought with the Duty to Co-operate bodies to address any issues that may be raised.

## **Governance**

Cornwall Council will identify appropriate governance arrangements with neighbouring authorities and prescribed bodies. In many cases there will be opportunities to use existing governance structures which operate at an officer and member level. This Duty to Co-operate Statement of Common Ground will be updated on an ongoing basis to take account of the engagement undertaken.

## **Timetable and ongoing engagement**

Currently the Council are seeking views on the proposed submission DPD. There will be a further round of consultation on the final submission; it is anticipated that this will take place in 2021. Engagement with the duty to co-operate bodies will continue throughout the development of the DPD.