

Report to Cornwall Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Cornwall Council Climate Emergency Development Plan Document

The Plan was submitted for examination on 8 November 2021

The examination hearings were held between 21 and 24 June 2021

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Abbreviations used in this Report

Appropriate Assessment	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
Cornwall Community Infrastructure Levy Charging Schedule	CIL Schedule
Cornwall Council Climate Emergency Development Plan Document	The Plan, or the DPD
Cornwall Local Plan (Strategic Policies 2010-2030)	Local Plan
Cornwall Site Allocations Development Plan Document	Allocations DPD
The National Planning Policy Framework (July 2021)	The Framework
Historic England	HE
Habitats Regulations Assessment	HRA
Main Modification	MM
Minerals Safeguarding Development Plan Document	Minerals Safeguarding DPD
National Highways	NH
Natural England	NE
Neighbourhood Plan	NP
Neighbourhood Development Order	NDO
Public Sector Equality Duty	PSED
Site of Special Scientific Interest	SSSI
Special Protection Area	SPA
World Heritage Site	WHS
Written Ministerial Statement of 25 March 2015	WMS

Non-Technical Summary

This report concludes that the Cornwall Council Climate Emergency Development Plan Document (the Plan, or the DPD), operating below the Cornwall Local Plan (Strategic Policies 2010-2030) (Local Plan), adopted in November 2016, and alongside the Cornwall Site Allocations Development Plan Document (Allocations DPD), adopted in November 2019, the Minerals Safeguarding Development Plan Document (Minerals Safeguarding DPD), adopted in December 2018, and the Cornwall Community Infrastructure Levy Charging Schedule (CIL Schedule), that came into effect on 1 January 2019, provides an appropriate basis for the planning of Cornwall, provided that a number of main modifications (MMs) are made to it. Cornwall Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. Following that consultation process, further, relatively minor, changes were proposed to the proposed modifications and these changes were consulted upon, informally, for a two-week period.

I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultations on them.

The Main Modifications can be summarised as follows:

- Modifications to bring the approach to Climate Change Principles into line with Government policy;
- Modifications to make the policies relating to natural climate solutions more effective;
- Modifications to justify the policy approach to rural development and diversification;
- Modifications to better direct policies on town centres, design, and density;
- Modifications to fine tune policies on sustainable transport;
- Modifications to provide a basis for policies on renewable energy that acknowledges Government policy in this area;
- Modifications that allow policies on sustainable energy and construction to function effectively;
- Modifications that ensure policies on coastal change and flooding properly address these matters; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Cornwall Council Climate Emergency Development Plan Document (the Plan, or the DPD) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework 2021 (the Framework) makes it clear that in order to be sound, a plan of the kind under examination here should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Cornwall Council Climate Emergency Development Plan Document, submitted in November 2021, is the basis for my examination. This document was modified from the original version, by the Council, in response to a programme of consultation, that took place between February and April 2021, under the relevant regulations. In effect, the Plan was submitted for examination with main, and additional, modifications already proposed.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **[MM1]**, **[MM2]** and so on, and are set out in full in the separate Appendix.
4. Following the examination hearings, which took place in June 2022, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for a period of six weeks. In response to that consultation, the Council proposed a series of (relatively minor) changes to some of the published modifications. These further changes were subject to a further consultation exercise. I have taken account of all the consultation responses in coming to my conclusions in this report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. This, overarching, policies map is a constituent part of the Local Plan.

6. When submitting a plan like the DPD under examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted plan. In this case, the submission policies map comprises the plan identified as the Climate Emergency DPD Proposed Policy Map, as set out in EB002.
7. In acknowledgement of the policy approach of the DPD, this showed areas suitable for wind energy development in Bands D (100-150m) and C (66-99m) and denoted the Cornwall Coastal Vulnerability Zone.
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend any main modifications to it (so **MM59** and **MM111** which appear in the Schedule of MMs in the Appendix, while necessary are not MMs and lie outside my remit). However, the examination, showed up the need for changes to the Proposed Policy Map. Moreover, some of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map.
9. Consequently, as well as outlining areas deemed broadly suitable for wind energy development (with the removal of the distinction between Bands D and C), and the Cornwall Coastal Vulnerability Zone, it became apparent that the extent of the Marazion Marsh Special Protection Area (SPA) also needs to be marked, along with 1km and 3km buffers. A similar approach is needed to the Falmouth Bay to St Austell Bay SPA, and the Tamar Estuaries Complex SPA.
10. These buffers have to be set out in order to ensure that potential impacts of wind energy development on the migratory flightpaths of birds are considered within these areas, given that the buffers, in places, overlap with the areas seen as potentially available for wind energy development. This is all shown in the modified Proposed Policy Map (SD03). These changes to the policies map were published for consultation alongside the MMs.
11. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Climate Emergency DPD Proposed Policy Map (SD03), and any further changes published alongside the MMs.

Context of the Plan

12. Recognising the need for urgent action to address the climate crisis, Cornwall Council declared a climate emergency in January 2019. Following that, Cornwall Council approved the first version of a Climate Change Action Plan for Cornwall in July 2019. Included within that Action Plan was a commitment to prepare a DPD to cover the issue of climate change. The result of that was the DPD under examination.

13. The intention is that the DPD, when adopted, will be used for decision making on development proposals throughout Cornwall alongside the Allocations DPD, the Minerals Safeguarding DPD, and the CIL Charging Schedule, and below the overarching Local Plan. That said, the renewable energy policies in the DPD (Policies RE1 and RE2 that I deal with in detail below) are intended to replace the corresponding policies in the Local Plan (Policies 14 and 15).

Public Sector Equality Duty (PSED)

14. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several specific matters during the examination including the provision of regenerative, low impact development, sustainable transport, sustainable energy and construction, and coastal change. Above those specific matters, while it is axiomatic that climate change affects all of us, there should be no doubt that it has greater impacts on some sectors of society than others.

Assessment of Duty to Co-operate (DtC)

15. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
16. The DtC Statement (SD13) and the DtC Statement of Common Ground (SoCG) (SD08) sets out the engagement that has taken place with neighbouring authorities and public bodies, and the results of that engagement.
17. Key parties, like the Environment Agency (EA), Historic England (HE), National Highways (NH), Natural England (NE), alongside Plymouth City Council, South Hams District Council, and West Devon Borough Council, have signed the SoCG, and others have had the opportunity to confirm its accuracy, in acknowledgement that the process has been properly carried out. No DtC issues were raised in the course of the examination. Indeed, the continuing input from the EA and NE was particularly helpful.
18. In that overall context, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

19. The Plan has been prepared in accordance with the Council's Local Development Scheme. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.

20. The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal (SD05), and published the report along with the plan and other submission documents under regulation 19. The appraisal was updated to assess the main modifications (SD05.1).
21. The Habitats Regulations Appropriate Assessment Report of June 2021 (SD04) sets out that an appropriate assessment has been undertaken; that the Plan may have some negative impact which requires mitigation; and that this mitigation has been secured through the Plan as modified. A further assessment was carried out in relation to the proposed MMs (SD04.1).
22. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area. The DPD under examination is intended to sit alongside the Allocations DPD, the Minerals Safeguarding DPD, and the CIL Charging Schedule, and below the overarching Local Plan.
23. As set out above, the renewable energy policies in the DPD (Policies RE1 and RE2) are intended to replace the corresponding policies in the Local Plan (Policies 14 and 15). Save for that specific matter, and notwithstanding some apparent 'tensions' that I deal with below, I am content that the DPD under examination is in general conformity with the Local Plan it sits beneath.
24. In that context, the DPD under examination complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
25. With the additional input of this DPD, which is specifically directed at the declared climate emergency, the Development Plan, taken as a whole, will include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

Assessment of Soundness

Main Issues

26. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified eight main issues upon which the soundness of the Plan depends.
27. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1: Climate Change Principles - is the general approach of the DPD and Policy C1 a reasonable response to Cornwall's declared climate emergency and the wider national context?

The General Approach

28. As a preamble to Policy C1, the DPD introduces itself and provides a set of guiding principles, and a vision. There are two fundamental questions that arise from all this. The first relates to the position of the DPD below the adopted Local Plan. It might be suggested that the proper response to the climate emergency would be to review the Local Plan and for the Council to ask itself whether the housing and employment development proposed therein, amongst other things, are sustainable (in the dictionary sense of the word). However, that would, in my view, be a recipe for inertia that would stymie any speedy response, and in fact, the DPD, while it does not address matters such as housing numbers, is quite ambitious in scope. Doing something relatively substantive in response to the declared climate emergency quickly, as a precursor to further action in the (hopefully near) future, strikes me as a pragmatic and thereby sound approach in the circumstances.
29. The second question, which feeds into the point I have made above about the DPD being 'relatively substantive' in its scope relates to the central target of the DPD. The Council has set itself a target of achieving carbon neutrality for Cornwall by 2030. This is well in advance of the Government target for the UK of 2050. It could be argued that in doing so the Council has set aside Government policy and is doing too much too soon. However, such an analysis would be incorrect for two main reasons.
30. First, there can be no sensible doubt that some areas of the UK will find it much easier to achieve carbon neutrality than others. Indeed, it may be the case that some areas of the UK will need to go further, in order to compensate for areas that cannot attain carbon neutrality. Given Cornwall's obvious renewable energy potential, it seems to me entirely appropriate that the Council should be ambitious in setting itself an earlier target for carbon neutrality.
31. Further, the Government, in announcing new funding for Cornwall to create a legacy for the G7 summit that was held in the region, acknowledged that it is critical that Cornwall becomes the first region in the UK to attain net zero. The intention is that Cornwall should reach that target well before 2050.
32. All that feeds into my second point. While I acknowledge that there are still those who express scepticism, the scientific community and governments worldwide fully accept the dangers posed by climate change, and the need for urgent action to address it. In that context, it seems to me that it would be perverse to criticise the Council for attempting to do too much, too soon.

