

Technical Annex 1

Contents

Technical Annexe 1A – Scoping responses

Technical Annex1A Scoping Responses



PENWITH DISTRICT COUNCIL

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Matt Barton
Head of Sustainable Development and Improvement

Your Ref :

Our Ref : AE/SD&I/Hayle harbour

Ask For : Andrew England

Direct Dial : 01736 336788

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Date : 2nd July 2007

Dear Ms Orr,

re: Scoping Opinion for Hayle Harbour

Thank you for your letter requesting a scoping opinion in respect of the above, based upon the Draft Interim Environmental Study Report (Buro Happold May 2007) as a baseline for the Environmental Statement, and the evolving master plan supplied by LDA. In view of the request not to consult certain parties at this stage this letter should only be regarded as an informal scoping opinion. Nevertheless I hope that the observations will be of assistance, and I can confirm that we will forward any additional details we receive which could have a bearing on the EA. The order of this response broadly follows that of the draft environmental report (to which paragraph references refer) rather than indicating any priority afforded to the issues. I have also taken the opportunity to highlight some potential general issues in addition to the normal scoping exercise, which I hope will be helpful. You will note that the majority of the observations are those previously replied by the County council however for completeness I have included them in this response.

1. Proposed Development

- 2.1 Reference is made to an 'Information Centre' – there will be a need to clarify who will operate/service this.
- 2.2 The details concerning phasing of the development will need to be amplified as it would appear that the phasing will have a significant role to play not least in terms of mitigation, as well as delivery.
- 2.3 Whilst the issue of land ownership is fully appreciated the the alternatives considered appear to be limited, light on analysis and justification. Inevitably the need to target the harbour is appreciated as a given, however, I consider that the

If you need this information in audio format, large print, Braille or another language, please phone 0800 085 8900. Ref: AJE/Hayle Harbour

Ms. J. Orr,
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Bath BA2 3DQ



2005-2006
Sustainable Energy

selection/ suitability of the green field element should be amplified.

2. Noise & Vibration

- 3.5 The EIA Noise Assessment Plan has referred to supplying information on road traffic noise assessment , construction site noise assessment and effects on residential dwellings. The EIA also refers to industrial, retail and leisure activities and their effect on both existing and proposed dwellings using BS4142 as these types of activities include the use of refrigeration units, extraction systems etc. The EIA also refers to the effect of road traffic noise and we would wish to see full PPG24 for both road and rail on those areas proposed for residential development.

In addition to the above we would also wish to see a detail breakdown of the different construction phases and their effects on the background noise levels at existing dwellings. In terms of proposed impacts consideration should be given to the potential for impact from any industrial uses proposed, including those which may be associated with the Wave Hub research and development businesses. In addition, the potential impacts upon existing properties should be considered as well as new properties.

3. Landscape

- As identified in the Environmental report, a Landscape Character Assessment and Visual Appraisal will be required. This will need to include consideration of the wider visual impact e.g. from St. Ives, Carbis Bay, Lelant and St. Erth.

4. Highways and Transportation

Whilst an initial Transport Assessment was prepared; this was considered largely unsatisfactory and still no revised Transport Assessment has been received. The adequacy therefore of the new TA in terms of its audit, assessment of impacts and mitigation measures has yet to be assessed. Furthermore, further detail are required as to the precise nature of and phasing of the proposals e.g. the nature of the commercial proposals, the type of housing (second homes or permanent housing), especially in light of the evident increase in housing numbers proposed. Whether there is to be a further education and/or gallery facility and the nature of such facilities it is not possible to properly assess the transport and other impacts. In the absence of such information a worst case scenario would need to be adopted in any assessment.

Of fundamental concern is that there appears as yet (either within the ES scoping or masterplan package) to be no proper assessment of the balance of jobs to homes in terms of scale and type of provision and the relationship between the two elements. This is an essential element of the analysis to enable a proper planning assessment both in terms of transport impacts and social and economic impacts (see below) on the town and surrounding areas. A key issue is the potential that the development will result in the high levels of commuting contrary to national planning policy guidance (PPG13) as well as development plan policies.

A major issue is also the capacity of the highways network to appropriately accommodate the increased traffic that will result from the development and the parking strategy.

Key matters for the ES (or TA) are:

- Impact on travel patterns in view of the need to minimise the need to travel particularly by car
- Accessibility by non car modes.
- Impact of increased traffic flows and the parking strategy on the highway network, environment and community
- Access for emergency vehicles
- Management of construction traffic
- Implications for pedestrian access and public rights of way including links between the existing community and the development; through the site; and to key areas such as the beach and railway station.
- Need for and implications of new vehicular accesses.

With regard to the Draft Interim Environmental Study Report, section 5:-

- There is no mention in the scoping of which peak hours will be tested. There is mention in section 5.2.4 that the time of peak generation of the development is likely to be 17:00 to 18:00. However the am peak should also be tested; further while the am peak will be late morning for the majority of the network (certainly in august) it is likely that at least at the new access junction to the largely residential North Quay area testing will be required for both the early morning commuter peak and the late morning recreational peak. Testing of the early morning commuter peak should be outside of August.
- 5.3 refers to testing at 5 and (for Highways Agency) 15 years from opening; the HA now require testing at 10 years from date of application.
- 5.4 refers to planned improvements at the Foundry Square junction; works are now well underway having commenced in May.
- At 5.5 it should be noted that the County Council's position regarding a new access onto the A30 is incorrectly stated (para 5.5). It is not at this point, the view of the County Council that a new access should be secured; but simply that it could be explored as an option. Similarly the District Council are aware of some potential advantages but appreciate that this has yet to be fully assessed.
- 5.6 should also consider the potential impact of the developments at Camborne/Pool/ Redruth (CPR) as there have been studies undertaken which could be relevant to Hayle, especially as the two areas could/should compliment each other.

5. Waste

- A comprehensive waste management strategy will be required for both the construction and the operational stages of the development. Should you require further advice on the scope and content of that strategy, please contact Adrian Lea (CCC, Minerals and Waste Policy Manager and Mike Toms

- Recycling & Refuse Manager, PDC).
- At 6.5 consideration should be given to the potential impact upon watercourses.

