

4 PLANNING AND POLICY CONTEXT

4.1 INTRODUCTION

This chapter provides an overview of current planning policies and guidance relevant to the assessment of the proposals. Policies relating to different topic areas are set out under national, regional and local policy headings. The policies identified have been taken into account in drawing up the proposals for the proposed PFDI and in assessing the significance of their environmental effects. Where the policy context requires a particular form of assessment, this has been noted.

National guidance on a range of matters related to ports, for example transport and nature conservation is found in planning policy statements, white papers and other documents produced by government departments.

Planning policies and proposals for the region and the locality are set out in the Statutory Development Plan, which comprises:

- I. Regional Planning Guidance for the South West (RPG10) (September 2001) - which is the Regional Spatial Strategy pending approval of an RSS by the Secretary of State – and
- II. saved elements of Carrick District Council Local Plan.

It is appropriate to note two pending changes in legislation. Firstly, the Planning Act 2008 was granted Royal Assent on 26 November 2008. The Act introduces a new system for nationally significant infrastructure planning, alongside further reforms to the town and country planning system and the introduction of a Community Infrastructure Levy. An Infrastructure Planning Commission (IPC) will be established under the Act as the new authority granting development consent for nationally significant infrastructure projects. The Commission will consider proposals against National Policy Statements (NPS) approved by Parliament.

Secondly, the Marine and Coastal Access Bill is currently going through parliament. This envisages the establishment of a Marine Management Organisation (MMO) and the introduction of a statutory planning system for marine areas. The Bill provides heads of power for marine conservation activities, including the identification and designation of Marine Conservation Zones, fisheries management reform and streamlined enforcement powers.

The rest of this chapter outlines current policies relevant to the proposals. Common general themes are sustainable development, which PPS 1 (paragraph 3) describes as “the core principle underpinning planning”, and climate change, tackling which is a “key Government priority for the planning system” (foreword to Supplement to PPS1, 2007). The recent approach to these subjects has been influenced by reports commissioned by the Government, including the Barker review of Land Use Planning, the Stern report on climate change and the Eddington study of ‘transport’s role in sustaining the UK’s productivity and competitiveness’.

4.2 NATIONAL POLICY

4.2.1 *Sustainable Development*

The Government's most recent Sustainable Development Strategy, 'Securing the Future' (2005), builds on its 1999 predecessor, 'A Better Quality of Life'. It stresses the importance of achieving integrated solutions to problems, rather than relying on trading off different potential benefits (economic, social and environmental) when making decisions.

'Securing the Future' says the goal of sustainable development is "to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life for future generations". This goal is to be pursued

"in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment; and a just society that promotes social inclusion, sustainable communities and personal wellbeing. This will be done in ways that protect and enhance the physical and natural environment, and use resources and energy as efficiently as possible" (Securing the Future, Chapter 1: Section 3).

'Securing the Future' says the goal should be achieved through five guiding principles: living within environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance, and using sound science properly and responsibly. It identifies four priority areas for immediate action across the UK:

- sustainable consumption and production;
- climate change and energy;
- protecting natural resources and enhancing the environment; and
- creating sustainable communities and a fairer world.

'Planning Policy Statement 1 (PPS1): Delivering Sustainable Development', which followed, in 2005, establishes overarching policies for the delivery of sustainable development through the planning system. Planning policy statements may be material considerations in respect of decisions on individual planning applications.

PPS1 describes the important role of the planning system in achieving sustainable development and building sustainable communities. Key principles should be followed to ensure planning for sustainable development through development plans and planning applications.

The Government's four aims for sustainable development in no order of priority (at paragraph 4) are:

- social progress which recognises the needs of everyone;
- effective protection of the environment;
- the prudent use of natural resources, and
- the maintenance of high and stable levels of economic growth and employment.

PPS1 says these aims should be pursued in an integrated way. Planning is to facilitate and promote sustainable and inclusive patterns of urban and rural development by:

"- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;

- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community” (paragraph 5).

PPS1 notes the Government’s commitment to protecting and enhancing the quality of the natural and historic environment. Areas designated of national and international importance receive the highest level of protection (paragraph 17). Planning decisions should be based on, amongst other things, the potential impacts on the environment of development proposals and planning authorities should seek to enhance the environment as part of development proposals, and significant adverse impacts on the environment should be avoided (paragraph 19).