33. As a result, I am content that the DPD has been positively prepared and is justified. There is no undue variance from national policy.

Policy C1 – Climate Change Principles

34. The guiding principles and the vision are framed in the light of the ambition to achieve carbon neutrality by 2030. These in turn feed into a set of policies designed to achieve that. The first of these is the overarching Policy C1 which provides a signpost to succeeding policies. The policy makes the point that development in Cornwall should be sustainable and manage natural, historic, and cultural assets wisely for future generations, in line with a series of objectives. That is a sound start point that accords with the approach of Government policy in the Framework. The ten principles that follow are reasonable, but some require adjustment to make them effective.
35. As originally framed, the first principle addressed the need to make the fullest possible contribution to minimising greenhouse gas emissions through efficient use of resources, and reductions in embodied carbon. This principle as drafted failed to acknowledge the contribution that exploiting renewable energy potential will need to make if carbon neutrality by 2030 is to be achieved. An addition is required to make the ensure that renewable energy, in whatever form, is prioritised, thus making the principle, and thereby the policy, effective **[MM1]**.
36. The fourth principle covers the efficient use and re-use of land and the potential effect of development on soils. NE suggested that this should be expanded to encourage regenerative practice to retain as far as possible, soil capacity. That extra wording **[MM2]** is needed to ensure effectiveness.
37. The sixth principle deals with maximising the use of sustainable modes of transport as part of development proposals. This is obviously important but as initially composed, the support for walking and cycling appears lukewarm. Stress needs to be placed on the need for development proposals to actively support these modes **[MM3]** in order to make this principle effective.
38. The seventh principle refers to the conservation and enhancement of the natural and historic environment, and cultural heritage. This reference is wide in its scope and additional wording **[MM4]** is needed to ensure that this conservation and enhancement takes place with reference to the international, national, and local significance of these assets thereby facilitating effective coverage..
39. Principle eight is aimed at various forms of pollution. NE has put forward changes designed to make clear that avoidance is better than minimising and to ensure that water, as well as air, quality is covered. These changes **[MM5]** are needed for the sake of effectiveness.

40. The tenth principle is concerned with coastal and river processes, flood risk, and coastal change. NE has suggested that a reference to 'regeneration' of coastal and river processes is included to provide proper coverage. I agree that this addition **[MM6]** is needed to make the principle properly effective.

Conclusion

41. With all those points in mind, and with the MMs set out, I am satisfied that the general approach of the DPD, and Policy C1 – Climate Change Principles, provide a sound response to Cornwall's declared climate emergency, and the wider national context.

Issue 2: Natural Climate Solutions - will Policies G1 to G4 provide an appropriate response to the need to protect and enhance the natural capital of Cornwall?

Natural Climate Solutions

42. This part of the DPD is aimed at protecting and where possible enhancing, the natural capital of Cornwall, including its biodiversity, vegetation, soils, air, water, habitats, and geology. The central ideas, which are sound ones in my view, are that increasing natural capital and strengthening eco-systems will help to improve Cornwall's adaptability to climate change, reducing and absorbing carbon emissions, and increasing resilience to extreme weather events. A series of policies is put forward to ensure all that is brought to fruition, where appropriate to the nature and scale of the development proposed.

Policy G1 – Green Infrastructure Design and Maintenance

43. Policy G1 is set up with the intention of making green infrastructure central to the design of schemes. Ten design principles are set out to secure that. The first principle looks for green infrastructure to form a multifunctional network within development proposals through the creation of various connections using important local character features. However, as NE has pointed out, the interface with adjoining area needs to be permeable to ensure the network can extend into areas beyond any development site. A reference to permeable boundaries **[MM7]** is needed to address this matter and to ensure the principle is effective.
44. The second principle is pointed towards accessibility and the promotion of, amongst other things, health and well-being. That said, as drafted the principle does not acknowledge that levels of accessibility can and will need to vary across a development site, and in particular, larger ones. Moreover, the reference to primary areas lacks clarity and this needs to be amended to public areas. Additional wording **[MM8 MM112]** is required to make this clear and thereby provide for effectiveness.

45. Principle three sets out that green infrastructure should incorporate sustainable drainage measures, wherever possible, in order to create better places for people and wildlife. However, a reference to blue infrastructure **[MM9]** would make it clear that the sustainable drainage measures might include canals, ponds, wetlands, or the like. This addition is needed to ensure that this principle is applied effectively.
46. The observation was made that the design and maintenance of green infrastructure should conserve and where possible enhance the historic environment and contribute to local distinctiveness. This omission from the list of principles needs to be made good **[MM10]** to ensure that the policy overall operates in an effective manner. Bearing in mind its importance, the Council has sought to insert it as a new seventh principle. That is reasonable but it does have implications for the principles that follow.
47. What was originally the seventh principle (which will become the eighth – see above) requires homes to have access to a well-proportioned, and well-orientated garden (generally equal in size to the footprint of the house) or other communal green space that provides a space suitable for a range of activities. That accords with Government policy in the Framework, and in particular the approach therein to achieving well-designed places. However, I agree with NE that the principle would be more effective if it was made clear that garden space, whether private or communal, should include space for nature **[MM11]**.
48. As originally composed, the policy contained a separate requirement, that is one not included within the list of principles, requiring development to include a minimum of one bird box, one bat box, and one bee box, per dwelling or unit. The Council proposed that this measure, modified to make clear that the boxes were to be integral, and provided on a minimum of 50% of the dwellings or units, and orientated towards feeding or forage areas.
49. Further discussion demonstrated that it would be better to move away from 'quota' approach and to amend the principle to secure a scheme for the provision of bird and bat boxes and bee bricks with a suggestion that these should normally be provided at one per unit, or in clusters if that better suits the location. This change **[MM12 MM84]** is necessary to ensure the principle is sufficiently flexible and as such, positively prepared, and effective.

Policy G2 – Biodiversity Net Gain

50. In line with the intention of Government policy towards biodiversity net gain, the preamble to the policy explains that all development proposals will be required to provide a measurable increase in biodiversity, with reference to the DEFRA Biodiversity Metric calculator. Different approaches to major, and minor, development proposals are then outlined.

51. Feeding-in to Policy G2, paragraph 13.3.4 requires development proposals to retain as much of the existing habitat on-site as possible, and then turns to what it terms the mitigation hierarchy for on-site design. As originally drafted, there were four points in the hierarchy. However, it is clear that a fifth is necessary to refer to the DEFRA Biodiversity Metric, and the Local Recovery Network **[MM14]**. Moreover, additional wording is needed to make it plain that the hierarchy is concerned with biodiversity on-site (as opposed to off-site) and to deal with offsetting any loss of on-site biodiversity outside the site boundary **[MM13]**. On top of that, the fourth point is confusing in that it refers to the offsetting of any loss of on-site biodiversity outside the site boundary. The policy is dealing with net gain rather than offsetting. It should, for the sake of clarity, make plain that all options to provide net gains on-site have been explored before proposing it outside the site boundary. This requires adjustment to make clear the policy requirement **[MM60 MM101]**. Taken together, these changes are necessary to make the operation of Policy G2 effective.
52. As originally drafted, Policy G2 had three main sub-sections. The first, put simply, is that all major development should achieve a minimum of 10% biodiversity net gain as measured by the latest version of the DEFRA Biodiversity Metric, or any subsequent metric. The second provides criteria for the approach when off-site provision proves necessary. The third deals with receptor sites for off-site provision. After all that, there is a separate reference to minor development, and the Council's approved Small Site Biodiversity Metric.
53. In response to the consultation process, the DPD as submitted included a series of adjustments. In relation to sub-section 1, the reference to the DEFRA Biodiversity Metric, or any subsequent metric, was adjusted to make clear that any subsequent metric needs to be one that is approved through the proper channels. Alongside that an addition was put forward to allow for an agreed management plan to be put in place to ensure the biodiversity net gain endures.
54. Sub-section 2 as submitted was amended to make clear the Council's preference for biodiversity net gain to be provided on-site, with off-site provision only in cases where the required net gain cannot be provided within the site boundary. Moreover, the first criteria relating to the provision off-site was expanded to include a reference to management in perpetuity of the off-site contribution, and a further criterion was added to allow for the purchase of statutory Biodiversity Credits from National Government.
55. A reference to the need for receptor sites for off-site provision to have regard to Council's Local Nature Recovery Strategy was included in the third sub-section alongside a requirement that local climatic conditions should suit the type of offset habitat proposed and avoid the use of the best and most versatile land.

