

4 Planning policy context

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4 Planning Policy Context

4.1 Introduction

This chapter sets out the overarching planning policies relevant to the consideration of this outline application. It outlines the policy context within which this environmental impact assessment has been carried out. Specific planning policies relevant to each environmental topic are outlined in the relevant topic chapters of this Environmental Statement. The case, in terms of planning policy, is made in the accompanying 'Planning Statement'.

The relevant planning policy is set at national, regional and local level:

- At a national level guidance is provided by a series of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)
- Since the commencement of the Planning and Compulsory Purchase Act 2004, the previously advisory Regional Planning Guidance (RPG) is now part of the development plan and has been renamed the Regional Spatial Strategy (RSS). The draft RSS for the South West, which will replace the existing document, has been published and was examined between April and July 2007, but is afforded less weight because of its draft status. The adopted Cornwall Structure Plan will eventually be replaced by the RSS
- Local planning policy is made up of the adopted Penwith Local Plan which will eventually be replaced by the Local Development Framework

4.2 National policy

4.2.1 PPS1: Delivering sustainable development

The starting point for consideration of planning policy is Planning Policy Statement 1: Delivering Sustainable Development. Sustainable development is the overarching concept for all national planning policy and the regional and local planning policy documents that take their lead from national planning policy. Paragraph 4 of PPS1 sets out the Government's four aims of sustainable development as;

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

Paragraph 13 sets out a number of Key Principles that are intended to ensure that decisions taken on planning applications will make a positive contribution to the delivery of sustainable development. Of particular relevance to this proposal are the need for a spatial planning approach (as opposed to a land use based approach); the need to pursue development in an integrated manner; the need to address the causes of climate change; the need for high design quality; and effective community involvement.

Paragraph 35 provides greater detail on design and states that “high quality and inclusive design should be the aim of all those involved in the development process. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. It means ensuring a place will function well and add to the overall character and quality of the area, not just for the short term but over the lifetime of the development. This requires carefully planned, high quality buildings and spaces that support the efficient use of resources”.

December 2006 saw the publication of a consultation draft of a supplementary document to PPS1 on ‘Planning and climate change’. Although the document is in draft form, it is a clear indication of the importance that the Government attaches to the issue. Paragraph 6 highlights key planning objectives and reduction in carbon emissions is highlighted as one.

The proposed development complies with the provisions of PPS1 and the climate change supplement. The need for the scheme is set out in Local Plan policy. The Statement of Community Involvement that accompanies the planning application indicates that the local community supports the regeneration of Hayle Harbour and has been involved throughout the development of the proposal. An integrated approach has been taken to developing the scheme, integrating land use, transportation, socio-economic and environmental planning issues resulting in a comprehensive proposal. As demonstrated in the supporting documentation, the proposal provides for high quality design and accessibility, incorporates energy efficiency and renewable energy measures and supports the Wave Hub renewable energy project.

4.2.2 PPS3: Housing

The main provisions of PPS3 insofar as they apply to the proposal are embodied in the first four objectives outlined in paragraph 10, as follows;

- High quality housing that is well-designed and built to a high standard
- A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural
- A sufficient quantity of housing taking into account need and demand and seeking to improve choice
- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure

In addition, paragraph 40 reiterates guidance found throughout policy on the desirability of reusing previously developed land for development.

The proposal commits to high design quality and high density development where this respects character, topography, heritage and nature conservation. The scheme would provide 1,039 new dwellings, of which 175 would be affordable, representing almost a third of the number of Hayle's existing dwellings and provides a significant proportion of Penwith's future housing targets. It would incorporate a mix of housing type, tenure, size and affordability, improving supply and choice in an area of housing need. The development site is located adjacent to the urban centre of the town and is well connected to services, jobs, and transport infrastructure, adhering to the principles of sustainable development.

4.2.3 PPG4: Industrial, commercial development and small firms

The PPG dates from 1992 and is due to be updated but it continues to highlight a number of relevant principles. Paragraph 1 highlights the importance the Government attaches to economic development, along with the need for environmental protection to be a consideration at the same time. Paragraph 15 highlights the benefits of mixed use development and paragraph 21 states that "many urban areas contain large amounts of land, once used for industrial purposes but now under used or vacant. Getting this land back into beneficial use is important to the regeneration of towns and cities".

The proposal makes efficient use of former industrial land in a way that is designed to unlock and support the regeneration of the town. The scheme encompasses the provision of employment space and its integrated approach should support both existing and new business, as discussed in Chapter 15 of the Environmental Statement.