6. Archaeology and Cultural Heritage

- At 7.4 reference could be made to the Hayle Town Trust, Harvey's Foundry Trust, and the Hayle Area Plan Partnership.
- It should be noted and explicitly recognised in the ES that the Port of Hayle is now part of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) which was inscribed in July 2006 (the Draft Interim Environment Report still refers to it as a bid despite the report date of May 2007).
- Now that UNESCO has inscribed the WHS, The Conservation Management Plan will need to protect the " Outstanding Universal Value", integrity and authenticity of the WHS in line with the policies of the WHS Management Plan, as well as Listed Buildings and Scheduled Monuments etc. Penwith District Council is a signatory to the WHS Management Plan and its policies. Consideration of the impacts and mitigation will need to refer to WHS Management Plan policies.
- The ES should make reference to the issues in the Cornwall and Scilly Urban Survey (CSUS) report for Hayle (CCC Historic Environment Service October 2005)
- Community identity and integration. The ES needs to consider how the proposed development will integrate with the existing settlement which is made up of a number of communities with diverse identities, e.g. Foundry, Copperhouse, Ventonleague and Phillack (see chapter 6 of the CSUS report for Hayle); and how it is intended to achieve local distinctiveness.
- Consideration should be given as to how the proposals relate to the MCTI Hayle Area Plan.
- Scale and massing will be important issues. Tall buildings are unlikely to be compatible with the World Heritage Site. They are likely to be out of character with the surroundings and detract from the significance of the visual setting of traditional buildings and historic landscapes.
- The masterplan package provides insufficient detail of the proposed buildings to enable a proper assessment of how these will impact on the Historic Environment and the World Heritage Site.

5. Natural Environment.

- Advice from the County Council's Natural Environment Service identifies the key issues for the coastal and marine environment and terrestrial ecological issues. A copy of that full advice is appended. It sets out the issues that the ES will need to address and specialist studies that will need to be undertaken.

- It is noted that work is progressing with regarding to Natural England's initial concerns, including Petalwort and on this basis the assessment should account for any observations made by Natural England regarding this work in progress. The identification of other land within the applicants control with regard to potential for mitigation measures should be addressed.
- With regard to issues such as water resource the assessment should consider where appropriate any potential impacts from the planned Camborne/ Pool/ Redruth development, e.g Red River and drainage capacity issues which could potentially impact upon Hayle.
- The assessment should highlight any potential impacts on water based recreation during or after the development.

6. Socio –Economic

The ES needs to fully consider the social, economic and community impacts of the development. Key issues should include:-

i) Balance of housing and jobs

- With regard to the current situation additional information is provided by the Sites and Premises report and the Penwith Business Survey.
- The emerging Employment Space Strategy (Convergence Programme) will need to be considered, and the West Cornwall Economic Development Plan may be of assistance.

Further information is needed as to :-

- How the proposals relate to the housing needs of Hayle in particular needs for affordable housing and vulnerable groups. Is this an appropriate scale and mix of housing types?
- How the housing relates to the employment provision?
- Consideration needs to be given as to how the commercial development relates to the needs of Hayle. The Amion Strategic Assessment may help with this assessment. There needs to further consideration of the demand and supply issues associated with the new employment space. Is there sufficient demand for the proposed accommodation? Further information is required as to where this demand arises and who would occupy the commercial accommodation. Will it simply shift jobs from elsewhere or genuinely create new ones? What mechanisms will be put in place to ensure that local skill match jobs created so that local people can access the new employment opportunities? A strategy is required for new and existing businesses to be able to access the new workspace. How for example will the ship yard village develop and operate?
- The anticipated travel patterns that will result from the proposed development.
- The small proportion of affordable housing raises concern particularly in view of the fact that the applicants only intend to develop 42 of these. It is

understood that the majority of the “proposed affordable housing” is not to be constructed by the developer but provided by the District Council. As probably the most important housing element of the scheme, the delivery and likelihood of this coming forward and the timing needs to be considered as part of the assessment.

ii) Hotel provision

Market research will be required to examine the viability of the proposed hotel and to consider what type of hotel is suitable for Hayle.

iii) Retail Impact

A retail impact assessment is required to assess the retail implications of the proposals in terms of the sequential test and impact on the vitality and viability of the town. It is noted that Penwith District Council have commissioned a retail impact assessment which will include Hayle which will presumably assist in informing the Environmental Assessment.

ii) Community infrastructure

The proposed development represents a significant expansion to the town and increase in population within the town which will increase pressure on existing community facilities and may generate need for further facilities.

Further consideration is needed as to the impacts on and needs for community infrastructure. I refer you to my letters dated 21 May 07 and 30 March 07 which set out the key issues with regard to CCC services and the need to address further the health care issues.

In summary the following will be required:-

A full assessment will need to be undertaken as to what impacts this large scale of development will have on health services, social care service delivery, and community facilities (including for example education and children’s/ family services, libraries and fire cover) to consider what facilities will need to be incorporated into the development or how any deficiencies will be addressed. The PCT will need to be involved in this process.

I hope this is of assistance. If you require any further information please contact me.



Andrew England
Sustainable Development & Design Manager

Enc.

Memo dated 15 June 07 from Cornwall County Council Natural Environment Service
Letter dated 30 March 07 from Cornwall County Council to Penwith District Council - Re
CCC Service Issues
Letter dated 21 May 07 from Cornwall County Council - re social care and health issues.

Yours sincerely

Andrew England
Sustainable Development and Design Manager

FAO: Mr M Barton
Head of Planning and Building Control Services
Penwith District Council
St Clare
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TR18 3QW

Your ref:
My ref: MW Hayle
Direct Line: 01872 322606
Email: mwalton@cornwall.gov.uk
Date: 30th March 2007

Dear Mr Barton

Hayle Harbour Redevelopment: Implications and Requirements for CCC Services

I am writing further to the meetings of 15 February and 1 March where I was requested to update the position with regard to the impacts and potential requirements with regard to County Council services.

This is intended to assist the pre-application discussions between the applicants and the local authorities. It does not represent the formal views of the County Council, nor is it a final view: it is simply the officer views of the relevant departments based on the information received to date regarding the scheme. It does not include transport requirements other than the broad principle associated with emergency access.

It is almost two years since my previous letter which addressed these issues; so clearly events/circumstances have moved on and the development proposals have changed significantly (most notably from 700 to 915 dwellings)

As the proposals evolve further, and when a planning application is submitted, clearly these issues will need to be re-examined and updated to reflect any revisions to the proposals, new details, or changed circumstances; and the views formalised to provide the County Council's formal response to the application.

If you have any queries regarding this letter or the issues it raises, or need any further information, please contact myself initially as the lead planning officer at the County regarding the current proposals for Hayle Harbour. Key officers regarding the relevant services are set out below, -

Chris Ramsey (Assistant Chief Executive) – Communications and Libraries
Wendy Mason (Head of Capital Strategy) – Dept for Children Young People and Families
Dave Richards (Senior Assistant Director - Performance and Service) – Adult Social Care
Colin Hatch (Divisional Officer) &
Ted Simpson (Assistant Chief Fire Officer) – Fire services

1. Education Requirements

Given the scale of the development (now understood to be 915 houses) it is anticipated that the two primary schools (Penpol and Bodriggy), and the secondary school (Hayle Community School) would have insufficient capacity to accommodate the demand for school places that the development would generate.