56. NE made some helpful submissions about all this. In terms of sub-section 1, these largely related to the fact that provisions enshrining biodiversity net gain into the planning system have yet to be concluded. The adjustments suggested are, in the main, framed to allow the Council to pursue biodiversity net gain, as part of development proposals, in advance of that formal mandate.
57. It might be suggested that this is premature given that Government has yet to adopt these provisions relating to biodiversity net gain as formal policy. However, the pathway has been clearly signalled, and there is nothing to suggest that there will be a U-turn on this matter. In that context and bearing in mind that biodiversity net gain is an important facet of the Council's approach to attaining net zero by 2030, I see no difficulty with that. This is evidently a positively prepared approach.
58. In terms of the details of the changes put forward, more clarity is given to the sorts of development proposals where 10% biodiversity net gain will be required through a reference to those defined as exempt in legislation. Further, an adjustment is included to make plain that in advance of a national mandate on biodiversity net gain, the policy will only apply to major development proposals. These changes **[MM15 MM85]** are needed to ensure that Policy G1 sub-section 1 is positively prepared and effective.
59. As far as sub-section 2 is concerned, NE advanced suggestions to ensure that the policy sets out a more straightforward approach to securing biodiversity net gain on site. In particular, that biodiversity net gain must be supported by properly based information; be secured for at least 30 years from substantive completion of the development; be delivered in accordance with an agreed management plan; and follow the mitigation strategy set out in national policy and the Local Plan. Further clarity is provided by the statement that the minimum of 10% biodiversity net gain should be over and above any habitat creation required to mitigate or compensate for impacts. These changes **[MM16 MM17 MM18 MM61 MM62 MM85]** are needed to allow Policy G1 sub-section 2 to operate in an effective manner.
60. In terms of sub-section 3 that deals with receptor sites is concerned, NE suggested changes to provide more clarity. First, it is promulgated that the reference in the policy to the Local Nature Recovery Strategy should allow for subsequent revisions to that strategy. Moreover, it should be made obvious that offset habitat should not only suit local climatic conditions but should also be informed by a comprehensive understanding of habitats and species already present on the site, avoiding the use of best and most versatile *agricultural* land. These adjustments **[MM19 MM63 MM86 MM102 MM103]** are necessary to ensure that subsection 3 works in a way that is effective.

61. Finally, in relation to Policy G1, the definition of minor development could be made clearer through a reference to the definition of such in legislation. This change **[MM87]** is necessary to allow Policy G1 to function effectively.

Policy G3 - Canopy

62. The basis for Policy G3 – Canopy is that whilst all trees absorb carbon dioxide from the atmosphere, they also provide a wide range of benefits in relation to the impacts of climate change by slowing storm water, filtering air pollution, and providing shade, amongst other things. In the context of a Plan designed to address the climate emergency, it is axiomatic that it should seek to protect existing trees, and expand tree cover, in an environmentally acceptable way. Policy G3 is aimed at both aspects.
63. The preamble to the policy is set out in in paragraph 13.4.2. Additional wording is needed at the start of that paragraph to set out the basis for the policy; that trees provide valuable habitats for wildlife; and contribute to the wider landscape and the quality of a development. This addition **[MM64]** is needed to show that Policy G3 has been positively prepared.
64. The following paragraph 13.4.3 deals with the application of the policy but as drafted it is a little opaque in relation to its application to minor development. An adjustment is necessary to make it clear that there is no formal canopy metric for minor developments, but proposals will be expected nevertheless to protect, and retain existing trees, and provide new trees, where necessary. This change **[MM65]** is required to demonstrate that the policy is positively prepared.
65. A new paragraph (13.4.5) is necessary too in order to set out a canopy-specific, on-site mitigation hierarchy. In other words, the design of development must show how options to avoid harm to existing canopy have been explored before options to reduce harm to canopy, and removal and restoration of canopy, are considered. This alteration **[MM66]** is necessary to ensure the policy is effective in its operation.
66. Turning to the policy itself, in the original Plan, the policy has five criteria. The first attempts to ensure that all major development should provide, by retaining existing trees, and providing new trees, canopy coverage equal to 15% of the site area (excluding priority habitat types) in accordance with an approved Council metric. There is no difficulty with that approach in principle, but adjustments are required to make clear that the reference to priority habitats refers to priority habitats on-site, and to allow the Council to use a *calculator* instead of a metric. These changes **[MM20]** are needed to make the first criterion of Policy G3 effective.

67. The second criterion deals with the situation where removal of existing canopy is proposed and repeats in full the mitigation hierarchy referred to above. This is unnecessary and, in that light, changes are needed **[MM21 MM67]** so that the policy simply refers to the mitigation hierarchy in the supporting text and thereby operates in an effective manner.
68. Criterion three is aimed at the situation where a site already has canopy that exceeds the 15% requirement. In short, the criterion requires no net loss of that existing canopy. This approach seems overly rigid and lacking in positive preparedness. An adjustment is needed to set out an alternative, more flexible approach that requires retention of as much canopy as possible, in line with the mitigation hierarchy, justifying any loss, and allowing scope for an alternative canopy cover percentage to be agreed. This change **[MM68]** is needed to ensure the criterion is positively prepared and effective.
69. The next criterion (4) is intended to cater for the situation where there are significant ecological, historical, or landscape reasons to justify canopy coverage on a site of less than 15%. I can see that there may well be situations where this arises. I agree that there may also be operational reasons why less than 15% coverage might be necessary as part of a development. Moreover, there is the question of how the policy should approach such a situation. In the form submitted, the criterion requires an alternative coverage percentage to be agreed that results in no net loss. That is too rigid an approach because there may well be good ecological, historical, landscape, or operational reasons to justify loss. The criterion needs to be adjusted to allow an alternative coverage percentage to be agreed, where it can be properly justified. This adjustment **[MM22 MM69]** is required to make the criterion, and thereby the policy positively prepared and effective.
70. The fifth criterion deal with canopy in relation to minor development. As submitted, it follows the line of the mitigation strategy outlined above. However, it does not make clear whether the 15% canopy coverage requirement in criterion 1 applies. Changes are needed to make plain that the 15% requirement does not apply to minor development and to set out the requirement to take appropriate measures to avoid or reduce harm to existing trees. These changes **[MM23 MM70 MM115]** are needed to make the criterion and the policy clear and as a result, effective.
71. The policy lacks clarity on how the provision of new canopy is to be dealt with. To that end, a new criterion 6 must be added to specify that new canopy should provide a mix of species that is resilient and sited so as to augment any existing canopy. This addition **[MM24]** is needed to make the policy effective.

Policy G4 – Local Nature Recovery Network

72. The Local Nature Recovery Network is a network of wildlife-rich places that covers 40% of the county. The aim of Policy G4 is to ensure that development does not interfere with the ability of this network to function. That broad principle is very clearly justified by Government policy in relation to biodiversity.
73. That said, the explanatory text that acts as a preamble to Policy G4 is not as clear as it might be in terms of how that broad principle translates into policy. The Council has put forward a clearer and more detailed explanation to replace the existing paragraphs 13.5.1 and 13.5.2. These amendments [**MM71 MM72 MM104 MM105**] are required to allow Policy G4 to be properly justified.
74. As submitted, Policy G4 itself is framed to make sure that where development is sited within or adjacent to the Local Nature Recovery Network, it should maintain and enhance the ability of the network to restore habitat and provide ecosystem services in line with the Local Nature Recovery Strategy. This is not as clear as it might be and to that end, changes are needed to set out that it is the integrity and connectivity of the network that should be maintained and enhanced and that this should support the principles of the Local Nature Recovery Strategy. On top of that, an insertion is required to make plain that the policy is concerned with *adopted* Local Nature Recovery Networks. These changes [**MM73 MM88**] are required to ensure that Policy G4 can be applied effectively.

Conclusion

75. In that overall context, and with the various MMs set out, I am content that Policies G1 to G4 will provide an appropriate response to the need to protect and enhance the natural capital of Cornwall.

Issue 3: Rural Development and Diversification - do Policies AG1 and AL1 provide the inclusive approach to sustainable development that the Plan requires?

Rural Development and Diversification

76. The approach of the Plan to rural development and diversification reflects that while the planning system has limited influence on agricultural practices, there are ways in which the planning system can help influence land management to reduce greenhouse gas emissions and increase carbon absorption.
77. Moreover, rural communities can be provided with opportunities to become more sustainable. While rural communities will continue to rely on towns for some services and employment, it makes sense to ensure that day-to-day

needs can be met locally, reducing the need to travel. The demand for opportunities for small groups of dwellings to be established in rural locations, offering opportunities to live 'off grid' must be acknowledged.

Policy AG1 - Rural Development and Diversification

78. Policy AG1 is aimed at supporting proposals for diversification and/or improvements to agricultural holdings that help to manage, reduce, or absorb carbon or other emissions, provide public benefits, and help to maintain a viable and active countryside. It sets out five criteria against which such support will be measured. The first offers encouragement to development that delivers reductions in greenhouse gas emissions, water, or air pollution from production processes while the second does similar for diversification schemes that deliver social, environmental, and/or economic benefits. MMs **[MM25 MM116]** are needed to ensure that the second criterion reads correctly and is, as a consequence, effective.
79. The third criterion addresses itself to buildings for livestock, slurry pits, tanks or lagoons, and anaerobic digestors and is particularly supportive where measures designed to reduce and/or capture and process fugitive emissions are included. An adjustment **[MM26]** is necessary to make the support set out in the policy preamble conditional on proposals that deliver measures to resolve potential adverse impacts on air quality because, as drafted, the reference to *can help to* resolve potential adverse impacts make no sense in relation to the policy preamble. This change is needed for effectiveness.
80. As drafted criterion four sets out that the support will be magnified where there is the potential to remove or reduce impact on protected sites or a Site of Special Scientific Interest (SSSI). This approach had elicited concern from NE and has been highlighted as an issue by the Habitats Regulations Assessment (HRA). Those interventions have provoked a rewording **[MM27]** to the effect that where development could have a likely significant impact on a European Protected Site or a SSSI, it must provide mitigation measures in line with an Appropriate Assessment (AA) or SSSI Impact Assessment. That change is required to ensure criterion four and as a result the policy overall, is effective.
81. The fifth criterion notes that the policy support is dependant on the design, location and specification of equipment installed, including for example, solar panels on roofs, helping to reduce the overall carbon emissions of the holding. A change to the precise wording **[MM28]** is needed to ensure the criterion relates properly to the preamble and therefore applies itself correctly.