4.2.4 PPS6: Planning for town centres

PPS6 promotes a clear 'town centres first' policy approach in an attempt to rectify policy approaches in the past that have severely damaged the viability and attractiveness of traditional town centres. Chapter 2 looks for 'positive planning for town centres'. Paragraph 2.3 refers to "making better use of existing land and buildings, including, where appropriate, redevelopment (and) where necessary, extending the centre".

Paragraph 2.8 of PPS6 states that "local planning authorities should assess the scope for consolidating and strengthening...centres by seeking to focus a wider range of services there, promote the diversification of uses and improve the environment". Paragraph 2.19 refers to the need for high quality and safe environments for town centres to remain attractive and competitive.

The proposed development adheres to these principles by: consolidating town centre activities at the southern end of South Quay in conjunction with the adjacent Foundry area of the town; diversifying and expanding the range of facilities and services currently available; introducing an attractive water-side component to the town centre environment; and providing pedestrian linkage that would enable the circulation that is essential for

effective integration. The Retail Impact Assessment that accompanies the planning application addresses the potential impact of the proposal on the existing centres and concludes that positive benefits will result.

PPS9: Biodiversity and geological conservation

The aim of PPS9 is that construction, development and regeneration should have minimal impact on biodiversity and enhance it wherever possible. It sets out six key principles to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered. The relevant key principles can be summarised as:

- Planning decisions should be based on up to date environmental information
- Planning decisions should aim to maintain, and enhance, restore or add to, biodiversity
- The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests

The PPS and the accompanying Circular 06/2005 give guidance on the treatment of sites with international and national designation, regional and local sites and other important natural habitats, networks of local habitats and the protection of species. There are sites of international, national and local nature conservation significance at Hayle which could be affected by the proposals.

The guidance has been taken into account in the formulation of the proposals. Full surveys of relevant environmental issues have been undertaken and the impact of the scheme is assessed fully in Chapter 12 in respect of terrestrial, aquatic and ornithological impacts. Comprehensive proposals are put forward for mitigation, particularly with regard to parking on the Triangular Spit, loss of dune grassland, wildlife habitat connectivity at Riviere Fields, dredging of the harbour, timing of sluicing and ongoing management and monitoring. The design and mitigation measures proposed result in a proposal that complies with the requirements of the national guidance.

4.2.5 PPS10: Planning for sustainable waste management

Paragraph 33 of PPS10 states that “all planning authorities should, where relevant, consider the likely impact of proposed, non-waste related development on existing waste management facilities”. Paragraph 34 states that “proposed new development should be supported by site waste management plans” and paragraph 35 refers to good design and layout securing opportunities for sustainable waste management.

A waste management strategy would be implemented for the proposed scheme, as indicated in Chapter 9, and space is provided to ensure that modern waste management systems can be initiated. The proposal is compliant with national policy.

4.2.6 PPG13: Transport

PPG13 sets out the objectives of Government in relation to planning and transport; to “promote more sustainable transport choices for both people and for 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”. Paragraph 6 sets out a number of ways in which these objectives may be achieved, such as focussing major generators of travel demand in town centres and near to major public transport interchanges, planning for increasing the intensity of housing and employment at suitable locations and giving priority to people over ease of traffic movement.

In addition to wide ranging sustainability and locational issues, PPG13 addresses the physical form of places. Paragraph 28 unequivocally states that “people should come before traffic”. This guiding principle is defined, explained and expanded upon in guidance contained in ‘Manual for Streets’.

The transportation impact of the proposed development is considered in Chapter 8 of the Environmental Statement and in the Transport Assessment that accompanies the planning application. The Transport Assessment concludes that the proposal accords with the transport policies of the District and County which are themselves consistent with the national policy guidance.

4.2.7 PPG15: Planning and the historic environment and PPG16: Archaeology and planning

Both documents emphasise the importance that the Government attaches to protection of the nation’s historic and cultural heritage in assessing development proposals, and are particularly relevant to Hayle Harbour because it lies within a World Heritage Site and a Conservation Area and it includes many listed structures and buildings. This component of Hayle is described more comprehensively in Chapters 7 and 10 of the Environmental Statement and in the Historical Report that accompanies the planning application. In Chapter 7 the point is made that the much of the proposed scheme would replace sites that are currently in poor condition, resulting in a more positive appearance which would enhance the character of the harbour. It further concludes that important landscape features would continue to be dominant visual elements in Hayle.

Particularly given the site’s heritage status, there is a duty to preserve or enhance the character and appearance of the area designated, as highlighted in paragraph 4.14. PPG15 demands a justification for any alterations to protected historic buildings or sites. It further states that “the best way of securing the upkeep of historic buildings and areas is to keep them in active use”, and PPG16 refers to a “presumption in favour of physical preservation in situ”. The proposed development adopts that same approach, restoring the historic features in situ as part of a comprehensive package of measures to re-use the harbour. The Historical Report offers justification for proposed alterations.