It would be helpful to have confirmation of the number of 1 bedroom units, and holiday/second homes within the development, as these could then be discounted from calculations for school places and the potential number of school places would be reduced accordingly.

Information previously provided regarding housing numbers would seem to indicate that 211 of the 915 dwellings would be one bedroom dwellings. This would need to be confirmed. On that assumption it is calculated that the development could potentially produce approximately 80 children for each sector (Primary and Secondary education). To accommodate this capacity, at least 3 additional primary classes would be required. A number of additional classrooms would also be required at secondary level.

There is the potential land capacity to expand the primary and secondary provision; however developer contributions would be sought at the current standard rate of £1,500. per open market dwelling (as opposed to "affordable") with 2 or more bedrooms.

Invariably additional classrooms will necessitate expansion of other school facilities such as for example there may be a requirement for additional sports facilities as well as additional facilities such as staffroom space, ICT provision, toilets, hall and library facilities etc in view of the additional requirements of extra staff and pupils needing to use them. Whilst developer contributions will help fund additional classroom provision these contributions do not assist funding of additional facilities/improvements required as a consequence of the additional pupils. The County Council will need to review its ability to provide those additional "improvements" within the existing school sites. To do this, a clear understanding is required as to the number of dwellings eligible for contributions (i.e. open market dwellings (as opposed to "affordable") with 2 or more bedrooms); as well as the total number of 2 or more bedroom dwellings excluding holiday/second homes so as to more accurately estimate the number of school places that the development will generate.

I am seeking further advice with regard to impacts of the proposed development on childcare/family services e.g. those currently provided through "Surestart, and childrens' centres, and will provide further advice with regard to these as necessary.

2. Fire Services

You may be aware that Colin Hatch and Ted Simpson from the County Fire Service met with Stephen Berry (ING) in July 2006 to discuss future fire service provision in Hayle and I attach for your information the letter that was subsequently sent to Stephen Berry setting out an out-line specification for a new fire station at Hayle. This would improve public safety and align fire cover provision in Hayle with other towns of a similar size throughout Cornwall.

The situation remains that Hayle already is at the very limit of excepted response times from the nearest stations at Camborne and St Ives. Furthermore, the Fire Station at Camborne may in the near future be reduced from 24 hour operation to day time cover only which will impact on night time response times for Hayle.

The proposed development will, by way of its scale, increase the fire risk in terms of the additional buildings, and the increased number of residents and staff/employees, and it will likely increase the existing response times by way of the additional traffic that the development will generate. Therefore, in the context of the current proposals for Hayle, it is considered appropriate to consider the provision of a new fire station for Hayle.

This would clearly raise funding issues. The County Fire Service would welcome discussions to consider how the developer could contribute towards land conveyance and build costs for a new fire station; and the provision of other fire prevention measures that the development should include. At the meeting held in July 06 a number of issues and possible partnership ideas were explored, that were agreeable to the Fire Service as starting points for working up a plan/proposal. The County Fire Service would be very interested in joining with other agencies such as the Police, Ambulance Service, Coastguard or Harbour Master, etc. in sharing accommodation to provide an improved service to the community if this meets with any of your own ideas. Subsequently as requested an approximate schedule of the fire service requirements was provided and I attach this for your information.

With regard to access for emergency vehicles I repeat the position expressed in my previous response; i.e. that with regard to the precise location of a Fire Station within the development, clearly communications, access/egress and speed of deployment are critical to the operations of the fire service. The County Fire Service would seek to influence this matter and look forward to the outline plans. The existing single access bridge is inadequate to serve the proposed scale of development at North Quay. It would be necessary for the developer to provide two accesses to ensure adequate emergency access and to provide access in the event of any closure of the bridge (e.g. for maintenance). This provision must include a primary access providing two-way vehicular access and pedestrian/cyclist provision. A secondary access must, as a minimum, provide access for pedestrians, cyclists, public transport and emergency vehicles. These proposals would need to be considered fully by the County Fire Service, Highway Authority and planning authorities (County and District).

3. Libraries

i) As was expressed in response to earlier plans which suggested relocation of the library; it is not considered necessary to move the library from the existing site. In the present location it is well situated to serve the Copperhouse and Foundry ends of Hayle. It is understood that the current proposals have been amended to retain the library in its current position. Given the scale of the proposed development, developer contributions would be sought to extend the existing library through a Section 106 agreement.

ii) **Tourist Information.** Tourist information is currently being delivered under a contract with Penwith. The library service would like to make this a permanent arrangement and extending the existing library could help achieve this. The position of tourist information within the overall development proposals for Hayle needs consideration. The benefit of delivering it through the library is that this provides a permanent building and enabling flexibility regarding staffing needed throughout the year. The library service is therefore well placed to help create a sustainable model for delivery tourist information in Hayle.

4. Social Services

I am seeking advice with regard to social service needs and will advise as necessary in due course.

I hope this is of assistance. Please contact me if you have any queries or need any further information.

Yours sincerely

Maria Walton
Principal Planning Officer (Implementation)

cc: Paul Connelly - LDA Design

Mr M Barton
Head of Sustainable Development and Improvement
Penwith District Council
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Penzance
TR18 3QW

Your ref:
My ref: MW Hayle Harbour
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Date: 21 May 2007

Dear Mr Barton

I am writing further to my letter 30 March 07 which set out implications and requirements for Cornwall County Council Services. In that response I advised that I would seek further advice regarding health and social care issues; and respond accordingly.

In that context I make the following comments:

1. Impacts on Delivery of Health and Social Care

A full assessment will need to be undertaken as to what impacts this large scale of development will have on health and social care service delivery, and to consider what facilities will need to be incorporated into the development. It will need to be demonstrated that any necessary provision can be provided to serve the development and that any impacts can be appropriately addressed. I understand that a planning application programme is being drawn up and suggest this may be the opportunity to consider how and when these issues are to be addressed.

Please can you confirm that the Practice Based Commissioning Group of the Cornwall and Isles of Scilly PCT have been and will be involved in this application process (contact - Rachel Crawley). I have emailed Rachel a copy of this letter.

2. Affordable Housing/ Housing for an Ageing population

In order to secure the best development for Hayle, consideration should be given to the following:-

Whilst the proportion of affordable housing to be included in the scheme will need to be considered both in the context of the overall development and the need to secure an appropriate mix and balance of housing types; and in the context of the needs of Hayle: within that context the opportunity should be taken to maximise provision for affordable housing.

Consideration should be given to the need/opportunity to include provision for vulnerable groups for example people with learning disability, mental health problems or physical disability.

In view of the scale of the housing development proposed and the anticipated increase in the proportion of elderly population in the County, it is considered that the proposals should incorporate a proportion of housing development designed to enable people to remain in their own homes longer into their elderly years and maintain their independence for longer e.g. :-

- i) Life Time Homes – i.e. homes designed with enhanced access specifications to cater for young families through to the elderly and for those with disabilities requiring special access requirements.
- ii) Extra Care Housing – i.e. housing for older people who need accommodation which provides a combination of support and care to enable them to continue to live independent lives.