Policy AL1 – Regenerative, Low-Impact Development

82. The basis for this policy is the Council's ready acceptance that supporting innovative, low-carbon development that enables more self-sufficient, low

impact lifestyles provides an important part of an approach to reducing greenhouse gas emissions overall. The approach taken is similar to that in the Welsh Government 'One Planet' policy. 'One Planet Developments' are proposals that seek to enable off-grid lifestyles that minimise the ecological footprint of the inhabitants; it is low impact and highly sustainable development that either enhances or does not significantly diminish environmental quality. A One Planet Development should be broadly self-sufficient in terms of energy, water, and waste, whilst providing a significant proportion of its food and income from the land.

83. Policy AL1 is intended to provide the boundaries within which that form of development can be supported. Using the Welsh Government approach, also recently adopted by the Dartmoor National Park Authority, as a basis, the Plan, as submitted, included eleven criteria against which proposals would be addressed.
84. The first criterion requires the proposal to be located next, or well-related, to a settlement or to comprise an existing farm. Alternatively, the location should be justified in terms of the activities being undertaken, and travel patterns.
85. As submitted, criterion two required the proposal to be demonstrably linked to a use of the land that supports a self-sufficient lifestyle. That is taking the matter too far and to be positively prepared, the criterion ought to refer to a *sustainable* lifestyle. Moreover, to prevent abuse of the policy, those occupying the development must do so as their principal residence. These changes **[MM29]** are necessary to make the policy effective.
86. Criterion three deals with the submission of a carbon statement that demonstrates a zero-carbon approach to both construction and operation, demonstrating self-sufficiency in energy waste and water. Criterion four makes necessary a demonstration that all activities and structures on site will have a low impact in terms of the environment and use of resources. New structures are to be minimised, with the use of any existing redundant buildings prioritised.
87. The fifth criterion seeks regeneration of the site through an Action Plan that conserves and enhances landscape character, heritage, and biodiversity. HE suggested that the reference to 'heritage' could be clearer. I agree that it ought to refer to the need to conserve or enhance 'heritage assets and heritage at risk'. This alteration **[MM30]** is needed to make the criterion and, as a consequence the policy overall, effective.
88. A tie between the development and the land on which it is located is required by criterion 6 with new buildings required to have a low impact, and to be removable, with measures in place for reinstatement of the land when the low impact use ceases. While necessary, the criterion is not as clear as it might be.

Additions **[MM31]** are required to ensure that on cessation of the development the land is returned to an *acceptable* use. That change is required for clarity and thereby effectiveness.

89. In the format submitted, criterion seven deals with the provision of a robust justification and improvement plan for the land use and a demonstration that sufficient land is available to meet the needs of all residents within a reasonable period of time, and no more than five years from first occupation. This approach **[MM32]** replaces the previous approach that importantly, lacked any timescale for the justification required, thereby acting ineffectively, and corrects a numbering error.
90. Following on from that, criterion 9 (as submitted) requires a trust or other mechanism to be provided for the management and running of the enterprise and the selection of any future residents, or activity.
91. A new criterion nine is included to ensure that proposals have no unacceptable impact upon living conditions of any neighbouring residents. This addition **[MM33]** is required to ensure the policy operates with proper effect.
92. Also promulgated is a new criterion ten. This is included to deal with the requirement to grant a temporary planning permission for the low impact development in the first instance, for a period of up to six years. When the temporary permission has a year to run, a Monitoring Report is required to be submitted to the Council reporting the performance of the development against the requirements of the policy. Permanent grant of permission will then be granted if the Council is satisfied that the requirements of the agreed management plan (required by criterion seven) have been, and will continue to be, met. This addition **[MM34 MM89]** is necessary to give all parties a proper understanding of how the end of the temporary period granted is to be dealt with and thereby ensure that the policy is positively prepared.

Conclusion

93. With all that in mind, and taking account of the MMs referred to, I conclude that Policies AG1 and AL1 provide the inclusive approach to sustainable development that the Plan requires.

Issue 4: Town Centres, Design and Density - can the suite of Policies TC1 - TC5 provide the necessary support and diversification for town centres and rural settlements?

Town Centres, Design, and Density

94. The focus of Cornwall's settlement pattern is one, relatively small, city, and a large number of dispersed market towns. In common with the rest of the country, the vitality of these city and town centres is under threat. It is recognised in Government policy that increasing density and encouraging new uses in town centres can work to resist the decline in vitality but it is clear too that these measures can help to mitigate against the impacts of climate change. Compact, well-connected, and co-ordinated places have lower greenhouse gas emissions. The 'town centre' first approach of the Framework is reflected in the Local Plan. However, the DPD seeks to augment that in relation to the climate emergency and that is the basis for the suite of policies included in this part of the DPD. To my mind, as a broad approach, that is sound.

Policy TC1 – Town Centre Development Principles

95. Policy TC1 is set up to support town centres and allow for their suitable diversification. The general principle in part 1 of the policy is that development in town centres should support, maintain, or enhance the vitality and viability of the settlement, recognising that they are at the heart of the communities they serve, and may act as a wider service centre for satellite communities. That approach is fully in accord with Government policy.

96. Part 2 supports the diversification of uses in town centres, including the provision of more dwellings therein to support long term social and economic stability. This is to be achieved through changes of use, redevelopment, enhancement of the public realm, and historic environment alongside the promotion of sustainable lifestyles by, reducing the need to travel and improving access to public transport. Again, that is in line with Government policy, but HE has made the point that the approach to the historic environment could be better expressed with reference to the need for it to be conserved and/or enhanced, and to include a reference to heritage assets. These inclusions **[MM35]** are needed to ensure the historic environment is dealt with in a clear manner thereby rendering the criterion and the policy effective.

97. The development of community facilities and high-quality housing is supported in part three while part four requires all development to complement the local distinctiveness of town centres and the historic environment. Again, HE has suggested a clearer expression in relation to the latter and I agree that the amendments to the precise wording of the policy in relation to the historic environment **[MM36]** are needed to make this part of the policy effective.

Policy TC2 – Place Shaping Vision and Priorities, including Town and Town Centre Renewal Priorities

98. In accordance with the general approach set out above, the aim of Policy TC2 is aimed towards helping Cornwall's towns to diversify and thrive. Policy TC2 supports the development of locally led Place Shaping Visions and Priorities to help town centres to transform themselves into community focused and sustainable spaces. It then sets out a list of six broad priorities to inform those 'visions' supporting a sustainable mix of uses in town centres (part 1); providing an appropriate decision-making framework that helps maintain viability through a mix of uses (part 2); identify areas where changes of use from retail to other uses, including housing, could be accommodated (part 3); supports attractions and uses, like markets, that bring people into towns, including associated changes to road systems and pedestrianisation (part 4); and manage and support distinctive clusters of uses to create diversity in town centres (part 5). All that is laudable, in the context of what the DPD is setting out to achieve, and in accord with Government policy.
99. Part 6 of Policy TC2 outlines seven principles underpinning all that. The second and the sixth deal with place and the historic environment but the wording requires tightening to better reflect terminology in the Framework. These changes **[MM37]** are needed to make the policy effective.

Policy TC3 – Diversification of Uses in Town Centres

100. Policy TC3 deals with the mechanics of bringing new uses into town centres following the line presaged in Policy TC1. Part one of the policy supports a mix of uses, including in primary retail areas, that allows town centres to become community hubs, attractive to visitors. Part 3 allows for the division of larger retail or commercial units into a form that is more attractive to the local market, while part 4 encourages the provision of cultural facilities, and community and non-residential institutions such as clinics, nurseries and schools, to increase town centre footfall. Bearing in mind what the overarching Policy TC1 seeks to secure, that is a sound approach.
101. Part 2 of the policy sets out a range of benefits that proposals for redevelopment or changes of use in town centres ought to bring forward. While there is a passing reference, as highlighted by HE, the potential for redevelopment and/or reuse to conserve or enhance the historic environment, and heritage assets and their settings needs greater stress. This needs to be added to the range of possible benefits as a separate point **[MM38]** to ensure the policy overall is positively prepared.

Policy TC4 – Density of Development in Town Centres

102. Increasing the density of development in town centres, and in particular residential development, can help mitigate the impacts of climate change by locating people closer to facilities, shops, and places of work, reducing the need to travel.
103. Against that background, Policy TC4 seeks to ensure that new development in town centres makes the best use of land and buildings, taking into account the availability of services within walking and cycling distance, and the availability of public transport. New development of this type should provide a well-balanced but diverse housing mix and conserve or enhance the historic environment, where relevant, not result in the loss of existing green space, and where appropriate, create opportunities for enhanced green infrastructure and green space. All that is fully in accord with Government policy in the Framework, particularly in terms of making the best use of land, ensuring the vitality of town centres, and achieving well-designed places.