PPG16 indicates good practice for developers, including early consultations and the potential need for field evaluations if there is the likelihood of remains of archaeological significance being present on the site. Chapter 10 confirms that best practice will be followed in respect of the site’s archaeology and, in accordance with the

guidance in PPG 16, any potential impacts to any remains associated with 'Sites of Hidden Archaeology' will be mitigated by a programme of targeted archaeological evaluation and recording.

4.2.8 PPG17: Planning for open space, sport and recreation

PPG17 highlights the importance of leisure provision in underpinning quality of life. Various planning objectives are set out, including promotion of social inclusion and community cohesion and assisting in health and well being.

The proposed development would make use of existing leisure space and recreational facilities in the form of the beach, cycleways and footpaths, and proposes to improve their accessibility from both new and existing areas of the town. The scheme incorporates leisure proposals and a network of footpaths and cycleways, including three new bridges over the harbour creeks. All of this would support healthy outdoor activity.

The proposal would also introduce new play space areas, particularly associated with the residential development, and significant areas of new public open space, particularly along the harbour side. Open space and play areas for the proposed new housing will need to be developed in accordance with the National Playing Fields Association standards (1.4ha/1,000 population). Chapter 15 indicates that the potential population of the 1,039 units (calculated as 2,296 people) would generate an open space requirement in the order of 3.2ha. Given the location and opportunities for recreation provided within the proposed scheme, particularly on and in the water, this is broadly in line with that provided by the development (2.7ha).

4.2.9 PPG20: Coastal planning

Paragraph 2.22 of PPG20 on coastal planning states that local planning authorities should look to improve the physical environment and conserve the natural beauty and amenity of the land. They should also look to regenerate run down coastal towns and ports.

The redevelopment proposal clearly addresses the latter point. The impact on the coastal environment and natural beauty and amenity is referred to in Chapter 7 on landscape and visual impact. It concludes that much of the proposed development would replace areas of land which are currently degraded, creating a new, positive part of the town which would enhance the character of the harbour and the surrounding area. It further concludes that important landscape features such as the estuary, the beach, the viaduct, the quay walls, surviving industrial buildings and structures and linear nature of the town would remain as dominant elements in Hayle.

The adverse impact of those components of the proposed development that would result in the loss of areas valued for their rural qualities, specifically Riviere Fields and proposed car parking on Triangular Spit, would be minimised by reducing the area affected and screening the proposals.

4.2.10 PPG21: Tourism

PPG21 recognises the major contribution that tourism makes to national and local economies and is particularly relevant in West Cornwall. The proposal aims to support balanced economic growth, incorporating a mix of tourism and non-tourism related development, and its integrated planning is intended to bring prosperity not only to the new development but to existing businesses in the town. Chapter 15 assesses the socio-economic impact of the proposal and concludes that, overall, the proposed development should provide a range of benefits to the population, including provision of an upgraded environment, cultural facilities and potential for some restructuring of the economy through provision of sites and premises (and targeting of key sectors).

It notes the importance of flexibility in the proposed development to ensure that it can fulfil its function to assist in the regeneration of Hayle and the development of Penwith. This flexibility would maximise opportunities to enhance the positive socio-economic impacts of the development, including the ability to respond to tourism initiatives, and to mitigate any negative impacts.

4.2.11 PPG22: Renewable energy

PPG22 states that “the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission”. In this context, the Wave Hub initiative that will be supported by the proposed development is of particular significance.

4.2.12 PPS23: Planning and pollution control

PPS23 advises that any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration.

The impacts in relation to this guidance are set out in Chapters 11, 13 and 14. Chapter 11 sets out the good practice mitigation measures necessary to minimise impact on air quality and pollution during the construction phase and concludes that air pollution from the operational phase is within guidelines.

Chapter 13 proposes mitigation measures to treat and contain contaminated soils or pollutants from crude sewage entering the groundwater and/or being washed into Hayle Harbour. Good site practice is proposed to reduce the likelihood of accidental spillages of chemicals and fuels from entering the groundwater or site surface water run off.

Chapter 14 commits the development to the incorporation of measures to mitigate any unacceptable risks that might be identified and makes reference to a range of potential mitigation measures that will be considered at the detailed planning stage.

The proposal accords with PPS23.

4.2.13 PPG24: Planning and noise

PPG24 outlines the considerations relevant to determining planning applications both for noise sensitive development and for those activities that generate noise, and advises on the use of conditions to minimise the impact. The need for planning authorities to ensure that development does not cause an unacceptable degree of disturbance is stated and guidance is provided on the approach to assessment of noise from sources associated with industrial and commercial development. Operational road traffic is identified as a noise source to be considered.