I would suggest these are issues that could be considered at the relevant topic groups that we discussed at the meeting of 1 March 07.

Finally I would add that whilst this letter has been produced on the quite specific service issues as requested (in so far as possible on the information received to date); what is required is proper consideration of the masterplan overall. To do this we still need more detailed information as to the proposals for example the type of housing (e.g. proportion of second/holiday homes, and type of employment use) as well as the evidence on impacts. I look forward to seeing the Planning Application Programme and indeed the latest masterplan which will I hope enable this to be taken forward. I enclose for your information, a copy of my letter dated 3 December 2004 which set out the strategic issues that needed to be addressed. These issues remain valid in the current context. (There have been some changes to the list of contacts as we discussed following the meeting of the 1st March.)

If you require any further information or wish to discuss these issues please do not hesitate to contact me.

Yours sincerely



Maria Walton
Principal Planning Officer (Implementation)

CC Rachel Crawley, Rachael.Crawley@CIOSPCT.cornwall.nhs.uk
Paul Connelly, LDA Design, Kings Wharf, The Quay, Exeter, EX2 4AN



MEMORANDUM

PLANNING, TRANSPORTATION & ESTATES

TO: Maria Walton

FROM: Cornwall County Council Natural Environment Service (NES)

Date: 15 June 2006

Penwith Ref: AE/SD&I/HAYLESCOPE

Proposal: REQUEST FOR A SCOPING OPINION - HAYLE HARBOUR

Applicant: Buro Happold / ING

Thankyou for consulting the Natural Environment Services on this consultation. NES would like to make the following comments:

1) Introduction

NES welcomes the regeneration of Hayle and improvements to the harbour. There is clearly a lot of potential to encourage economic development and social improvement through improved recreation, tourism, environmental, commercial and social opportunity. Hayle has fantastic natural resources which create a high quality of life, and already attracts a number of user groups reliant on its natural resources - such as anglers, bird enthusiasts, surfers, wind surfers and beach goers. It is essential that these natural assets are protected and enhanced, access to them is sensitively managed, and the wildlife that relies upon these features are not disturbed.

2) Masterplan

In summary, we would not object in principle, but currently have concerns in relation to the masterplan and the emphasis on the activities which are going to be encouraged through this development. NES considers that the masterplan needs to be reviewed and efforts made to reduce some of the environmental impacts to meet the guidance provided in PPS 9. Things to consider:

- **Sustainable Development:** The development involves the creation of 1020 and residential units. An average of two people per house will increase the current population by approximately 25%. NES would like some evidence to show that this amount of increase in property is needed for the Hayle area. Secondly, we doubt that this number is sustainable in terms of access, parking, increase in traffic, increase in sewage and storm runoff due to increased concrete footprint, and increase in carbon footprint.
- **Land take** in the north quay area for the sand dune habitat. This habitat type is listed in both UK and Local BAP, and the target for this is to prevent further losses. This could be done by reducing the footprint of the residential development in the hilltop area. The open space in the Riviere fields could be redesigned to have a higher number of houses, and

open space and gardens could face onto the remaining habitat to reduce fragmentation and create a buffer.

- The **sand dune habitat** to the north east is part of the Coast Atlantic Project which seeks to restore 8 identified declined sand dune systems in Cornwall. Currently the habitat is fragmented and erosion is serious. Restoration of these dunes needs to be undertaken, and prevention of further trampling through the dunes. Damage could be significantly reduced by providing a single boardwalk through the dunes, and associated signage to educate the majority of the public. The sand dune habitat is also of value to fauna, species such as reptiles.
- The **retention of the semi-natural features** such as Cornish hedgerows should be considered with careful design, as currently only 70% of hedgebanks will be retained.
- **Need for a marina:** In order for the marina to be created, the cockle bank will need to be removed. There is an unavoidable amount of heavy metals which will be mobilised (only reduced through best practice) and it will disturb / possibly destroy important spawning areas, in particular for sand eels.

It was stated at the meeting, the marina is aimed at motor vessels. This in itself brings a certain amount of environmental impact - fuel management and potential spillage, and noise pollution associated with these boats which could, potentially disturb birds in the SSSI. St Ives Bay is home to mega marine fauna such as dolphins, basking sharks, and seals. Introducing power boats to the area could also increase disturbance to them significantly and contradicts the Wildlife and Countryside act 1981 (as amended by the Countryside and Rights of Way Act, 2000).

Furthermore, the entrance into Hayle Harbour is dangerous due to the constant natural siltation and mobile sands. Encouraging recreational vessels (which currently do not require any form of training or licence to drive), into the estuary does not seem sensible.

- **The development line:** It would be preferable to see where areas are currently of natural frontage, that they remain so, and where opportunities allow, to set back current development line. This would help enhance the character of Hayle. It would be preferable to set development back, to incorporate a significant strip of buffer land between mean high water and the development line, and ideally where public can access the estuary from a safe platform. Such buffers are good ideas and provide for many things:
 - Space for water on extreme high tides, and expected sea level rise.
 - Refuges and corridors for wildlife, especially migratory animals which travel adjacent to water courses.
 - Recreational access to waterfronts, and open space.
 - They are valuable in preventing accidental pollution runoff.
 - They help prevent light spill at night, overshadowing from buildings in the day (which impacts productivity), and general noise from urban areas onto waterways and intertidal areas where diurnal rhythms can be severely disturbed by human activity.
 - Help protect natural geomorphological and other features.
 - Allow for natural processes of erosion and deposition, as well as the associated changes in alignment and bank profiles, this includes sand dunes.

NES realises that a large amount of waterfront is defences / walls, but there may be opportunities, particularly around the western side of north quay where there is a large amount of derelict land, and in areas where the defences need restoration - to create ledges or other features for wildlife. Again, we realise most of this needs to be restored to its original granite character.

- **Sustainable Urban Drainage System (SUDS):** In considering SUDS options, consideration should be given to the potential of innovative SUDS which have potential to

provide considerable ecological benefits – these can also act as a mitigation for loss of habitat elsewhere, or even an enhancement - which is required under several tiers of planning policy. There is likely to be an increase in runoff and overflow through such a significant increased urban footprint. A concern from a marine perspective would be that of water quality and natural SUDS systems could potentially be used to improve the quality of discharge into the estuary. Ground contamination is obviously a constraint with infiltration based SUDS, but there is still potential for ground surface SUDS with the use, for example, of clay liners to cap, and prevent any leaching of contaminants.

- **Sewerage:** Although details of sewerage and volume of discharge will be agreed between Southwest water and the Environment Agency, NES hopes that with such an increase in housing numbers and potential increase in discharge into the sensitive estuarine system, that tertiary treatment will be provided.