Policy TC5 – Rural Service Development

104. Cornwall has a largely dispersed population with lots of relatively small rural settlements. The loss of employment, shops, and services in rural areas has increased the need to travel. Recognising the impact that has, and might have, on carbon emissions, Policy TC5 seeks to make the provision of rural services more straightforward so that the need to travel can be reduced. Exceptionally, and counter to the approach of the Local Plan to rural housing, the policy allows for a very small amount of market housing to be provided where it secures the delivery and ongoing operation of community facilities, including employment and flexible working and service hubs.
105. In the light of what the Plan is setting out to achieve, part of which must rely on reducing the need to travel, I am content that this limited exception to the Local Plan's approach to rural housing is justified.
106. Policy TC5 itself is permissive of new rural service and employment hubs (including small day to day retail facilities to meet the needs of a settlement or cluster of settlements) subject to six criteria. The first requires the facility to be located within or adjoining the settlement they are intended to serve, while the second, subject to evidence of need, seeks the enablement of local employment opportunities and facilities that support the rural economy. The third criterion expects the scale of any retail component to reflect the scale of the settlement it would sit within while the fourth looks for the delivery of digital connectivity and/or flexible working accommodation. The fifth refers to reducing the need to travel and the need for the facility to be well related to public transport provision.

107. The sixth criterion deals with local distinctiveness, character and form of settlement but could be expressed better in that 'protect' is not a term recognised in Government policy and could be construed as being resistant to change. An amendment **[MM39]** is necessary to replace it with 'conserve' which is held in Government policy and elsewhere to stand against harmful change. This is required to ensure that the policy overall is positively prepared.

Conclusion

108. With the MMs set out, I am satisfied that the suite of Policies TC1 - TC5 provide the necessary support and diversification for town centres and rural settlements.

Issue 5: Sustainable Transport - will Policies T1 - T3 properly address the climate change impacts of travel and encourage more sustainable modes?

Sustainable Transport

109. The policies in this part of the DPD seek to address, within the limitations the DPD places upon itself by acting below the overarching Local Plan, the climate change impacts of travel, aiming to encourage more sustainable transport modes and active travel. Given that greenhouse gas emissions from road transport are so significant, addressing them through the DPD is clearly justified, especially when one considers that Cornwall has continued to see a growth in trips by road. The DPD attempts to reduce the need to travel by private vehicles, particularly for shorter journeys by embedding active travel in the design of new places through parking and design standards.

Policy T1 – Sustainable Transport

110. Policy T1 sets out that new development should be located and designed in a way that minimises the need to travel supporting a modal hierarchy that prioritises walking, then cycling, then public transport, followed by car clubs, electric vehicles, and finally private fossil fuelled vehicles.

111. The policy aims to achieve all that through a series of six criteria that relate to the way development is designed. These are all as you would expect in terms of facilitating integration between modes, bedding development into settlements, the provision of proper cycle and car parking, and the delivery of safe and attractive streets. However, criterion 6 which supports the use of electric vehicles does need adjustment in that it refers to the provision of electric vehicle charging points having regard to the requirements of Policy T2. I deal with this below but the reference to the requirements of Policy T2 needs to be removed **[MM74]** in order for the policy to be justified.

Policy T2 - Parking

112. Notwithstanding the support for sustainable transport modes in Policy T1, the Plan recognises that travel by private car will remain significant for some time. As such, it addresses itself to car parking, in line with Government policy in the Framework. This is a justifiable position given that travel by car is not going to reduce significantly overnight.
113. As submitted, Policy T2 itself sets out a series of expectations in relation to car parking. The first sets out a hierarchy for parking provision starting with parking and storage for cycles, and the like, near dwellings, followed by car club spaces, electric vehicle spaces, and finally parking for other vehicles. This requirement needs some adjustment make clear that proposals will need to follow the hierarchy set out. This change **[MM40]** is necessary in order for the policy to function in an effective way.
114. The second explains that proposals will need to meet the Council's parking standards while the third deals with the provision of cycle parking. The fourth requires parking areas for vehicles and cycles to incorporate green infrastructure, trees and sustainable drainage in line with the Cornwall Design Guide. All that is entirely justified in terms of what the Plan aims to achieve.
115. The fifth requirement covers the nature of car parking. The starting point is that cars should be accommodated in, but not dominate, layouts with parking spaces provided predominantly off-plot in specifically designed parking bays, or the like, that are well-designed in terms of safety, supervision, circulation, appearance, and easily accessible by pedestrians and cyclists. Moreover, layouts should not increase pressure for parking off-site.
116. This drew some adverse comment because, it is suggested, it might direct designers towards parking courts - a rather outdated and discredited approach. However, that is not my reading of the policy. It seems to me to that, as drafted, it offers the designer some flexibility with the understandable constraint that car parking should not be dominant. It does not point towards parking courts but more towards carefully designed on-street parking in bays. Nevertheless, it is not such a straitjacket that other solutions where the car parking is not dominant could not come forward.
117. That said, the wording could be clearer in order to provide some additional flexibility. It ought to make clear that residential car parking should *generally* be provided off-plot rather than *predominantly*. Moreover, the reference to access to parking by pedestrians and cyclists should allow the needs of particular users, and site conditions, for example on sloping sites, to be taken into account. With these changes **[MM90]**, I consider that the fifth requirement is justified and positively prepared.

118. As HE has pointed out, a new sixth requirement is necessary to ensure that parking and charging infrastructure is sited and designed in a way that respects heritage assets, their settings, and historic streetscapes. This change [MM41] is required to ensure the policy is effective.
119. That brings me to the requirement in the policy for the provision of electric charging points for cars and cycles to serve residential and non-residential development. The Council accepts that this requirement of the policy has been superseded by the requirements of the new Building Regulations. As such, the requirement is not justified and can be deleted [MM75].

Policy T3 – Safeguarding of Transport Infrastructure Sites and Routes

120. Cornwall has a number of disused railway lines. While some of these routes have been lost, others offer opportunities for railway or other public transport uses, or the creation of commuting or leisure routes that have the distinct advantage of being relatively level. In the context of a Plan that seeks to encourage more sustainable modes of travel, these routes are a valuable resource. Reflective of that, Policy T3 seeks to safeguard transport infrastructure sites and routes from development in order to keep them available for the production of sustainable transport links. To my mind, that approach is entirely justified.
121. Moreover, where a disused railway line passes through a development site and has the potential for rail re-use or to form part of a walking and/or cycling network, the policy requires the development to incorporate and deliver it, or an equivalent and acceptable alternative as part of any scheme for the site. Again, reflective of what the Plan sets out to address, that approach is justified.

Conclusion

122. Taking into account the MMs referred to, I conclude that, within the limitations the Plan sets itself, Policies T1 - T3 properly address the climate change impacts of travel and encourage more sustainable modes.

Issue 6: Renewable Energy - are Policies RE1 and RE2 an appropriate response to the renewable energy resource that Cornwall enjoys?

Renewable Energy

123. There can be no doubt that Cornwall benefits from significant resources in terms of renewable energy potential including wind, solar, deep geothermal, biomass, and marine energy.

124. As the Plan explains, Cornwall is not starting from scratch on the path to net zero. Around 40% of Cornwall's electricity is generated from renewable sources, significantly above the national average. However, the Plan, in replacing Local Plan Policies 14 and 15 that take a rather different tack, seeks to maximise the exploitation of Cornwall's renewable energy resources, while ensuring adverse impacts are addressed satisfactorily. The aim is for Cornwall to provide 100% of its electricity requirements from renewable sources by 2030, accepting that the vagaries of the National Grid will mean that some of the renewable energy produced in the County will be exported.
125. While that might lead to some tension with Government policy in the Framework, particularly in relation to onshore wind, the approach the Plan takes must also be seen in the light of the Government having encouraged Cornwall to become the first region in the UK to reach net zero. Indeed, in making funding available to the County as part of the G7 summit, the Government acknowledged that it is critical that Cornwall becomes the first region in the UK to attain that status. It is difficult to see how Cornwall might reach that goal unless it maximises its renewable energy potential though clearly, that needs to take place in an environmentally acceptable way.
126. In that context, I see no inherent difficulty with the approach the Plan takes. Any departure from the approach of the Framework to renewable energy must be seen in the context of the importance attached to Cornwall reaching net zero quickly, as part of the Government's overall goal of 2050. As a result, I view the approach the Plan takes as sound, in principle.

Policy RE1 – Renewable and Low Carbon Energy

127. Policy RE1 addresses itself to the approach the Council will now take to renewable and low carbon energy proposals. The policy employs a general preamble before turning to specific renewable energy types. This preamble is permissive where a range of requirements are met. The first of these requires any proposal to contribute to meeting Cornwall's target of 100% renewable energy supply by 2030. That is reasonable as is the need for proposals to balance the wider environmental, social and economic benefits of renewable electricity, heat and/or fuel production set out in the second bullet point.
128. The third expects proposals to avoid significant adverse impacts on the local environment that cannot be satisfactorily mitigated, including cumulative landscape and visual impacts, the special qualities of designated landscapes, and the setting and thereby the significance of heritage assets, including the Cornwall and West Devon Mining Landscape World Heritage Site (WHS), and the character of wider historic townscapes, landscapes and seascapes. As originally drafted, this policy required all those assets to be 'conserved and enhanced'.