The Government is also committed to the promotion of a strong, stable and productive economy, which aims to bring jobs and prosperity for all is (paragraph 23). Planning authorities are required, amongst other things, to recognise that economic development can deliver environmental and social benefits (paragraph 23(i)) and that all economies are subject to change, and to be sensitive to these changes and the implications for development and growth (paragraph 23(v). They should ensure that infrastructure and services are provided to support new and existing economic development and housing (paragraph 23 viii), and identify opportunities for future investment to deliver economic objectives.

PPS: ‘Planning and Climate Change’ was issued in December 2007 as a supplement to PPS1. It describes how spatial planning should contribute to reducing emissions and stabilising climate change (mitigation) and take into account the unavoidable consequences (adaptation). It builds on Government Energy Policy and targets for reducing carbon emissions, including encouraging businesses to improve the efficiency with which they use energy; and stresses that climate change considerations need to be integrated with almost all areas of planning practice,

The PPS1 supplement advises that local authorities should consider climate change in spatial planning concerns. It sets out how, in providing for the new homes, jobs and infrastructure needed by communities, planning should help shape places with lower carbon emissions that are resilient to climate change as part of an overall development plan framework. At the local level, development plan documents (DPDs) are to set policies on the provision of low carbon and renewable sources of energy.

The supplement advises that new development should be located and designed to optimise its carbon performance and limit its likely contribution to carbon emissions. It should consider the capacity of existing and potential infrastructure (including energy supply, waste management, water and sewerage, and community infrastructure such as schools and hospitals) and service the site or area in ways consistent with cutting carbon emissions and successfully adapting to likely changes in the local climate. Climate change considerations should be integrated into spatial planning concerns,

including transport, housing, economic growth and regeneration, water supply and waste management, and not considered separately.

4.2.2 *Investing in a low carbon Britain*

The government has recently released a paper setting out the governments strategy to becoming a low carbon economy. The paper makes the following statements in support of developing port infrastructure.

A Low Carbon Investment Fund will be set up which will help in developing the UK's port infrastructure to provide the deepwater quayside access needed to make the UK a natural home for large-scale offshore wind component manufacture and supply.

The Low Carbon Investment Fund will provide targeted investment work in partnership with mature industries to remove barriers to investment in the UK such as developing our port infrastructure to facilitate the development of the offshore wind supply chain.

4.2.3 *Transport*

The emphasis of Government transport policy, which is set out in PPG13 (supplemented by subsequent white papers and Government responses to commissioned studies) is on integrated and sustainable transport. Local authorities are required to produce Local Transport Plans (LTP). The most recent discussion document, 'Towards a Sustainable Transport System Supporting Economic Growth in a Low Carbon World' DfT (October 2007) brings together recent thinking on a range of transport matters. It provides the Governments' response to the Eddington Study to improve transport's contribution to economic growth, and deliver the overall level of reductions in carbon emissions recommended by the Stern Review of the Economics of Climate Change.

The white paper also sets out policy and investment plans up to 2013/2014 and proposes a longer term transport strategy, building on Eddington's recommendations. It identifies five goals:

- to maximise the competitiveness and productivity of the economy by making best use of the existing network, targeting new infrastructure investment (in airports, ports, rail and road), with smaller projects to unlock pinch points potentially offering very high returns, and adapting the delivery chain to meet changing demands;
- to address climate change;
- to protect people's safety, security and health;
- to improve quality of life, including through a healthy natural environment, and
- to promote greater equality of opportunity.

Paragraph A39 notes the identification by RDAs and other regional stakeholders of the accessibility of international transport links (ports and airports) as "critical to their economic growth prospects. Eddington recognises that this aspect of international connectivity is important. The challenge is to identify economically efficient ways of delivering it. These are more likely to involve improving access to ports and airports than redirecting aviation or shipping movements, which is not (in any case) within the gift of either central or local government."

The strategy of the 2004 white paper 'The Future of Transport, A Network for 2030', is

built around three central themes of sustained investment, improvements in transport management and planning ahead. The white paper charts a course for the next 30 years which a transport network that can meet the challenges of a growing economy and the increasing demand for travel, but can also achieve our environmental objectives. This, it says, means coherent transport networks including ports and airports providing improved international and domestic links (Executive Summary paragraph 6).

The 2004 white paper aims to “ensure that our shipping industry remains a major player globally to support the success of the UK economy” (paragraph 7.24). Although, it says, shipping is often recognised as a sustainable and relatively environmentally friendly form of transport, it is important that efforts are made to reduce the negative impacts it can have on the environment (paragraph 7.27); such as measures to tackle ballast water, anti-fouling coatings, atmospheric emissions and an international oil pollution compensation regime.