2) Coastal and Marine Habitats.

The Coastal and Marine Environments in Hayle are unique varying from estuarine, coastal lagoon, sandy sediments mobile sands which high velocity water, sand dune, through to ocean. Most are important wildlife habitats. This development has potential to cause damage in a number of ways.

- **Bridges:** The masterplan shows four new bridges due to this development. One of the bridges crosses Copperhouse pool – a BAP designated saline lagoon. This will cause shading and fragmentation, and damage through piling and construction. There will be a small loss of habitat, this is contradictory to the BAP action plan. Though minor, this is significant as there is such a small amount in the UK, escalated further expected loss in the next 20 yrs from sea level rise.
- **Sluicing:** The scoping report includes the re-introduction of sluicing at Copperhouse pool, Carnslew Pool and potentially a third, historic sluice. Both Copperhouse and Carnslew pool are listed as BAP priority habitat saline lagoons, and SSSI. The objectives for this BAP action plan include the following:
 - Maintain the current area (c.5200 ha) of coastal saline lagoons.
 - Maintain the current number and distribution of coastal saline lagoons.

The actions required are:

- Maintain and monitor the stable exchange of waters to and from lagoonal habitats as part of site management plans. (ACTION: CCW, EA, EN, SEPA, SNH).

The threats to this habitat which are listed, and should be avoided are:

- Artificial control of water (sea and fresh) to lagoons can have profound influences on the habitat.
- Pollution, in particular nutrient enrichment leading to eutrophication, can have major detrimental effects. This may result from direct inputs to the lagoon or from water supply to the lagoon.
- Many lagoons are often seen as candidates for infilling or land claim as part of coastal development.
- Some coastal defence works can prevent the movement of sediments along the shore and lead to a gradual loss of the natural coastal structures within which many coastal lagoons are located.
- The impact of coastal defences will be compounded by the effects of sea level rise. One study in 1992 estimated that about 120 ha of coastal lagoons in England (10% of the existing resource in England) would be lost over the subsequent 20 years, mainly as a consequence of sea level rise.
- Sea level rise may present opportunities for creation of new lagoonal habitat where sea water inundates freshwater areas, including sites that were once lagoons.

These issues may well be overcome, if sluicing was reduced to avoid any important periods in fish cycle life, important bird feeding times etc.

NES is also aware that sediment currently leaving the estuary is fairly rapidly returned into Lenant water, and the SSSI. Sluiced sediment is likely to do the same, and the whole process seems to contradict natural processes – it is going to be an ongoing battle against nature to ensure this does not happen, and to keep the channel out to sea clear.

- **Water Quality**

The Hayle Shellfisheries is currently an important economic consideration, and is reliant upon good water quality. Every effort should be made to retain / improve the water quality. Using SUDS to prevent excess storm surface water runoff, and a good tertiary sewerage system which is able to prevent any storm water overflow will achieve this.

3 Terrestrial Ecological Issues

- **Bats:** All the buildings to be affected by the development must be surveyed for bats and it is not clear if all have been done. It is also essential that the whole site is surveyed to identify the foraging areas and flight lines. Bat activity surveys over the summer active period over the whole site are required so that we can ensure that there is adequate information. A light management plan will be required if the work will affect species which are adversely affected by light.
- **Reptiles:** The recommendations from previous work must be undertaken. This is to survey during the early spring months on suitable days. It has been already recognised as a key reptile site and that the development would have a significant adverse effect. We strongly emphasise that the principles of PPS9 are followed which is the avoidance of impact in the first instance. We would then expect that areas are identified to provide enhancement if some translocation has to take place. It is not acceptable to translocate animals into existing territory without an increase in habitat carrying capacity. The revisions of the master plan as suggested may alleviate the problem.
- **Breeding Birds:** The buildings affected by the development should be surveyed for all species not just barn owl and mitigation for them included in the final design.
- **Petalwort:** Schedule 8 species of the Wildlife and Countryside Act 1981. This is a significant population and one of the two largest in the UK. The main population is on the spit which is being considered for parking either hard standing and or temporary seasonal. It was confirmed that the loss of this would be a significant adverse impact nationally. More work is needed to confirm the factors which will help conserve this colony within the development. This includes the levels of grazing, levels of use by dog walkers and compaction. There is no evidence as yet that translocation will be effective, therefore we recommend avoidance of impact.

4) Environmental Statement

Terrestrial

Aside from the comments above we would expect a comprehensive evaluation of all the ecological habitats and species. There should be clear demonstration of how the site's biodiversity will be maintained and opportunities for enhancement such as sand dune restoration or reptile habitat will be undertaken. This should be in line with the legislation and government planning policy, Countryside and Rights of Way Act 2000, Natural Environment and Rural Communities Act 2006 and the Conservation (Natural Habitats&.c) Regulations 1994.

The report needs to identify the important habitats and species, and any ecological constraints should inform the design.

Marine

For the marine environment, NES would also like to see:

- Up to date habitat surveys with clearly identified important species and habitats.
- An assessment of impacts from sluicing on fish populations and benthic communities on Copperhouse pool, Carnslew pool and the estuary.

- The modelled hydrodynamic change in the estuary due to the sluicing, removal of cockle bank and sand bar, and the impact of these changes on the coastal lagoon BAP SSSI's, and fish species in the estuary. It would also be useful to consider a variety of options including timing, number of sluices etc to avoid important fish and life cycle periods.
- The potential impact of mobilisation of heavy metals from sluicing in Carnslew and Copperhouse pool, and also from dredging in the estuary.
- Details on remediation of use of waste material from dredging.
- The modelled movement of sediment leaving the estuary through sluicing – and where it is going to end up - to insure re-entrance does not occur into the SSSI, as presently it does.
- The impact of changes in hydrodynamic regime of the saline lagoons of Carnslew and Copperhouse pool.

Mitigation and Enhancement

NES would like to see details of mitigation for any loss of any BAP habitat, and explanation why it cannot be avoided. Habitat enhancement is also necessary under planning policy guidance and details should be listed in the with the Environmental Impact Assessment. NES offers the following suggestions:

- As stated above, ideally a sand dune management strategy and restoration effort.
- Opportunities for habitat creation, in particular intertidal areas and buffer zones.
- The spit could provide a nature reserve if parking is designed sensitively – i.e. natural permeable material and petalwort management and conservation is considered.
- Furthermore, all new buildings and structures can be designed to provide opportunities for wildlife – such as bat and bird boxes and ledges – even planting of native trees and plants can help.
- Areas to extend the current coastal lagoons to prepare for the future.
- Any managed realignment opportunities.
- Measures to prevent disturbance, or loss to important flora and fauna.

Please do not hesitate to contact me for any further questions.