Noise Exposure Categories (NEC's) for the development area have been calculated in Chapter 6 of the Environmental Statement, in accordance with the guidance of PPG24, assuming that noise is attributable to 'mixed sources' – road traffic, rail traffic and marine sources.

The assessment indicates that for site areas within NEC's B (South Quay) and C (southern end of South Quay adjacent to Carnsew Road) the impacts of the external noise environment will need to be taken into account in the planning and design of the buildings. Appropriate attention to detailed layout and building design, construction and materials will be required to achieve acceptable internal ambient noise levels and to maintain the amenity of external spaces.

In order to mitigate construction and operational impact on noise and vibration, measures such as speed reduction (for road traffic and powered boats), selection of appropriate road surface materials and the management of construction noise through restricted work times, noise control at source and the provision of screens or barriers where practical would be implemented.

4.2.14 PPS25: Planning and flood risk

This guidance requires that a sequential approach is applied to steer new development to areas at the lowest probability of flooding, and to demonstrate that there are no reasonable alternative sites in areas with a lower probability of flooding that would be appropriate for that type of development. The case is made for development at Hayle Harbour on the basis that there are no more suitable sites that could be used to regenerate Hayle, and that there are no more suitable sites that could be used for a significant mixed use harbour regeneration scheme.

Chapter 13 of the Environmental Statement indicates that much of the proposed development site lies within Flood Zone 1 but that the scheme satisfies each of the three Exception Tests. It indicates that the proposed scheme is able to demonstrate appropriate flood resilience and resistance. Through adherence to the required approach, the proposal accords with national planning guidance.

4.3 Regional planning policy

The Regional Spatial Strategy is currently RPG10, although a new Spatial Strategy is being prepared to cover the period to 2026. This section covers both documents.

4.3.1 Regional Planning Guidance for the South West (RPG10)

Policy VIS 2: Principles for future development

This policy sets out the broad principles for development, summarised as follows:

- undertake the development of suitable previously developed urban land (or buildings for re-use or conversion) and other appropriate sites in urban areas as a first priority for urban-related land uses
- ensure a balance of land uses in urban localities including a mix of housing types, retail, business and commercial development, industry, education, social and cultural facilities, leisure, sport, recreation and open space uses
- make efficient use of land with well designed development taking place at as high a density as possible commensurate with a good living and working environment
- make adequate provision for all land uses, including those with large space requirements, the development needs of new or expanding firms and those unable to be accommodated within urban areas
- meet the economic and social needs of rural communities
- promote the provision and enhancement of networks for walking, cycling and public transport and ensure that development which generates large amounts of movement is well served by sustainable transport networks
- conserve and enhance environmental assets and promote a good quality of design, including good building design, quality landscape and urban spaces and a mixture of complementary uses
- reduce and minimise flood risk to people and properties and take fully into account issues of water supply and treatment infrastructure

The application of these principles to the proposed scheme is assessed through the individual chapters of the Environmental Statement, but generally the comprehensive mixed use nature of the proposal, its relationship with the existing developed areas of Hayle, its approach to economic regeneration, its proximity to public transport services and its approach to heritage restoration and ecological protection suggest that it complies with these broad principles.

Policy SS 1: Regional spatial strategy

Within the vision and objectives of this RPG, local authorities and other agencies in their plans, policies and programmes should recognise the role of the South West region in contributing to the wider priorities of promoting national prosperity. This aim needs to be pursued within a context that respects and balances the inter-dependence of the region's economic, social and environmental assets (i.e. sustainable growth).

This RPG recognises that the South West is a diverse area that can be broadly sub-divided into four spatially based sub-regions, each of which makes an important contribution to the region as a whole. In the Western sub-region, within which Hayle sits, there is a 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.

Penwith DC has adopted policy that adheres to this guidance, and the proposal accords with local plan policy for the redevelopment of Hayle Harbour. The inability to bring forward this redevelopment of the largely derelict harbour is recognised by Penwith and the Market and Coastal Towns Initiative (MCTI) as the major factor that has prevented the regeneration of Hayle. The proposal would help to overcome that long term problem.

Policy SS 3: The sub-regional strategy

- The Western sub-regional strategy focuses on a number of drivers, including the need to:
- create the conditions for growth, regeneration and diversification in the sub-region by promoting economic development and environmental improvements
- 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

These matters are addressed in the relevant Environmental Statement chapters but again the nature of the proposals accords with these fundamental points.