Planning Policy Guidance Note 13 (PPG13): Transport (2001) is relevant to the assessment of the traffic implications of port proposals. The objectives of PPG13 are to integrate planning and transport at the national, regional, strategic and local level. In particular to:

- promote more sustainable transport choices for both people and moving freight;
- promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
- reduce the need to travel, especially by car.

PPG13 says that well-designed traffic management measures are important in terms of reducing community severance, noise, local air pollution and traffic accidents, helping to avoid or manage congestion pressures as well as producing better and safer local road conditions in rural areas and reducing the impacts of traffic in sensitive locations, while facilitating the access that is important to maintaining a vibrant rural economy. Paragraph 1 of Annex C of PPG13 repeats that need to avoid or minimise the environmental impact of any transport infrastructure project, including the impact of construction and requires the implementation of appropriate mitigation measures where possible.

4.2.4 Nature Conservation

The proposals extend into and adjoin the Fal Estuary, which is designated as a Special Area of Conservation (SAC) under the European Union Habitats Directive (92/43/EEC), implemented in Britain by the Conservation (Natural Habitats & c.) Regulations 1994.

The main aim of the Habitats Directive is “*to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora*” and sites protected by the directive, known as Natura 2000 sites; form a European-wide network designed to promote the conservation of habitats, wild animals and plants, on land and at sea.

The Conservation (Natural Habitats, &c) Regulations 1994 (usually referred to as the Habitats Regulations) implement the Habitats Directive in the UK. The Regulations restrict the granting of planning permission for development which is likely to have a significant effect on a SAC (either alone or in combination with other plans or projects) and which is not directly connected with or necessary to the management of the site.

They also provide for the control of potentially damaging operations, whereby consent may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest (Regulation 49). In such instances the Secretary of State must secure compensation to ensure the overall integrity of the Natura 2000 system (Regulation 53).

Planning Policy Statement 9 (PPS9) on Biodiversity and Geological Conservation (2005) establishes the Government's policies on the protection of biodiversity and geological conservation through the planning system. It says the Government's broad aim is that planning, construction, development and regeneration should have minimal impacts upon biodiversity and enhance it wherever possible.

PPS9 states that regional planning bodies and local planning authorities should adhere to a number of key principles to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered.

Planning decisions should prevent harm to biodiversity and geological conservation interests. Where development considered likely to result in significant harm to such interests is to be granted consent, then the planning authority:

- will need to be satisfied that the development cannot reasonably be located on an alternative site resulting in less or no harm;
- if there is not a more suitable alternative site, ensure that adequate mitigation is put in place;
- if the harm cannot be prevented or adequately mitigated, seek appropriate compensation measures, and
- if the significant harm generated cannot be prevented, adequately mitigated or compensated, refuse planning permission (paragraph 1(vi)).

In the context of sites of local or regional significance, PPS9 says that criteria based policies in local development documents should be established against which proposals for development will be judged. It says these policies should be distinguished from those applying to nationally important sites. PPS 9 also advises planning authorities to refuse planning permission where harm to a protected species or their habitats would result unless the need for, and the benefits of the development clearly outweigh that harm.

Circular 06/05 – Biodiversity and Geological Conservation supports PPS9 and gives guidance to Local Planning Authorities on how to deal with proposals that may affect internationally and nationally designated sites, conservation habitats, and conservation of species protected by law, including the requirement for Appropriate Assessment under the Habitat Regulations.

The ecological assessment reported in Sections 8 to 10 has taken full account of the policy requirements outlined above, specifically in relation to the SAC.

4.2.5 Industrial and Commercial Development

One of the key Government aims is to encourage economic growth in a way to which is compatible with environmental objectives and the challenge is to integrate the two. The Barker Review of Land Use Planning (December 2006) identified that planning

authorities do not always give sufficient weight to economic considerations when drawing up plans and determining planning applications.

Currently policy guidance is in PPG 4: Industrial, Commercial Development and Small Firms (1992). PPG4, which is being updated (see below), promotes a positive approach to the location of development. It says Local Development Plans are the main mechanism by which major new development proposals can be assessed alongside the transport improvements needed to serve them, and which can link transport proposals to the development opportunities they create.