Yours Sincerely

Fiona McNie
Maritime Natural Environment Officer, Natural Environment Service

Cathy Turtle
County Ecologist, Natural Environment Service

Mr M Barton
Head of Sustainable Development and Improvement
St Clare
Penzance
Cornwall
TR18 3QW

Your ref: AE/SD&I/HAYLESCOPE
My ref: MW Hayle Harbour

Direct Line: 01872 322659
Email: mwalton@cornwall.gov.uk

Date: 27th June 2007

Dear Mr Barton

re: Scoping Opinion for Hayle Harbour

Thank you for your letter dated 21 May 07 consulting the County Council on the scoping opinion for the proposed redevelopment of Hayle Harbour.

My comments, on behalf of Cornwall County Council are set out below and refer to the Draft Interim Environmental Study Report (Buro Happold May 2007) provided by the applicants as a baseline for the Environmental Statement. The order of this response broadly follows that of the draft environmental report (to which paragraph references refer) rather than indicating any priority afforded to the issues.

Whilst clearly much work has already been undertaken, I consider there to be a number of fundamental issues that need to be addressed if this development is to be supported in accordance with national and development plan policies. I am concerned that the timetable (i.e. to submit an application in August) may not enable proper consideration of these issues in which case the application is likely to fail. This response seeks to identify those outstanding issues so that they may be addressed prior to submission of the planning application.

Since receiving this environmental scoping consultation I have received a copy of the draft, and still evolving, masterplan. The revised masterplan package is the first substantive plans and written information we have received. I am concerned that the masterplan, whilst presenting an overall vision, lacks an explanation of how it will be achieved; and it leaves little time (in view of ING's proposed timetable) for consultation prior to submission of an application. The masterplan does however provide an opportunity for us to flag any potential problems or issues in addition to this ES scoping response. Thus I would like to offer a response (to follow) on the draft masterplan, in addition to this letter, in order that key issues can be identified at the pre application stage.

1. Landscape

As identified in the Environmental report, a Landscape Character Assessment and Visual Appraisal will be required. This will need to include consideration of the wider visual impact e.g. from St. Ives, Carbis Bay, Lelant and St. Erth.

2. Highways and Transportation

Whilst an initial Transport Assessment was prepared; this was considered largely unsatisfactory and still no revised Transport Assessment has been received. The adequacy therefore of the new TA in terms of its audit, assessment of impacts and mitigation measures has yet to be assessed. Furthermore, further detail are required as to the precise nature of and phasing of the proposals e.g. the nature of the commercial proposals, the type of housing (second homes or permanent housing), whether there is to be a further education and/or gallery facility and the nature of such facilities it is not possible to properly assess the transport and other impacts. In the absence of such information a worst case scenario would need to be adopted in any assessment.

Of fundamental concern is that there appears as yet (either within the ES scoping or masterplan package) to be no proper assessment of the balance of jobs to homes in terms of scale and type of provision and the relationship between the two elements. This is an essential element of the analysis to enable a proper planning assessment both in terms of transport impacts and social and economic impacts (see below) on the town and surrounding areas. A key issue is the potential that the development will result in the high levels of commuting contrary to national planning policy guidance (PPG13) as well as development plan policies.

A major issue is also the capacity of the highways network to appropriately accommodate the increased traffic that will result from the development and the parking strategy.

Key matters for the ES (or TA) are:

- Impact on travel patterns in view of the need to minimise the need to travel particularly by car
- Accessibility by non car modes.
- Impact of increased traffic flows and the parking strategy on the highway network, environment and community
- Access for emergency vehicles
- Management of construction traffic
- Implications for pedestrian access and public rights of way including links between the existing community and the development; through the site; and to key areas such as the beach and railway station.
- Need for and implications of new vehicular accesses.

With regard to the Draft Interim Environmental Study Report, section 5:-

- There is no mention in the scoping of which peak hours will be tested. There is mention in section 5.2.4 that the time of peak generation of the development is likely to be 17:00 to 18:00. However the am peak should also be tested; further while the am peak will be late morning for the majority of the network (certainly in August) it is likely that at least at the new access junction to the largely residential North Quay area testing will be required for both the early morning commuter peak and the late morning recreational peak. Testing of the early morning commuter peak should be outside of August.
- Section 5.3 refers to testing at 5 and (for Highways Agency) 15 years from opening; the HA now require testing at 10 years from date of application.

- Section 5.4 refers to planned improvements at the Foundry Square junction; works are now well underway.

It should be noted that the County Council's position regarding a new access onto the A30 is incorrectly stated (para 5.5). It is not at this point, the view of the County Council that a new access should be secured; but simply that it could be explored as an option.

3. Waste

A comprehensive waste management strategy will be required for both the construction and the operational stages of the development. Should you require further advice on the scope and content of that strategy, please contact Adrian Lea (CCC, Minerals and Waste Policy Manager).

4. Archaeology and Cultural Heritage

- It should be noted and explicitly recognised in the ES that the Port of Hayle is now part of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) which was inscribed in July 2006 (the Draft Interim Environment Report still refers to it as a bid despite the report date of May 2007).
- Now that UNESCO has inscribed the WHS, The Conservation Management Plan will need to protect the "Outstanding Universal Value", integrity and authenticity of the WHS in line with the policies of the WHS Management Plan, as well as Listed Buildings and Scheduled Monuments etc. Penwith District Council is a signatory to the WHS Management Plan and its policies. Consideration of the impacts and mitigation will need to refer to WHS Management Plan policies.
- The ES should make reference to the issues in the Cornwall and Scilly Urban Survey (CSUS) report for Hayle (CCC Historic Environment Service October 2005)
- Community identity and integration. The ES needs to consider how the proposed development will integrate with the existing settlement which is made up of a number of communities with diverse identities, e.g. Foundry, Copperhouse, Ventonleague and Phillack (see chapter 6 of the CSUS report for Hayle); and how it is intended to achieve local distinctiveness.
- Consideration should be given as to how the proposals relate to the MCTI Hayle Area Plan.
- Scale and massing will be important issues. Tall buildings are unlikely to be compatible with the World Heritage Site. They are likely to be out of character with the surroundings and detract from the significance of the visual setting of traditional buildings and historic landscapes.
- The masterplan package provides insufficient detail of the proposed buildings to enable a proper assessment of how these will impact on the Historic Environment and the World Heritage Site.

5. Natural Environment.

Advice from the County Council's Natural Environment Service identifies the key issues for the coastal and marine environment and terrestrial ecological issues. A copy of that full advice is appended. It sets out the issues that the ES will need to address and specialist studies that will need to be undertaken.