Policy SS 18: Cornwall and the Isles of Scilly

SS18 further promotes the importance, among other things, of the regeneration of the main towns to act as employment and service centres for their population and rural hinterlands, and the conservation and

enhancement of the distinctiveness of the natural and historic environment, issues that are addressed in Chapters 15 and 7 respectively.

Policy SS 21: Coastal areas

Policy SS21 requires local authorities to support the restructuring of the coastal economies and the provision of jobs to satisfy local needs, and to support sustainable diversification schemes which help to maintain the viability of the fishing sector and coastal economic vitality. The policy also promotes the balanced provision of homes, jobs, services and facilities suitable to the scale and location of coastal towns.

The socio-economic chapter of the Environmental Statement indicates that the redevelopment of the Harbour would have a positive impact on the local economy.

Policy EN 3: The historic environment

This policy reiterates PPGs 15 and 16 and requires local authorities to afford the highest level of protection to historic and archaeological areas, sites and monuments of international, national and regional importance, encompassing the World Heritage Site at Hayle. The policy seeks to encourage the restoration and appropriate re-use of buildings of historic and architectural value, particularly where this would help to bring about urban regeneration.

The proposed scheme includes plans to restore much of the protected historic harbour infrastructure, as referred to in Chapter 10 and the Historical Report that accompanies the planning application, as discussed above under PPGs 15 and 16.

Policy EN3 also requires that local authorities take account of the landscape context and setting of buildings and settlements; of building materials; and of the patterns of fields, hedgerows and walls that distinguish one area from another. The extent to which the proposal fits within the local landscape is assessed in Chapter 7, with largely positive conclusions.

Policy EN4: Quality in the built environment

This requires local authorities, developers and other agencies to work together to further the objectives of urban renaissance and make the urban areas places where people wish to live, through:

- high quality architecture, urban design, layout and landscape architecture
- improvement to the environment, recognising and maximising the positive contribution that trees, other planting and open spaces can make to urban areas in terms of their recreational, nature conservation and wider environmental and social benefits
- promoting development of previously developed “brownfield” sites and enabling urban restructuring and redevelopment

- protecting and enhancing distinctive features and settings of the locality and making use of local character to create identity and a sense of place that reflects their context
- design and layout that is relevant to particular sites and their context

The proposal is adjudged by the planning application documentation to deliver against each of these points, a message reinforced by the involvement and support of the government's Commission for Architecture and the Built Environment (CABE) for the current proposal.

Policy EC3: Employment sites

Local authorities, the South West Regional Development Agency (SWRDA) and other agencies should aim to provide for a range and choice of employment sites to meet the projected needs of local businesses and new investment. The location of sites should meet the sustainable development criteria of the strategy by:

- giving preference to land within urban areas, particularly previously-developed land
- being well integrated with the existing settlement pattern and accessible to sources of labour and business services
- being likely to provide a realistic choice of access, including being well served by public transport
- supporting programmes of regeneration in urban and rural areas and coastal towns

One of the two main proposed employment clusters would be located adjacent to Foundry, with the intention of generating mutual support through integration and critical mass. The other is more peripheral, at the west end of North Quay, but this too is intended to be integrated with the town and public transport by means of a street and pedestrian routes/cycleways. It too is intended to create some critical mass with the fishing quay and land-based servicing for the Wave Hub project.

The proposed scheme has been developed with SWRDA and Penwith DC with a view to improving the economic prospects of Hayle and West Cornwall. Assessment of the economic impacts is set out in Chapter 15, concluding that positive economic and sustainability benefits would be derived from the scheme.

Policy TCS1: Tourism

The policy requires local authorities, tourism bodies and other agencies to seek to promote and encourage sustainable tourism in the South West by, among other things:

- improving the quality and range of attractions and accommodation in the region
- providing for major new flagship attractions in sustainable locations

The proposal accords with the requirement to provide a greater range and quality of tourism infrastructure in Hayle and introduces sites for landmark buildings that might accommodate new flagship attractions.

Policy HO 5: Previously developed land and buildings

Within the context of improving the quality of urban living, local authorities, developers and other agencies should aim to maximise the opportunities for development of housing within urban areas. For the region as a whole the aim should be to achieve at least 50% of new housing provision on previously developed land (including the conversion of existing buildings) and a reduction in average vacancy rates to 3%.

The majority of the land used for the proposed scheme would be brownfield land and the planning application documents suggest that its integrated approach is planned to bring economic prosperity and vitality to the town as a whole, a view supported by the socio-economic and community chapter of the Environmental Statement.