The guidance encourages development plans to focus location of development in areas that can be served by more energy efficient modes of transport - such as water (PPG4 paragraph 11). It identifies a number of factors that should be considered including the demands of customers, access to suppliers, links with other businesses, the workforce catchment area, and various transport considerations. Paragraph 10 commends the following criteria or approaches:

- favouring locations which minimise the length and number of trips, especially by motor vehicles;
- favouring locations that can be served by more energy efficient modes of transport;
- discouraging developments that would be likely to add unacceptably to congestion; and
- locating development requiring access mainly to local roads away from trunk roads, to avoid unnecessary congestion on roads designed for longer distance movement.

At paragraph 13, PPG4 says local planning authorities should not obstruct development that is necessary to provide investment or jobs, or to meet wider national or international objectives, though decisions must balance necessary development with environmental protection and other relevant policies.

Draft Planning Policy Statement 4: Planning for Sustainable Economic Development (December 2007) aims to integrate economic growth in an environmentally sustainable way and to achieve a balance between economic, environmental and social considerations. The draft PPS proposes that local and regional planning bodies should plan effectively and proactively to ensure economic growth and create and maintain sustainable communities. To achieve this aim, authorities should, for instance (paragraph 18):

- “Take account of the different locational requirements of businesses, such as the size of site required, site quality, access and proximity to markets, as well as the locally available workforce “; and
- “Identify, protect and promote key distribution networks, and locate or co-locate developments which generate substantial freight movements in such a way as to minimise carbon emissions. Such networks and development should be in sustainably sited locations, so as to avoid congestion and to preserve local amenity interests as far as possible whilst ensuring accessibility (including to rail and water transport where feasible)”.

The ES considers the proposals against advice in PPG 4 and emerging Government guidance through providing improved access for energy efficient transport, taking account of locational requirements and environmental considerations.

4.2.6 *Coastal Planning*

Advice and guidance in PPG 20: Coastal Planning (1992) details the Government's approach to planning policy for the UK coast and describes the coast as "an important national resource. A range of economic and social activities require coastal locations, and certain natural and historic landscapes and habitats are particular to coastal areas" (PPG20 paragraph 1.1). It says, in the context of the coast, the overarching aim is for the planning system to "development requirements with the need to protect, conserve and, where appropriate, improve the landscape, environmental quality, wildlife habitats and recreational opportunities" (PPG20 paragraph 1.2).

The guidance acknowledges the special value of parts of the coastline. In making reference to the European Directives 85/337/EEC and 92/43/EEC, the Habitats Directive PPG20 says: "there is a series of international obligations which affect the coastal zone. Of particular relevance are sites designated under international conventions, such as "Wetlands of International Importance, especially as Waterfowl Habitats" under the Ramsar Convention. Certain European Community Directives are relevant to the planning and management of the coastal zone" (PPG20 paragraph 1.13).

Where new development requires a coastal location, the guidance is that the developed coast will usually provide the best option, provided that due regard is paid to the risks of erosion or flooding (paragraph 2.11). PPG20 recognises that there are some major developments, including ports, require a coastal location. It says, "before major developments are permitted it will be essential to demonstrate that a coastal location is required. Proposed developments of national or regional importance (including ports) that require a coastal location will normally be included in structure plans" and will normally require environmental assessment. Once this has been demonstrated, the planning application for a port development should be determined in accordance with the relevant development plan policies. Therefore, in order for this to be undertaken, the development plan policies should be formulated on a well grounded understanding of natural processes in the coastal zone.

The need to reconcile development requirements with the need to protect, conserve and where necessary improve the coastal landscape, environmental quality, wildlife habitats and recreational opportunities on the coast is stressed.

4.2.7 *Noise and Vibration*

Planning Policy Guidance Note 24 (PPG24) outlines the issues to be considered in determining planning applications for both noise-sensitive developments and for activities which will generate noise. It introduces the concept of noise exposure categories for residential development, encourages their use and recommends appropriate levels for exposure to different sources of noise. It also advises planning authorities on the use of conditions to minimise the impact of noise.

The guidance states that noise impacts can be a material consideration in determining planning applications. It describes that new development involving noise-generating activities (including traffic-induced noise) should, where possible, be sited away from noise-sensitive locations and land uses. However, it identifies that development necessary for the creation of jobs and for the improvement of essential infrastructure

should not be unduly obstructed, though Planning Authorities must ensure that unacceptable noise disturbance is not caused by a development (PPG24 paragraph 10). This requirement also arises for the intensification of activities, such as the indirect increase in traffic. Mitigation measures can be incorporated in a proposed development to minimise the potential increase in noise impacts, and these can also be included as planning conditions.