129. That requirement is too onerous because most renewable energy proposals, and in particular wind turbines and solar arrays will have something of a negative impact on their surroundings. The requirement to 'conserve and enhance' sets a high bar that would act as an effective block. That requirement cuts across the permissive nature of the policy and needs to be removed **[MM91]** to ensure the policy is positively prepared.
130. There is a similar issue with the fourth bullet point that deals with proposals in AONBs and the undeveloped coast. It is correct to say that developments in these areas should be very small in scale and permitted in exceptional circumstances only but again the requirement is that the natural beauty of these areas should be conserved. It is very unlikely that a renewable energy proposal could ever achieve that. As such a change is required **[MM92]** to require proposals to have due regard for the natural beauty of these areas. In that way, the policy can be deemed to be positively prepared.
131. The fifth bullet point requires any proposal to allow for some form of agricultural activity to continue on the site. That of course assumes that the site is in agricultural use in the first place. To ensure the policy is positively prepared, a change is needed **[MM93]** to make it clear that the requirement will only apply where the site was already in such a use.
132. The sixth bullet point relates to community benefits. Schemes are required to provide for profit sharing or some community ownership, and local social and community benefits. There is nothing in that which bring the policy into conflict with Government policy and in my experience, most renewable energy schemes will make some local provision. That approach is justified but the bullet point goes on to require commercial schemes above 5MW to provide an option for communities to own at least 5% of the scheme. That is not justified in my view because there is a danger that such a requirement would act as a drag. To ensure the bullet point, and thereby the policy, is positively prepared, a change is needed **[MM43 MM107]** to make it plain that this requirement is subject to viability. In my view, that is broadly sufficient but the suggested additional wording **[MM108]** would add further clarification and make the policy approach more effective.
133. The seventh and eight bullet points deal with decommissioning and site restoration, and support for co-location of production and end user. Both are necessary and justifiable in the context of the Plan's approach.
134. Policy RE1 then turns to the specifics of wind energy development. The approach taken must be seen in the context of paragraph 158 of the Framework and footnote 54 which, despite suggestions of a possible change in direction, remains Government policy.

135. In brief, a proposed wind energy development, that does not involve repowering, should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan, and following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing. This approach has been widely described as a 'block' or 'embargo' on onshore wind energy, but the reality is more subtle and complex than that. Footnote 54 does not prevent the development of onshore wind turbines; it just serves to restrict the circumstances in which they might be approved. That is an important point to bear in mind when the approach of Policy RE1 to wind energy development is considered.
136. Turning to the policy itself, it is permissive, where certain criteria are met. In that sense, it is positively prepared. In the Plan as submitted, the first criteria specifies that the proposal must be located in the 'broadly suitable area' identified on the Policies Map, or to involve repowering of an existing wind turbine or wind farm. Dealing with the first aspect, the areas specified as broadly suitable on the Policies Map are the same as in the Plan as submitted despite the changes to the Policies Map that I have dealt with above and refer to further below.
137. This 'broadly suitable' area came in for criticism in that it is based on Landscape Capacity Study that is of some vintage. Moreover, this 'broadly suitable' area fails to cover many coastal settlements, some of whom have expressed a strong interest in community-led schemes designed to use wind power to provide for local energy needs.
138. In terms of the 'broadly suitable' area for wind energy, landscape capacity seems to me to be a reasonable basis for it, and while it is a 'high level' approach, it is carefully considered in relation to Bodmin Moor, the AONBs, and the undeveloped coast. As such, I do not regard it as overly restrictive and thereby lacking in justification. That said, it does appear to me unreasonable to take away the potential for communities outside the 'broadly suitable' area to provide for their energy needs by utilising the power of the wind.
139. That tension can be overcome by allowing areas outside the 'broadly suitable' area to bring forward proposals through Neighbourhood Plans (NPs), or Neighbourhood Development Orders (NDOs). Any such proposal would need to be assessed along the lines discussed below but this approach would have the added advantage of demonstrating the support of the local community given the need for a referendum before the NP or NDO is made. This addition **[MM94]** is needed to ensure that the approach to wind energy positively prepared and accords with Government policy as set out in paragraph 156 of the Framework.
140. In considering whether the approach of the Plan to areas where wind energy might be accommodated is positively prepared, I would also highlight that, in

line with Government policy in paragraph 158 of the Framework and footnote 54, there is no geographical limit on repowering.

141. The glossary to the Plan defines repowering as the replacement of existing energy generating equipment with more efficient devices; a definition with which I concur. Cornwall is home to lots and lots of individual wind turbines, and several major wind farms. Not all of these are within the area defined in the Policies Map as 'broadly suitable' and many have been in place for a relatively lengthy period of time. The Plan allows for their replacement with more efficient devices which might mean taller, more powerful wind turbines with longer blades. Of course, any repowering proposal would have to be dealt with on its merits, and I deal with the basis for assessment below, but plainly, the Plan does allow for additional generating capacity outside the 'broadly suitable' area. That too is a sign that the Plan has been positively prepared.
142. The second criterion provides the basis upon which wind energy proposals will be dealt with. Following the line of paragraph 158 of the Framework and footnote 54, it requires a demonstration that, following consultation, the planning impacts identified by the affected local community have been fully addressed.
143. The difficulty with this is that it is so open to interpretation. At one extreme, it can be taken to mean that any objection, soundly based or not, can scupper a wind energy proposal, while at the other, it has been taken to mean that so long as the impacts of the proposal are, or can be made, acceptable, then the planning impacts identified by the affected local community can be said to have been fully addressed. There are examples of different decisions by the Secretary of State that have taken either approach, when the Written Ministerial Statement of June 2015, which had similar wording, applied (for example APP/Y1138/A/14/2217719 for the former approach and APP/D0840/W/15/3097706 and APP/V2255/W/15/3014371 for the latter).
144. In the light of what this Plan is trying to achieve, and the importance of renewable energy generation including wind energy to the goal of Cornwall reaching net zero by 2030, I am of the view that including a form of words in the policy that can be interpreted in a way that 'blocks' wind energy development, even in an area deemed 'broadly suitable', cannot sensibly be described as positively prepared. Indeed, it raises a fundamental issue of soundness given the importance the Plan attaches to exploiting the renewable energy resource as a means of reaching net zero by 2030 (MM1 dealt with above refers).
145. The question is how then should assessment be approached? In my view, the solution is straightforward; wind turbine proposals almost always involve a balance between the obvious benefits of renewable energy and harmful impacts on the landscape, the setting and thereby the significance of heritage assets, the living conditions of residents, and so forth. Sometimes the balance falls in

favour, because the benefits outweigh the harm, but sometimes, the harmful impacts outweigh the benefits. A positively prepared policy must allow scope for that balancing exercise to take place. In other words, the second criterion should simply require a demonstration that the planning impacts of the proposal are acceptable. It need say no more than that. This change to the second criterion **[MM95]** is necessary to make the policy overall effective.

146. The third and fourth criteria of the policy deal with shadow flicker, noise, air traffic, radar, and any impact on living conditions through visual impact. These are worded in a way that allows for assessment and mitigation if necessary and are, as such, positively prepared.
147. The fifth criterion deals with potential impacts on SPAs and so on. NE had some helpful input into the detailed wording of this policy criterion and the attendant changes to the Policies Map that I have referred to above. In simple terms NE has suggested adjustments to the criterion to make it more comprehensive, including references to European Sites in general, as well as highlighting core foraging zones for small to medium sized wading birds within a 3km buffer of the Marazion Marsh SPA, the Tamar Estuaries Complex SPA and the Falmouth Bay to St Austell Bay SPA. These additions **[MM96 MM106]** are required to ensure the policy operates effectively. They also make necessary attendant changes to the Policies Map as referred to above.
148. Part three of Policy RE1 deals with solar energy development. It encourages building mounted installations and is supportive of ground-mounted installations, and extensions to, or repowering of, existing solar arrays where they are focussed on previously developed land and, apart from in exceptional circumstances, avoid the best and most versatile agricultural land. All that is in accordance with Government policy as set out in the relevant part of the Written Ministerial Statement of 25 March 2015 (Solar Energy: Protecting the Local and Global Environment) (WMS) and is positively prepared. However, as drafted, the policy did not differentiate between building-mounted and freestanding installations. An adjustment **[MM44]** is needed to do that because the means of assessment is different for each. In that way, this part of the policy will be effective.
149. Hydro-electricity proposals are the subject of criterion four. The approach is permissive where it can be demonstrated that there would be no significant adverse impacts on the water regime, landscape, or nature conservation. NE made the point that in order to make plain their position in relation to nature conservation, this part of the policy should explain that schemes should prioritise rivers that are not designated for migratory fish species. I agree that this addition **[MM45]** is necessary to ensure effectiveness.