Policy HO 6: Mix of housing types and densities

Under this policy, in order to promote strong and stable communities, local authorities, social housing providers, developers and other agencies should make appropriate provision for a wide mix of types of housing and tenure options which reflect local conditions, including:

- meeting the housing requirements of the whole community, including those in need of affordable and special needs housing
- providing wider housing opportunity and choice and a better mix in the size, type and location of housing to create mixed communities

The policy also reiterates the need to make more efficient use of land by encouraging housing developments at higher net densities, particularly on urban sites close to town-centres and transport nodes.

The proposed development would satisfy each of these points, introducing densities of between 30 and 100 dwellings per hectare depending on site conditions and character, and providing a mix of housing location, tenure, type and size, including 175 affordable units.

Policy TRAN 1: Reducing the need to travel

The policy encourages reduction in the need to travel by private motor vehicle through the appropriate location of new housing, employment and other uses in existing towns where there is a good choice of travel by sustainable transport.

The proposal would consolidate mixed use development in a town with good existing public transport connections and would therefore accord with this policy.

Policy TRAN 10: Walking, cycling and public transport

This requires local authorities, transport operators and other agencies to give priority to walking, cycling and public transport and to aim to increase the share of total travel by these modes.

The proposed scheme would make use of existing public transport services and introduce many new pedestrian and cycle connections, both within the scheme and between the scheme and surrounding areas of the town, thereby improving the current level of accessibility. The Transport Assessment and Chapter 8 address this issue further.

Policy RE 2: Flood risk

Policy RE2 reiterates PPS25, requiring, among other things, a sequential approach to the allocation and development of sites, having regard to their flood risk potential. The proposed development adopts the required approach and satisfies flood risk policy.

Policy RE5: Management and transportation of waste

Of most relevance to the proposed development is the encouragement for a mix of waste recovery methods, such as recycling, composting and energy recovery, to reduce reliance on landfill. The proposal accords with this approach, as set out in Chapter 9.

4.3.2 Draft Regional Spatial Strategy

The draft RSS is yet to be approved as part of the development plan. However, the examination has finished and the panel report will be available in November 2007. Following receipt of this report, the Secretary of State will look to approve and publish the final RSS during 2008. The following therefore represent emerging policies.

Development policy B

In addition to the significant cities and towns identified in Development Policy A and other towns identified in Section 4, those places which, based on an analysis of roles and functions, meet all of the following criteria, will be identified as the focal points for the provision of locally significant development:

- Where there is an existing concentration of business and employment, or where there is realistic potential for employment opportunities to be developed and enhanced
- Where shopping and cultural, religious and faith, educational, health and public services can be provided to meet the needs of the town and the surrounding area whilst minimising car dependence
- Where there is potential to maintain and develop sustainable transport modes, including accessible local public transport services to meet identified community needs

In these locations, the scale and mix of development should increase self-containment, develop their function as service centres especially in terms of employment and service accessibility, and secure targeted development which can address regeneration needs

Hayle falls into this category and the redevelopment of Hayle Harbour would help to sustain the town as a centre serving the broader area.

Development policy E

This emerging policy promotes high quality design, in terms of both urban form and sustainability criteria, and the documentation supporting the planning application demonstrates that the proposal accords with this policy.

Development policy F

Development Policy F promotes comprehensive and integrated master planning. It requires that local authorities work closely with landowners, developers, stakeholders and service providers to achieve a master plan which takes account of the need to secure mixed and balanced developments; with high density development of housing of varied types and tenures of at least 50 dwellings per hectare, and higher wherever possible; cycling, walking and public transport links; local cultural and retail facilities; and health care and education facilities commensurate with the expected population of the area.

Master plans should also ensure provision of sufficient amenity space and green infrastructure to enhance the living environment and support improved biodiversity. Within urban areas or urban extensions, and where sites are close to public transport nodes, consideration should be given to increasing dwelling density to in excess of 50 dwellings per hectare.

The comprehensive regeneration proposal accords with each of these points, as demonstrated in the Design and Access Statement which accompanies the Planning Application.

Policies H1 and H2

These policies require the provision of affordable housing and development at densities that make efficient use of the land. The level of affordable housing provision in the proposed scheme is lower than the percentage set out in the emerging policy. The Planning Statement accompanying the application puts the case for this lower level of provision on the grounds of scheme viability and the provision of other benefits such as the restoration of the historic harbour infrastructure. The proposed scheme does comply with density requirements.

Policy ENV1

Policy ENV1 addresses the issue of protecting and enhancing the quality, character, diversity and local distinctiveness of the region's natural and historic environment and states that developments which support their positive management will be encouraged. Priority will be given to preserving and enhancing sites of international or national landscape, nature conservation, geological, archaeological or historic importance. As part of a World Heritage Site, adjacent to an internationally important nature conservation area, the proposed development, mitigation and management proposals will need to be carefully considered.