The guidance also states that special consideration should also be given in relation to the noise disturbance upon designated sites, such as SACs, AONBs, National Parks, and Heritage Coasts, as well as on livestock.

The guidance identifies particular methodology to be used in calculating and assessing the impacts of noise and vibration from developments, in particular that emitted during construction, from commercial and industrial development, and road and rail traffic, which is contained in Annex 3.

The proposals have been assessed in terms of potentially significant noise impacts in Section 16

4.2.8 **Control of Pollution**

Planning Policy Statement 23 (PPS23): Planning and Pollution Control provides guidance on the relationship between the separate but complementary systems of pollution and planning control. PPS23 is relevant to the proposals insofar as it is concerned with the planning aspects of pollution, including light pollution, and ground contamination. Paragraph 10 of PPS 23 advises on the relationship between the separate but complementary systems of pollution and planning control, and states:

“Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment from different sources to the lowest practicable level. It also ensures that ambient air and water quality meets standards that guard against effects to the environment and human health. The planning system controls the development and use of land in the public interest.... The planning system should focus on whether the development itself is an acceptable use of the land, and the effect of those uses, rather than the control of the processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.

PPS 23 identifies the key role of the planning system in determining the location of development which may give rise to pollution, and in ensuring that other uses and developments are not, as far as is possible, affected by major existing or potential sources of pollution. It states *“any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to an impact on health, is capable of being a material planning consideration, in so far as it arises or may arise from any land use”* (PPS23 paragraph 2). Advice in PPS 23 has been considered in relation to general construction impacts of the proposals which may give rise to additional pollution in terms of air quality and is included in Section 18.

PPS 23 advises that development control decisions can have a significant effect on the environment, and that close cooperation with the Environment Agency and/or pollution

control authority and other relevant bodies is required to ensure that potential releases can be adequately regulated under the pollution control framework.

This issue is considered further in Appendix A to PPS 23, which refers to material considerations in determining planning applications where the effects of pollution consideration arise. These include:

- the potential sensitivity of the area, including designated sites;
- the environmental benefits that the development might bring - for example, improvements to transport infrastructure, remediation of past contamination;
- the economic and wider social need for development (including potentially polluting development) such as the provision of a product or service, the creation of new jobs and meeting regional and local objectives, the availability of alternative sites; and
- effects on air and water quality; and, the need to limit and, where possible, reduce the adverse effect of light pollution, e.g. on local amenity, rural tranquillity and nature conservation.

PPS 23 includes two annexes. Annex 1 explains the background of the pollution control legislation, how it interacts with the planning system and how these interactions are dealt with in planning. It also provides detail on the Air Quality Management Areas as established by Part IV Environment Act 1995. Annex 2 relates to development on land affected by contamination and paragraph 2.17 states that it is the responsibility of the developer to determine whether land is suitable for a particular development or can be made so by remedial action.

4.2.9 Areas at Risk from Flooding

The Strategic Flood Risk Assessment prepared by Royal Haskoning (2008) show the proposal site to be within flood zone 3, a high flood risk area. Advice in PPS25 Development and Flood Risk provides current Government guidance on development in such areas. A full Flood Risk Assessment has been undertaken for the PFDI which is available separately. .

PPS 25 seeks to ensure that flood risk is taken into account at all stages in the planning process, so as to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, PPS 25 says planning policy should to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

In determining planning applications, Planning Authorities are advised to:

- have regard for PPS 25 and its policies;
- ensure that planning applications are supported by a site-specific Flood Risk Assessment (FRA);
- apply a sequential approach to site-selection;
- give priority to the use of Sustainable Urban Drainage Systems (SUDS), and
- ensure that development is flood resilient and flood resistant, and manage its residual flood risk.

On Flood Control the Environment Agency has a tabular format categorising areas by 3 zones of risk and cross referencing to uses e.g. industrial, residential etc. This format might be referred to or Table D1 in Appendix D to PPS25. Although the proposal is

within an area classified by the Environment Agency as 'High Probability' for flooding, advice in Annex D of PPS25 notes that docks are considered to be 'water compatible development' and appropriate in this zone. Essential infrastructure, including transport infrastructure, in this zone should be designed and constructed to remain operational and safe for users in times of flood and should only be permitted in this zone if the Exception Test is passed. Paragraph D9 sets out the Exception Test to be passed including that it must be demonstrated that the proposed development provides wider sustainability benefits to the community that outweigh flood risk; that the development should take place on developable or previously developed land (unless no reasonable alternatives exist), and a flood risk assessment must demonstrate that the development will be safe and not increase flood risk elsewhere.