150. Criterion 4 then goes on to address the basis for assessing proposals of this type. First of all, it suggests that hydro-electric schemes in estuaries will need to show that they do not impact the hydrodynamic regime in intertidal habitats. Of course, a hydro-electric scheme will have something of an impact so there needs to be an adjustment **[MM97]** to set the threshold at no unacceptable impact on the hydrodynamic regime. This addition is needed to ensure that the policy is positively prepared and effective.
151. Following on from that any applications are required to provide an assessment of the potential impacts of in-river schemes in their HRA with mitigation for any potential impacts on the migratory behaviour of anadromous fish. That is a reasonable approach, but NE have suggested some additions to refer to the River Camel SAC, the Plymouth Sound SAC and European Sites. These additions **[MM46]** are necessary to ensure that this part of the policy is effective.
152. The next criterion deals with deep geothermal and mine water energy development proposals and is supportive provided that the WHS, the setting and thereby the significance of heritage assets, the character of historic townscapes, landscapes, and seascapes, are conserved, and where appropriate, enhanced; there would be no significant adverse impact on the water regime and water quality; and the visual impact of associated infrastructure is minimised.
153. Obviously, Cornwall has great potential in terms of deep geothermal and mine water energy development and it is right, in the context of the aims of this Plan that a permissive approach is taken. It could be argued that the requirement to conserve the WHS, heritage assets, and so forth, is going too far. However, I am conscious that schemes of this type will largely relate to areas that have been mined already, indeed that is part of the outstanding universal value of the WHS, and their associated infrastructure will not appear incongruous in that context. As such, I am content that the requirement to 'conserve' does not rule out change of that sort.
154. Energy storage is the subject of the next criterion. Obviously, this is an important consideration given the purpose of the Plan so the presumption in favour of any proposal is well-founded. However, the presumption in favour is not unconditional. First, any proposal has to be co-located with an existing or proposed renewable energy development. Second, it needs to show that it alleviates grid constraints; and third, it must allow for the deployment of further renewable energy development. All that is justified, in my view, though the second requirement is rather narrow. An addition **[MM98]** has been suggested to allow for it to be shown to alleviate grid constraints or contribute to meeting Cornwall's renewable energy supply target. That is justified to ensure that the policy is positively prepared.

155. Penultimately, Policy RE1 deals with infrastructure to support offshore renewables. It is permissive subject to the relevant criteria of the first part of Policy RE1. That is a sound approach in my view. Finally, Policy RE1 makes reference to proposals for non-renewable energy generation. The approach is restrictive with support offered only where it is for the purposes of temporarily supporting energy needs for a limited period, with a demonstration that operation will be as 'low carbon' as possible, with reference back to the criteria in the first part of the policy. In the context of what the Plan sets out to achieve, that is a sound approach.

Policy RE2 – Safeguarding Strategic Renewable Energy Sites

156. Following on from what Policy RE1 says about proposals for non-renewable energy schemes, Policy RE2 in the Plan as submitted deals with the safeguarding of renewable energy sites. The approach is restrictive with support for non-renewable schemes in areas identified as 'broadly suitable' on the Policies Map offered only when it would not interfere with the operation of any installed or proposed renewable energy installation and the proposal is temporary and scheduled for removal or relocation prior to any renewable energy proposal commencing.

157. On the basis of what the Plan sets out to achieve, that is a reasonable approach, in general terms, but there are some issues with wording. First of all, the policy needs to respond to the fact that the 'broadly suitable' area on the Policies Map only relates to wind energy proposals. Second, some clarification is required around what is meant by 'installed or proposed' renewable energy installation. There is a danger that 'proposed' could be used in an overly restrictive way. To deal with that, the policy needs to make clear that here, proposed refers to a scheme that is the subject of an application for planning permission, or has already been granted permission without being implemented. In relation to the requirements around re-location or removal, the Policy needs to require a means of securing such re-location or removal.

158. To ensure that the policy is positively prepared, a further requirement needs to be added so that a non-renewable scheme can proceed where there is no reasonable likelihood of a renewable energy scheme coming forward on, or in reasonable proximity to, the application site. Moreover, there needs to be an acknowledgement that a non-renewable scheme might be permitted because there are substantial public benefits in so doing. These additions **[MM99]** are necessary to ensure that the policy is positively prepared and effective.

Conclusion

159. On the basis of the MMs referred to above, I consider that Policies RE1 and RE2 provide an appropriately positive response to the renewable energy resource that Cornwall enjoys.

Issue 7: Sustainable Energy and Construction - are the requirements of Policy SEC1 acceptable impositions?

Sustainable Energy and Construction

160. As rehearsed above, the Council has set itself the target of reaching net zero by 2030, in recognition of the climate emergency.
161. The Plan, in paragraph 18.1.1 sets this out and explains that it is essential that new development in Cornwall reflects this ambition. This is a fundamentally important point given that this Plan will sit below the Local Plan that includes significant amounts of new housing and employment-related development; levels of development that were approved and adopted before Cornwall declared a climate emergency.
162. Given what this Plan sets out to achieve, it is reasonable for it to seek to influence the nature of development that will take place through the Local Plan. However, this part of the Plan does need to be very clear about how the ambition to reach net zero will be influenced by what it terms sustainable energy and construction. Some additional wording is needed at the end of paragraph 18.1.1 **[MM76]** to make clear that the Plan concerns itself with measures to address its embodied and operational impacts. In other words, it is not just the construction of buildings that it seeks to influence but also their performance in use. That must be the case for the approach to be soundly based.
163. Following on from that, paragraph 18.1.2 refers to the energy hierarchy as a core principle and explains that the Plan will follow that hierarchy by seeking improved fabric standards, energy efficiency, and the associated minimisation of space heating requirements, before the installation of renewable energy is factored in, and finally, offsetting is considered. In terms of the latter, the Plan as submitted referred to the offsetting of carbon emissions, but it would be simpler to refer to residual energy in this context. A change to the explanatory text **[MM77]** is necessary to ensure that this aspect of the Plan is justified.
164. The final part of paragraph 18.2.1 of the Plan deals with the requirement for all new residential development to achieve net zero carbon and for non-residential development to achieve a BREEAM rating of 'Excellent'. The way it is put in the Plan is somewhat abrupt and additional text is required to explain that the requirement for residential development is subject to viability considerations and that the requirement for non-residential development relates to major schemes only. The point also needs to be made that the approach to the latter has been shown to be viable through modelling. These additions **[MM78 MM79]** are required to ensure that this part of the Plan is properly justified.

165. On the face of it, these requirements for residential and major non-residential development are justified in the light of the aim of this Plan to achieve net zero by 2030 while operating below, and in the context of, the Local Plan. That said, there has been some pushback against this approach largely based around the 2019 Government consultation on the implementation of the Future Homes Standard and uplift to the Building Regulations that proposed to prevent Councils from setting their own standards. That approach had its genesis in the WMS of 25 March 2015 that sought to streamline the system in relation to housing standards. The suggestion is that the approach the Council has taken does not comply with Government policy.
166. Provisions to allow Councils to go beyond the minimum energy efficiency requirements of the Building Regulations are part of the Planning and Energy Act 2008. The WMS of 25 March 2015 says that in terms of energy performance, Councils can set and apply policies which require compliance with energy performance standards beyond the requirements of the Building Regulations until the Deregulation Bill gives effect to amendments to the Planning and Energy Act 2008. These provisions form part of the Deregulation Act 2015, but they have yet to be enacted. Further, the Government has confirmed that the Planning and Energy Act 2008 will not be amended. The result of all this is that Councils are able to set local energy efficiency standards for new homes, without falling foul of Government policy.
167. The WMS of 25 March 2015 has clearly been overtaken by events. Nothing in it reflects Part L of the Building Regulations, the Future Homes Standard, or the Government's legally binding commitment to bring all greenhouse gas emissions to net zero by 2050. In assessing the Council's approach to sustainable energy and construction, the WMS of 25 March 2015 is of limited relevance. The Framework makes clear in paragraph 152 that the planning system should support the transition to a low carbon future in a changing climate. Whilst paragraph 154 b) of the Framework requires that any local requirements for the sustainability of buildings should reflect the Government's national technical standards, for the reasons set out, the WMS of 25 March 2015 has been superseded by subsequent events. While it remains extant, any inconsistency with its provisions does not mean that the approach the Council has taken lacks justification. In that sense, there is nothing in the Council's approach that raises issues of soundness.
168. The real issue in play here is whether the Council's approach to sustainable energy and construction will have an impact on the delivery of housing and employment-related development allowed for in the Local Plan. Issues around viability have been explored and the Council's evidence shows that the standards the Council propose will have little effect on housing delivery, and no effect at all on employment-related development. Moreover, in relation to housing, where the evidence shows that there might be an impact on viability in parts of Cornwall, the policy includes a viability clause.

169. On that basis, if the standards in the policy can be shown to hold back housing development, then there is a route to allow some relaxation to be explored. In that overall context, I am content that the approach of the Plan to sustainable energy and construction is justified, and sound.

Policy SEC1 – Sustainable Energy and Construction

170. Turning to the details and workings of the policy itself, it begins in 1 by setting out the energy hierarchy referred to above.

171. It follows by setting out the BREEAM 'excellent' requirement for non-residential development in 2a. As submitted, the Plan lacked clarity on this point and additional wording is needed to make plain that this is intended to apply to major non-residential development, that is development with a floor space above 1,000 square metres. These changes **[MM47 MM80]** are necessary to make the policy justified and effective.

172. The standards for new residential development are set out in 2b. In the form submitted, the Plan required residential development proposals to achieve net zero carbon with applications to be accompanied by an Energy and Carbon Statement demonstrating how the proposal will achieve: space heating demand of less than 30kWh per square metre per annum; total energy consumption of less than 40kWh per square metre per annum; and on-site renewable energy generation to match the total energy consumption with roof mounted solar PV as a preference. It goes on to say that where meeting onsite energy demands through renewables is not possible on-site technically, or not viable, renewable energy generation on-site should be maximised and/or a connection to an existing or proposed District Heating Network facilitated. If this is not possible, then the residual carbon should be offset through a contribution to Cornwall Council's offset fund.