The relevant Environmental Statement chapters, on archaeology and cultural heritage, landscape and visual assessment and ecology, address these issues and those issues covered in more detail in policies ENV4 and 5, concluding that where adverse impacts would result, particularly with regard to ecology, the appropriate mitigation measures specified would be applied resulting in acceptable residual impacts.

Policy RE1

Whilst the proposed development will increase energy consumption overall because of the provision of new homes and businesses, the commitment to the incorporation of renewable energy solutions, including sustainable construction standards, will result in a significantly more energy efficient scheme.

Policy TC1

Within those settlements identified in the context of Development Policy B, the range and quality of central area facilities will be maintained and enhanced to meet future needs. In all settlements, measures should be introduced to improve accessibility by sustainable modes, and to enhance the public realm and quality of the town centre environment. In doing so, local authorities and other agencies must recognise the role of central area investment in supporting regeneration objectives.

The scale of new investment in retail and other facilities within town centres should take full account of changing patterns of behaviour and future levels of population growth.

This policy strengthens some of the points made in Development Policy B and the proposal accords with the requirement to create centres that are socially, economically and environmentally sustainable.

4.4 Local planning policy

4.4.1 Cornwall Structure Plan

Cornwall County Council has no specific policy with relation to Hayle Harbour, but does have a formal position on the principle of the redevelopment, as set out in a resolution of the Development Control Committee in November 2000 that was made in response to a previous application, as referred to in the Planning Statement that accompanies the current application. The Planning Statement goes on to point out that the current proposal retains the mixed use redevelopment of the harbour that was supported by the County Council, and additionally addresses the specific concerns that were set out in the November 2000 resolution by embracing sustainable development and planning for the positive interaction of social, environmental and economic factors.

Policy 1: Principles for sustainable development

The policy is intended to ensure that development brings about a long term and sustainable improvement to Cornwall's economic, social and environmental circumstances without harming future opportunity. The aims of the Hayle Harbour proposal, as set out in the Planning Statement, are entirely compatible with the policy.

The Planning Statement and the chapters of Environmental Statement, together with the Design & Access Statement and the Sustainability Statement, demonstrate that the proposed scheme complies with the individual principles of sustainable development set out in Policy 1.

Policy 2: Character areas, design & environment protection

This policy refers to the need to respond to the distinctive local character whilst retaining important elements of the local townscape. In particular, Policy 2 states that "the conservation and enhancement of sites, areas of interest, of recognised international or national importance for their landscape, nature conservation, archaeological or historic importance, including the proposed World Heritage Site, should be given priority in the consideration of development proposals". Chapter 10 of the Environmental Statement refers specifically to the significance of the site and the means by which its heritage is protected and enhanced, and other submitted text (including the landscape and visual assessment chapter, the Planning Statement and the Design & Access Statement) demonstrate how the proposed scheme complies with Policy 2.

Policy 3: Use of resources

Policy 3 requires development to be compatible with the prudent use of natural and built resources and energy conservation. The location of the proposed development, predominantly on previously developed land, accords with the policy. The site is within an area at risk from flooding, but it is recognised that it will not be possible to bring about the comprehensive regeneration of Hayle and the harbour without redeveloping this land. Chapter 13 demonstrates how this will be achieved in a way that is resilient and resistant to flooding. Other chapters of the Environmental Statement demonstrate that the proposal complies with policy in respect of: sustainable drainage techniques; avoidance of significant levels of pollution; provisions for energy conservation; the utilisation of renewable energy sources; and the use of sustainable construction principles.

Policy 4: Maritime resources

This policy requires an approach to coastal planning that will support the economic importance and conservation value of the maritime environment. Most importantly for the Hayle Harbour proposal, development should be within or well integrated with the existing developed coast and help enhance the quality of the environment and economic regeneration of the town.

The location and planning of the proposal does relate closely to existing town development and proposals include facilities for a range of coastal activities, including the fishing industry, leisure and tourism. The socio-

economic and community chapter of the Environmental Statement (Chapter 15) addresses the issues, supported by other chapters on landscape assessment, ecology and cultural heritage, collectively indicating positive benefits of the mitigated scheme.

Policy 6: Waste management

The proposal responds to Policy 6 by making provision for alternative forms of waste disposal and for modern waste management systems, as indicated in Chapter 9.

Policy 7: Renewable energy resources

The policy requires that provision should be made for renewable energy generation to maximise environmental and economic benefits whilst minimising any adverse local impacts. The proposal makes a major contribution to renewable energy generation by supporting the Wave Hub project and enabling Hayle to maximise the benefits to be derived from it. Chapter 16 of the Environmental Statement also indicates how localised renewable energy solutions would be incorporated into the proposal. The scheme is compliant with Policy 7.