When a FRA is carried out, consultation should be undertaken with the Environment Agency. The FRA should also incorporate climate change factors during its production, including sea level rise and increased storminess/rainfall. As a result the FRA will identify the likely effects on flooding and flood risk, and any loss of floodplain resulting from a proposal.

4.2.10 *Archaeology*

The Falmouth area is potentially rich in archaeological deposits and remains. As part of the EIA process a desk-based archaeological assessment was undertaken to ascertain the known and potential archaeological and cultural heritage resources on land and at sea that could be affected by the proposed development. The results of the assessment are included in Section 14 of the ES.

Advice in PPG 16 Archaeology and Planning (1990), sets out Government policy on archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside. It advises that archaeological remains are finite and non-renewable resources, which are often fragile and vulnerable to damage and destruction. It is therefore important that steps are taken to ensure avoidable damage is prevented. There should be a presumption in favour of the preservation of nationally important archaeological remains, scheduled or not. PPG 16 also provides guidance for developers if archaeological remains are unexpectedly discovered during construction. PPG 16 also advises that consideration should be given at the early stages of a proposed development to the presence of possible archaeological remains.

Paragraph 22 adds: '*Local Planning Authorities can expect developers to provide the results of such assessments ...as part of their application for sites where there is good reason to believe there are remains of archaeological importance*'. In addition paragraph 25 advises: '*Where planning authorities decide that the physical preservation in situ of archaeological remains is not justified in the circumstance of the case...it would be entirely reasonable for the planning authority to satisfy itself, before granting planning permission, that the developer has made appropriate and satisfactory provision for the excavating and recording of the remains. Such excavation and recording should be carried out before the development commences, working to a project brief prepared by the planning authority and taking advice from archaeological consultants*'.

4.3 REGIONAL POLICIES

4.3.1 *Regional Planning Guidance Note 10*

Regional Planning Guidance for the South West (RPG10) (September 2001) comprises the Regional Spatial Strategy for the South West and contains the Regional Transport Strategy. The overall vision (Policy VIS1) is, in essence, to promote sustainable development, and includes minimising the need to travel and to develop on Greenfield sites. There are four underlying aims for sustainable development within the vision:

- protection of the environment;
- prosperity for communities and the regional economy;
- progress in meeting society's needs and aspirations; and
- prudent use of resources.

RPG10 explains that in achieving the government's 'central economic objective', which is 'to achieve high and stable levels of growth and employment, whilst ensuring that everyone can share the benefits of that economic growth and so deliver a better quality of life', it is necessary to take 'the long-term view' and look at 'ways in which economic growth can go hand in hand with ensuring a fairer society and protecting the environment to achieve sustainable growth and economic prosperity' (Paragraph 1.5).

Recognising the 'great diversity of the region in terms of planning, environmental, social, and economic issues', RPG10 identifies four sub regions, the proposals that are the subject of this ES are in the 'western sub region'. Policy SS1 identifies the need for strong policies and action to tackle long term and deep seated economic and social problems, which are particularly accentuated by its peripherality in relation to the SW region and the Country as a whole.

The strategy objectives for the western sub region, on which the planning of development and infrastructure investment should be based, identifies the best opportunities for sustainable development and priority of investment to the Principal Urban Areas (PUA). Further objectives are set out in Policy SS3. They are to:

- *“alleviate remoteness through investment in transport infrastructure and other communications networks;*
- *create the conditions for growth, regeneration and diversification in the sub-region by promoting economic development and environmental improvements and, in Cornwall and the Isles of Scilly, maximising the opportunities afforded by Objective 1 funding;*
- *focus major new employment, social and cultural investment at Plymouth, Camborne and Redruth (where the area forms a significant potential area for growth and is a focus for regeneration), Barnstaple, St Austell, Newquay and Bodmin and maintain Truro's role as a sub-regional shopping and administrative centre;*
- *encourage appropriate investment in tourism in accordance with Policy TCS1;*
- *encourage appropriate housing, employment, retail and social facilities in sustainable locations to reduce social exclusion and rural need;*
- *conserve and enhance the coastline, landscape, historic and industrial heritage of the sub-region and recognise them as major assets in the drive to encourage regeneration;*
- *maintain and enhance the physical and cultural distinctiveness of Cornwall and Devon;*
- *conserve and enhance important environmental assets.*

Many coastal areas, including several long established resorts, some ports and many rural areas have seen serious economic decline with the run down of traditional industries such as tourism, defence, agriculture and fishing. There is a need for regeneration schemes and partnerships in many of the coastal settlements.