173. This is then clarified further to the effect that where on-site renewables cannot cover on-site energy consumption, for technical or viability reasons, proposals should first and foremost strive to meet the space heating and total energy consumption targets. Renewable energy on-site should then be maximised with the alternative connection to a District Heating Network. As a last resort, the residual carbon is to be offset by a contribution to the Council's offset fund, so far as scheme viability allows.

174. Broadly, as set out above, this approach is soundly based and justified. There is however a need to make some parts of these requirements more transparent given that the policy is aimed at energy use, not carbon emissions. First, given the approach taken the initial part of this policy element needs to say that what is required is an Energy Statement rather than an Energy and Carbon Statement. Second, and linked to that point, it needs to set out that it is the

residual energy that must be offset by a contribution rather than the residual carbon. These changes **[MM48 MM49]** are needed to make the policy effective.

175. This focus on energy rather than carbon means that changes are needed to other parts of the policy too. First, it needs to be explained that any connection to a District Heating Network has to be a Low Carbon District Heating Network otherwise the policy is flawed. Moreover, any residual energy that needs to be offset ought to be defined – the amount by which total energy demand exceeds (on-site) renewable energy generation. These additions **[MM81 MM82]** are necessary to secure an effective policy.
176. There have been questions about whether this policy would bear on applications for reserved matters where outline planning permission for residential development has already been granted. The policy does not, and indeed cannot apply retrospectively. However, some additional wording encouraging developers to follow the policy where possible would assist. This addition **[MM110]** is necessary to make the policy effective.
177. The third part of the policy deals with the Council's approach to existing buildings with stress placed on the benefits inherent in improving their thermal performance thereby reducing carbon emissions. Proposals are supported where they conserve design, character, appearance and/or historical significance; and facilitate, where appropriate, sensitive re-use. Retrofitting of this type is clearly important to the aims of the Plan. However, proposals not only need support; they also need to be encouraged. This addition **[MM50]** is needed to make the policy positively prepared.
178. Part 4 of the policy covers domestic and non-residential renewables and is supportive, obviously. However, the manner in which it approaches alterations to listed buildings has drawn comment from HE and I agree that the focus should be widened to include all heritage assets, and their settings, with the aim being for proposals to avoid or minimise negative impacts on significance. That amendment **[MM51]** is needed to make the policy function effectively.
179. Following on from that, part 5 of the policy addresses residential water consumption seeking a limit of 110 litres/person/day through water saving measures. Proposals for more than 50 dwellings and major non-residential developments are required to incorporate water re-use and recycling, and rainwater harvesting measures. This is a sound approach in general terms, given that Cornwall is an area of water stress. The difficulty is that as originally drafted, the policy said that dwellings should *aim to* achieve that limit on water consumption. In my view, this undermines the policy and the *aim to* wording needs to be removed **[MM52]** to make the policy effective.

180. Part 6 of the policy is directed at materials and waste and sets out a number of ways in which development proposals should minimise the use of materials and waste and promote opportunities for a circular economy. These include using previously developed land and buildings, and recycling building materials for re-use, prioritising local and/or sustainable materials and construction techniques, considering the life cycle of development, and providing adequate space to enable and encourage more recycling.

181. All that is appropriate, and sound as an approach. However, the reference to existing buildings needs to be amplified to make plain that they should be adapted or re-used wherever possible [MM100]. Adjustments are also needed to provide clarity in relation to the life cycle of developments and the potential for adaptation to meet changing needs [MM53 MM109] and to remove an unnecessary reference to residential and non-residential in relation to the provision of space for recycling [MM54]. These changes are needed to make the policy effective.

Conclusion

182. With these MMs, my view is that the requirements of Policy SEC1 are acceptable in the light of what the Plan aims to achieve.

Issue 8: Coastal Change and Flooding - will Policies CC1 - CC4 offer sufficient support to Coastal Vulnerability and candidate Coastal Change Management Areas, and improve the approach to flood risk, natural flood solutions, and sustainable drainage design?

Coastal Change and Flooding

183. Cornwall has a coastline around 700km long and many existing settlements are coastal in nature. Some of these will grow through the implementation of the LP. Rates of erosion and incidents of flooding are expected to increase, and it is therefore essential that issues around coastal change are planned for. To that end, the Plan seeks to support the Local Plan with policies to deal with Coastal Vulnerability and Candidate Coastal Change Management Areas, and to improve policy and guidance in relation to flood risk, natural flood solutions, and sustainable drainage design. Given the nature of what the Plan sets out to achieve, acting below the Local Plan, and advice in paragraphs 170 to 173 of the Framework, this is a sound approach in principle.

Policy CC1 – Coastal Vulnerability Zone

184. The Coastal Vulnerability Zone covers the whole of the coast of Cornwall and is shown on the Policies Map. Based on the area predicted by National Coastal

Erosion Mapping to disappear through erosion in 100 years it is intended to allow proposals that might be affected by the receding coastline to be easily identified and, where necessary, controlled.

185. The policy has three aspects – the first deals with new development. Not unexpectedly, new development (including replacement buildings with some exceptions) will only be permitted where a Coastal Vulnerability Assessment demonstrates that a range of criteria are met. The first requires of these requires consistency with the extant Shoreline Management Plan while the second covers the ability of communities, and the natural environment to adapt to the impacts of coastal change. The third requires the proposal to be demonstrably safe, while the fourth deals with safe access/egress. Criterion five sets out that the natural balance and stability of the coastline must not be affected, or the rate of shoreline change exacerbated, including changes that might occur nearby or elsewhere through coastal processes. Finally, the sixth criteria makes provision for the South West Coast Path to be accommodated.
186. All that is sound in principle, but some additions are necessary. First, the second criterion needs to make clear that the natural environment includes biodiversity, and the impact of coastal change includes what is known as 'coastal squeeze'. The final criterion needs to make clear that the intention is that the South-West Coast Path will roll back (move inland). These adjustments **[MM55]** are necessary so as to make the policy effective.
187. The next part of the policy deals with private sea defences or cliff stabilisation works. These will only be permitted where it can be demonstrated that the works would accord with wider coastal management objectives and are consistent with the Shoreline Management Plan and required for health and safety purposes. However, the identified Coastal Vulnerability Zone contains a number of heritage assets. To deal with that, an additional criterion is necessary to provide support for works intended to conserve heritage at risk where they are consistent with the Shoreline Management Plan. This addition **[MM56]** is required to ensure the policy provides effective coverage.

Policy CC2 – Candidate Coastal Change Management Areas

188. The purpose of Coastal Change Management Areas is to highlight issues around coastal change and to allow them to be planned for. These areas are identified in the Shoreline Management Plan with an expectation that as risks become evident, and need to be planned around, they will be formally designated. The Local Plan delegates this process to NPs. However, with storms becoming more frequent, with the attendant threats of erosion and flooding, the Plan seeks to designate 'Candidate Coastal Change Management Areas' in order to allow some control through this Plan, while the affected coastal communities work on formal designation through their NPs. In view of the urgency of the situation, I regard this as a sound approach, in principle.

189. The Plan includes a list of Candidate Coastal Change Management Areas. The point is made that the list is not exhaustive and may extend but it is incomplete in that Perranuthnoe and Mawgan Porth have been omitted. These need to be added **[MM57]** to ensure the Plan has effective scope.
190. Policy CC2 adopts the precautionary principle in relation to development in Candidate Coastal Change Management Areas with proposals being determined using Policy CC1 where they fall in the Coastal Vulnerability Zone, or the provisions of any Coastal Change Management Plan that forms part of a NP. Where existing development and infrastructure is at risk and needs to be relocated within the Coastal Change Management Area in advance of the adoption of a Coastal Change Adaptation Plan, development may be permitted where the new development is in an area at less risk of coastal erosion; the replacement property is located close to the community from which it is displaced and has an acceptable relationship with it; the existing site is cleared and restored; and the replacement building is broadly comparable in size, scale and bulk, and contextually appropriate.
191. This approach is justified but lacks clarity. Wording should be added **[MM58]** to make clear that the policy applies to existing development and infrastructure in an area within the Coastal Change Management Area that is defined as unsafe. This change is required for effectiveness.

Policy CC3 – Reduction of Flood Risk

192. Policy CC3 is intended to sit alongside Local Plan Policy 26 and provide further detail on flood risk reduction expectations and the design of new drainage systems. In following the line of the Local Plan, and advice in paragraphs 159 to 168 of the Framework, the policy is justified, effective, and thereby sound.

Policy CC4 – Sustainable Drainage System Design

193. Similarly, Policy CC4 follows the line of Local Plan Policy 26 and advice in paragraph 169 of the Framework in relation to the design of sustainable drainage systems. Again, the approach is justified, and sound.

Conclusion

194. Taking the MMs into account, I am content that Policies CC1 - CC4 offer sufficient support to Coastal Vulnerability and candidate Coastal Change Management Areas, and improve the approach to flood risk, natural flood solutions, and sustainable drainage design.

Overall Conclusion and Recommendation

195. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

196. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the duty to co-operate has been met and that with the recommended MMS set out in the Appendix the Cornwall Council Climate Emergency Development Plan Document satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Paul Griffiths

INSPECTOR

This report is accompanied by a separate Appendix containing the Main Modifications.