6. Socio –Economic

The ES needs to fully consider the social, economic and community impacts of the development. Key issues should include:-

i) Balance of housing and jobs

Further information is needed as to :-

- How the proposals relate to the housing needs of Hayle in particular needs for affordable housing and vulnerable groups. Is this an appropriate scale and mix of housing types?
- How the housing relates to the employment provision?
- Consideration needs to be given as to how the commercial development relates to the needs of Hayle. The Amion Strategic Assessment may help with this assessment. There needs to be further consideration of the demand and supply issues associated with the new employment space. Is there sufficient demand for the proposed accommodation? Further information is required as to where this demand arises and who would occupy the commercial accommodation. Will it simply shift jobs from elsewhere or genuinely create new ones? What mechanisms will be put in place to ensure that local skill match jobs created so that local people can access the new employment opportunities? A strategy is required for new and existing businesses to be able to access the new workspace. How for example will the ship yard village develop and operate?
- The anticipated travel patterns that will result from the proposed development.
- The small proportion of affordable housing raises concern particularly in view of the fact that the applicants only intend to develop 42 of these. It is understood that the majority of the "proposed affordable housing" is not to be constructed by the developer but provided by the District Council. As probably the most important housing element of the scheme, the delivery and likelihood of this coming forward and the timing needs to be considered as part of the assessment.

ii) Hotel provision

Market research will be required to examine the viability of the proposed hotel and to consider what type of hotel is suitable for Hayle.

iii) Retail Impact

A retail impact assessment is required to assess the retail implications of the proposals in terms of the sequential test and impact on the vitality and viability of the town.

ii) Community infrastructure

The proposed development represents a significant expansion to the town and increase in population within the town which will increase pressure on existing community facilities and may generate need for further facilities.

Further consideration is needed as to the impacts on and needs for community infrastructure. I refer you to my letters dated 21 May 07 and 30 March 07 which set out the key issues with regard to CCC services and the need to address further the health care issues.

In summary the following will be required:-

A full assessment will need to be undertaken as to what impacts this large scale of development will have on health services, social care service delivery, and community facilities (including for example education and children's/ family services, libraries and fire cover) to consider what facilities will need to be incorporated into the development or how any deficiencies will be addressed. The PCT will need to be involved in this process.

I hope this is of assistance. If you require any further information please contact me.

Yours sincerely

A handwritten signature in black ink that reads "Maria Walton." The signature is written in a cursive, flowing style.

Maria Walton
Principal Planning Officer

Enc.

1. Memo dated 15 June 07 from Cornwall County Council Natural Environment Service
2. Letter dated 30 March 07 from Cornwall County Council to Penwith District Council - Re CCC Service Issues
3. Letter dated 21 May 07 from Cornwall County Council - re social care and health issues.

Mr A England
Penwith District Council
Penzance

23 July 2007/30 August 1994

Dear Mr England

Hayle Harbour development – scoping study comments
Hayle Estuary and Carrack Gladden SSSI

Thank you for sharing the Hayle Harbour Scoping Study with the RSPB, for the helpful discussion we had with you about it on 20 July 2007, and for allowing us an opportunity to feed our initial comments on it to you. As I hope you appreciate from our meeting and previous correspondence, the RSPB is keen to see the sustainable re-development of Hayle Harbour, which enables social and economic objectives to be met whilst ensuring that the special environment of the Harbour and its environs are conserved and, where possible, enhanced. We are therefore keen to participate positively in this process and hope that, given our substantial interests in the Harbour, we can continue to be a key consultee in the process of refining the proposal and determining its effects and, ultimately, its acceptability.

Sustainable developments need to seek to avoid adverse direct and indirect effects on areas that are important for biodiversity, and ideally to enhance them. Whilst the RSPB welcomes a number of elements within the scoping study, we do have some concerns with it, and feel that some opportunities offered by re-development of the Harbour are not reflected in it. The RSPB believes that in order to be acceptable, Hayle Harbour re-development needs to protect and enhance the high quality natural environment that surrounds it. Specifically, the following will need to be secured:

- **protecting the core SSSI roost sites at Griggs Quay, Carnsew Pool and Copperhouse Creek from disturbance.**
- **maintaining and protecting the areas of inter-tidal habitat within and out with the SSSI that are used by wintering and migratory birds.**

Detailed comments are set out below:

Need

In order to justify any loss or damage to the Harbour's sensitive environment, the need for the development, in terms of its social and/or economic merits would need to be clearly demonstrated. Less damaging alternative options would also need to be considered and assessed. Such assessment should in our view be clearly set out and explained in the scoping study.

Loss of protected sites/ biodiversity action plan species and habitats

The scoping study does not adequately acknowledge the importance of protected sites within the planning system, or summarise the direct and indirect (through disturbance) areas of loss or damage to the area of SSSI/ BAP habitats. Currently this includes:

- Sluicing operations at Carnsew Pool and Copperhouse Creek (direct effect SSSI/BAP)
- Construction of two lane highway over Copperhouse Creek (direct/indirect effect SSSI/BAP)
- Construction of car park at the triangular spit (direct/indirect effect SSSI/BAP)
- Construction of highway over Carnsew Pool (direct/ indirect loss SSSI/BAP)
- Removal of Cackle Bank (direct effect BAP)
- Impoundment of Penpol Creek (direct effect BAP)
- Loss of sand dunes (direct effect BAP)
- Water-based disturbance across estuary and river mouth (indirect SSSI/BAP)

Disturbance

Whilst the report highlights the potential increase in disturbance through land-based activities, it fails to highlight the potential impact of new water-based activities on the SSSI resulting from the development.

Substantiating Favourable Claims

The report makes various vague claims of the Development, such as that it anticipates '*as part of the revisions to tidal dynamics within the system, the rate of sand ingress into Lelant may slow or even be reversed*' [page 65]. Whilst we appreciate that it would not be appropriate to put detailed research into this summary report, any predictions such as these need to be substantiated with reference to relevant studies. For instance, whilst Cackle Bank is outside the SSSI, its removal and subsequent dredging risks causing major hydrological and geomorphological change (in patterns of scour, erosion, deposition, etc) in a site where geomorphological change (sand encroachment from outer estuary) is already harming the SSSI. Its effects need to be modelled in detail in order to give the appropriate level of confidence that predicted effects will result. We have not seen any modelling and the Report makes no reference to it, hence no confidence can be attached to the conclusions made in the Report about its effects. In the case of the sluicing, the operation of renewed sluices will have a major influence on the magnitude of impacts on the intertidal habitats of the SSSI. However, there is no detail given in the scoping study on the proposed operation of the sluices and consequent change in intertidal regime in Carnsew and Copperhouse Pools. The Study needs to provide greater detail on the options e.g. dredging and the various combinations of sluicing and dredging in order for an assessment to be made as to the effect and acceptability of what is proposed.