Policy SS21 identifies that coastal towns in the region should be the focal points for development and service provision in the coastal areas and this role should be supported and enhanced. Where such towns are not already identified as either PUAs or other designated centres for growth, they may need to be identified in the spatial strategy as coastal market towns. Development in such towns should be small scale and take place primarily within or adjacent to existing settlements, avoiding scattered forms of development. Local authorities in their development plans should:

- *locate development to support the coastal areas primarily in coastal market towns, identified and designated in development plans through a balanced mix of homes, jobs, services and facilities suitable to the scale and location of such settlements;*
- *adopt policies which support the restructuring of the coastal economies and the provision of jobs to satisfy local needs;*
- *set out policies for supporting sustainable diversification schemes which help to maintain the viability of the fishing sector and coastal economic vitality;*
- *seek ways of providing for essential shops and services to serve the coastal areas;*
- *promote improved and integrated public transport, communications and service delivery and support innovative community based solutions to public transport and communications, in order to increase access to jobs, housing and facilities.*

RPG10 says a key objective is “to safeguard and enhance the quality and diversity of the natural, cultural and built environment across the region, giving the highest level of protection to designated areas and features of national and international importance”. For advice on achieving such protection, RPG defers to PPG9 (now PPS9) (RPG10 Paragraph 4.3).

4.3.2 Draft Regional Spatial Strategy for the South West 2006 - 2026

A Draft Regional Spatial Strategy (dRSS) for the South West 2006 - 2026 was submitted to Government in June 2006, and an examination in public (EiP) has been held (July 2007). The EiP panel submitted its report to the Secretary of State in January 2008 and proposed changes were put forward for consultation in July 2008.

There are no proposed policies which refer specifically to Falmouth in the dRSS, EIP or response from the Secretary of State.

4.3.3 Regional Economic Strategy for South West England 2006 - 2015

The draft RSS has been developed in parallel with the Regional Economic Strategy (RES) produced by the South West Regional Development Agency (RDA). Improving Transport networks is seen as a key regional priority of RES. Connectivity particularly the reliability and resilience of access routes to major markets such as London and the South East, are consistently identified as an essential component to support a successful economy.

Several goals are set out in the delivery framework. Many of these delivery actions can be applied to the proposals and the Bristol area. The following are particularly relevant:

- Delivery Activity 1D.1 - Encourage and support regional businesses to trade Internationally.
- Delivery Activity 3A.1 – Enhance connectivity providing access to markets and tackling peripherally. Through supporting the region’s main port, Bristol, to enable more sustainable distribution of freight and lobby for the region to be connected directly by rail to key infrastructure in London, particularly Heathrow and Crossrail.
- RES Proposed Activity supports appropriate development of the region’s key seaports, including improvements to surface access.
- Delivery Activity 3B.2 – Build on existing strengths to develop the South West as the leading region for sustainable development.
- Delivery Activity 3C.1 Encourage an integrated approach to economic development.

4.4 LOCAL POLICIES

4.4.1 *Introduction*

From the 1st April 2009, the six District Councils and the County Council that make up Cornwall have become a unitary authority - Cornwall Council. Work is understood to be underway to produce a Local Development Framework for the new authority, and until that is produced, existing planning policy is being used to determine applications. Therefore these policies are presented below.

4.4.2 *Cornwall Structure Plan, 2004*

Under Policy 13 it is stated that ‘Development should seek, in the first instance, to improve existing tourism and recreation sites and infrastructure in sustainable locations, [it] seeks to reflect the overarching aim of improving the quality of tourism development. The emphasis is, therefore, on improving and adapting much of what we already have to meet changing circumstances and modern requirements before making new provision, particularly in rural areas.’

Under Policy 18 Falmouth-Penryn it is stated that ‘Development should support and sustain the prosperity of the maritime, industrial and tourist economy while protecting important aspects of the marine environment. It should also accommodate and capitalise on deep water facilities as a port.’

Under Policy 27 it is recognised that ‘The County’s Strategic Transport Network underpins the majority of travel and includes the Strategic Public Transport Network (SPTN), Strategic Road Network and the major ports. The transport approach to support the spatial strategy includes improvements at key ports to improve links beyond the County.’ Strategic Transport Proposals include ‘Improvements at Falmouth Port’ with an anticipated completion date of 2011.

4.4.3 Carrick Local Plan/Local Development Framework

The Carrick Local Plan (CLP) was adopted in April 1998, and a number of policies from this document were "saved" by the Secretary of State in September 2007. The CLP (1998) makes reference to the limited control over development that the District Planning Authority (DPA) have due to the Falmouth Docks and Harbour Acts. Although the DPA have control over forms of development other than port and dock related activities, the CLP emphasises that 'encouragement and support in principle be given to development wholly within the docks site for port related uses'.

The CLP is currently being reviewed and will be replaced by a Local Development Framework (LDF). A draft Core Strategy Development Plan (CSDP), which is the cornerstone of the LDF, was submitted to the Secretary of State in October 2006 and is available online.

The CSDP references development of the docks and harbour area under economic policy FP2:

- 'Develop Falmouth's role as a maritime centre and the retention of the docks for marine/industrial related uses and continued development as a centre for marine industry';
- 'Protect marine leisure and employment sites and so support the development which enhances their maritime role, whilst ensuring the character of the estuary is protected';
- 'Promoted the role of the Port of Falmouth as an International destination for cruise liners'; and
- 'Protect and enhance the biodiversity of the Fal Estuary and in particular ensure that development has no adverse impact upon the Fal/Helford Special Area of Conservation'.

A number of other Local Plan Policies should be considered during the proposed development of Falmouth Cruise Terminal which are summarised in Table 4-1. These saved policies will be carried forward to inform the LDF.

Table 4-1 Carrick Local Plan Saved Policies which apply to Falmouth

Policy Name and Number	Description
3A Protection of Countryside	Seeks to protect the countryside for its own sake and the character and setting of settlements from inappropriate development.
3D Character and Setting of Settlements	Seeks to preserve and enhance Areas of Outstanding Natural Beauty from inappropriate development.
3F Trees and hedgerows	Seeks to incorporate new tree planting and the retention and incorporation of important existing trees, hedgerows and Cornish hedges within development proposals.
3H Regionally and locally important nature conservation sites	Protects Regionally Important Geological/Geomorphological Sites, Areas of Great Scientific Value and Local Nature Reserves from the direct and indirect impact of development proposals.
3HH Wildlife Corridors	Protects the integrity of wildlife corridors from inappropriate development.
3J Local Habitats	Seeks to avoid damage to locally important habitats.
4D Setting of Listed Buildings	Provides guidance for development proposals affecting the setting of listed buildings.
4F Character of Conservation Area	Provides guidance for development and demolition proposals in Conservation Areas.

Policy Name and Number	Description
40 Development in AONB	Seeks to promote high standards of design and layout within Areas of Outstanding Natural Beauty, Areas of Great Landscape Value and the Heritage Coast.
4S Protection of Archaeology	Seeks to protect nationally important archaeological remains from inappropriate development proposals.
4T Retention of archaeological remains	Seeks to protect sites of local archaeological importance from damage and ensures that adequate archaeological records are prepared if their retention is not justified.
4U Interpretation of archaeology	Promotes proposals which encourage and develop the cultural, recreational, educational and tourist potential of archaeological and historic sites and monuments.
5A Major Highway Schemes	Protects programmed major highway schemes from inappropriate development proposals.
5K Impact on 'opes' in Falmouth	Protects 'Opes' and walkways from conflicting development proposals and seeks to improve to the Falmouth and Penryn waterfronts.
6C Housing provision in Falmouth and Penryn	Identifies settlements within the Falmouth/Penryn sub area where there is a presumption in favour of residential development, redevelopment or conversion proposals subject to certain criteria.
6CB Housing provision	Provides guidance for small-scale residential development within the built up areas of Falmouth and Penryn.
8EE Waterside Industrial Uses	Seeks to protect against the loss of identified waterside industrial uses.
10L Marina Development in Falmouth/Penryn	Provides guidance for marina-type developments in Falmouth and Penryn.
10W Leisure development adjacent ships and castles, Falmouth	Provides guidance for the development of a recreation/leisure or tourist facility on land adjoining the Ships & Castles centre, Falmouth.
13K General Infrastructure	Seeks to ensure that adequate local infrastructure is in place before development is commenced.
13L Transport	Seeks to resist development within or adjoining settlement boundaries which is not fully accessible by public transport, pedestrians and cyclists or which creates an unacceptable impact upon the overall highway network.