Mitigating and compensating for harm

Some aspects of the proposal would cause harm to the SSSI and its interests. The study needs to clearly quantify the proposal's anticipated ecological damage/loss and identify appropriate mitigation e.g. through minimising land take, screening potentially disturbing activities etc. Where

outstanding, unmitigable harm remains, compensation will be needed to offset it. Compensation needs in the first instance to seek like for like replacement, i.e. if intertidal habitat is lost, it needs to be replaced with intertidal habitat. The scoping study should identify potential sites on which compensatory habitat could be provided. Suitable areas to be considered for new inter-tidal habitat creation could include land at Griggs Quay, Wilson's Pool and the Hayle River. Where it is not possible to provide like for like, then a suitable alternative should be identified through consultation with NE. The "creation of additional dredged sub-tidal habitat" (page 58) in the harbour (below the proposed marina) in our view cannot be considered acceptable replacement for intertidal loss at Carnsew and Copperhouse.

Lack of appropriate contingency planning

The scoping study identifies compensation measures where there is a degree of risk of the project failing to produce the desired outcome, e.g. petalwort translocation, or potentially damaging the SSSI further e.g. the sluicing operations and sand ingress into Lelant Water. In these cases, a strategy for monitoring needs to be put in place and a clear contingency plan agreed by NE as part of any permission. The RSPB is concerned that there is a danger of establishing the principle of routine impoundments and raising expectations that these are compatible with maintaining SSSI interests. It is important that only a competent authority undertakes the sluicing operations, and that this is done in accordance with an agreed regime. The sluicing regime should be agreed and reviewed by a group, which includes the RSPB and NE.

Construction Environmental Management Plan

In our view because of the sensitivity of the site and the need for potential effects to be mitigated and offset, there needs to be a plan which ties down the vague commitments/aspirations expressed in the report re mitigating risk of disturbance/damage to wildlife. This should be implemented with the help of an on site ecologist employed by the developer.

Additionally, the following would in our view need to be in place in advance of any consent:

Adoption of a management plan for the Hayle Estuary (currently in prep) and an appropriate licensing procedure between the statutory bodies and the owners for future users of the tidal waters

Indirect effects

The RSPB is concerned that the scoping study does not adequately clarify the need for ongoing management to be carried out by a competent authority, which is adequately funded. This is specifically in relation to disturbance management and enforcement. The RSPB suggests the adoption and implementation of a strategy to:

- **Prevent disturbance to the SSSI at low water/neap tides by fishermen, dogwalkers, horse-riders *et al.*¹**
- **Prevent disturbance at high water e.g. manage water sport activity in and around the Harbour so as not to disturb sensitive bird populations, in consultation with RSPB and Natural England.¹**

¹ Could include CCTV on HMML property overlooking Carnsew Pool, Copperhouse Creek and Lelant Water for the purpose of addressing and reducing wildlife crime (disturbance)

In our view there is need to support the RSPB's education and community functions within this strategy and we would seek to work with ING to secure those, in addition to advising on screening, and other mitigation requirements.

Enhancing wildlife and 'green infrastructure'

It is disappointing that the scoping study does not include proposals to enhance the site's wildlife, e.g. through biodiversity targets. The Draft Regional Spatial Strategy sets out clear targets for delivery of BAP habitats (Appendix 1, p.200) and incorporates *South West Nature Map* (Map 7.3, Policy ENV4), which identifies areas in which ecological enhancement should be focused. The extension of this principle to master planning site-specific developments should see habitat enhancement proposals incorporated into plans from the outset, and the Hayle Harbour Development in our view provides an ideal opportunity to implement this holistic approach. One enhancement would be to seek to halt the influx of sand into the estuary at Lelant Water, potentially via channel realignment, dredging or other means, in agreement with RSPB and Natural England. This would need to be carefully modelled to give an appropriate level of confidence that the desired outcomes are achieved. Another is the removal of overhead power lines at key bird flight lines to eliminate bird fatalities (at Carnsew Pool, Copperhouse Creek and Ryan's Field).

In addition, there are a range of opportunities to benefit the existing site, which the development can support including the following, notably adoption and implementation of a strategy to:

- **address health and safety requirements for recreational users within the area identified in the management plan, as required by the District Council e.g. life guards on Porth Kidney Beach;**
- **routinely remove rubbish, fly-tipping and water-borne litter, including that brought in on the tides;**

Maintenance of structures

The proposal highlights the need for the routine use of heritage structures, which will need ongoing maintenance. These include the embankments around Carnsew Pool and Copperhouse Creek. It would be necessary for the proponents to take responsibility for the maintenance of these structures.

I hope that you find these initial comments on the report helpful, but if you would like to discuss any of them in greater detail please do not hesitate to give me a call.

Yours sincerely

Paul St Pierre
Conservation Officer

cc Andrew McDouall NE

HAYLE HARBOUR EIA

Outline of key principles for the overall approach to biodiversity.

Context for decision making (duties, guidance and policies)

- S28G WCA 1981 (as amended) duty requiring all public bodies to take reasonable steps, in the exercise of their functions, to conserve and enhance SSSIs.
- S40 NERCA 2006 biodiversity duty. See guidance for public bodies and local authorities on implementation (Defra, May 2007).
- PPS9 – key principles set out on page 3, and paragraphs 8, 12, 13, 16.
- ODPM Circular 06/2005.
- DETR Circular 02/99 Schedule 4 – information to be included in an ES.
- Draft Regional Spatial Strategy (particularly policies ENV1, ENV4).
- Local Plan (w.r.t. Triangular Spit - policies CC10, TV2).

Principles for decision making (see PPS9 and RSS policy ENV1)

1. Avoidance of adverse or damaging impacts (direct and indirect) on SSSI, UK BAP features, protected species.
2. Where adverse or damaging impacts are unavoidable:
 - i) a clear and thoroughly reasoned case for the impacts must be made;
 - ii) assessment of alternatives and ‘do nothing’ options;
 - iii) robust mitigation proposed – preferably like for like, and/or, if like for like mitigation not feasible, seek other compensatory measures.
3. Secure enhancements to deliver overall gains for biodiversity.

Protected species

EIA will need to include sufficient survey information to enable the LPA to assess the likely impacts of the proposal on populations or colonies of protected species at outline application stage (ref. Rochdale case).

Consistency with good practice guidance

Proposals are more likely to gain support from consultees where they are shown to be consistent with good practice guidance such as:

- Biodiversity by Design (TCPA 2004)
- PAS 2010 Planning to halt the loss of biodiversity (BSI 2006)

Enhancements – some options for consideration

The following list isn't exhaustive and is not in any priority order.

RSPB Nature Reserve – support for management plan actions and negotiations with RSPB over potential enhancements of Nature Reserve.

Habitat creation (eg dune grassland).

Wilson's Pool – development of management strategy.

Contribution to Hayle Area Plan environmental projects.

Contribution to work of Towans Partnership.

Climate change adaptation (see Conserving biodiversity in a changing climate: guidance on building capacity to adapt, Defra , May 2007).