Policies 8 and 9: Housing

The proposal would make a significant contribution towards the delivery of the housing targets for Penwith District indicated in Policy 8. It would also deliver a mix of housing type, tenure, location and size to meet the needs of the whole community in line with Policy 9, providing increased scope for residents to find suitable accommodation within the town as their life circumstances change over time.

Policies 10, 11, 12, 13, 14, 16, 25 and 28: Location of development

Policy dealing with the general location of development, and more specifically the location of housing, employment, tourism, town centre and transportation developments, is covered by a number of policies. The Planning Statement, Design & Access Statement and the Sustainability Statement demonstrate how the proposed scheme supports the consolidation of the existing town to bring about regeneration benefits and a more sustainable settlement by means of a comprehensive and integrated mixed use scheme.

4.4.2 Penwith Local Plan

The Penwith Local Plan was adopted in 2004 and is saved for a period of three years up to September 2007. The Local Plan policies continue to constitute the Development Plan for the time being since the Secretary of State has directed that they are up to date and in compliance with central government policy.

Policy ST-1:

The proposal is clearly compatible with Policy ST-1 which requires that development be focused on the main urban centres of Penzance/Newlyn, St. Ives and Hayle, together with, in the case of serviced industrial land, the St. Erth Station Area.

Policy GD-1:

This general policy requires that development should be integrated with its surroundings in terms of scale, siting and design, and should be in keeping with the character of the district. This has particular importance in Hayle because of the World Heritage Site. The emergence of the masterplan, with the involvement of CABI and English Heritage in particular, suggests that a responsible approach has been taken in this regard and the Design & Access Statement demonstrates compliance with this policy.

Policy GD-4:

This policy prevents proposals for development where they would cause significant harm as a result of inadequate provision for:

- sewerage, sewage treatment, surface water drainage and water supply
- the prevention of noise, light, air or water pollution
- the prevention of flooding, on site or elsewhere

Compliance with policy is demonstrated through Environmental Statement chapters 6, 11 and 13

Policy CC-1:

Development will not be permitted where it would significantly harm the landscape character, amenity, nature conservation, archaeological, historic or geological values of the coast and countryside of Penwith.

The assessments in respect of landscape impact (Chapter 7), archaeology (10), ecology (12) and ground conditions (14) indicate that a mitigated scheme would not result in significant harm in these areas.

Policy CC-2:

Proposals which maintain, enhance and facilitate the enjoyment and understanding of landscape character, amenity, nature conservation, archaeological, historic and geological values in the coast and countryside will be permitted.

The Planning Statement demonstrates that the proposal aims to both protect and raise awareness of local historic features and character by means such as improved and/or better managed access and the introduction of a heritage trail.

Policies CC-7 to CC-14:

Proposals for development which would significantly harm the nature conservation value, protected species or their habitat, or geological interest of a site will not be permitted under these policies, which are of particular relevance to Hayle Harbour. The comprehensive assessment in Chapter 12 demonstrates that, where there

would be a negative impact on nature, appropriate mitigation would prevent significant harm. Mitigation measures are set out in the ES, including the creation of new areas of dune grassland and the translocation of reptiles and petalwort. The proposal is compliant with these policies.

Policy TV-6:

Proposals for development which would affect a Conservation Area must not conflict with the objective to preserve or enhance the character of appearance of the area in terms of scale siting, design and materials. Developments which would have an adverse effect on the character, appearance or architectural and historic importance of a conservation area will not be permitted.

The proposed development is within a Conservation Area. Chapter 7 demonstrates that, whilst the current, largely derelict appearance of the harbour area will be changed, the change does not conflict with the objective to preserve the harbour's character since it is not the intention of policy to preserve a derelict site. This approach is supported by representatives of English Heritage and Cornwall County Council.

Policy TV-16:

This policy requires that major retail, office, entertainment, leisure or community developments should be located in the town centres of Penzance, St. Ives and Hayle, where the greatest benefits to the community can be provided. Clearly the proposals comply with policy in this regard.

Proposal TV-D: (previously TV-(i))

This policy is specific to redevelopment of Hayle Harbour and is therefore particularly important. It proposes that South Quay/Foundry Yard, North Quay and East Quay should be redeveloped for uses within Classes A1, A2, A3, B1, B2, B8, C1, C3, D1 and D2 of the Town and Country Planning (Use Classes Order 1987 (as amended)). It states a number of requirements that proposed development must adhere to. These are set out below, with a comment on compliance of the current proposal:

- *Make provision for improved port facilities* – port facilities displaced by the proposed development would be reprovided and improved
- *Make provision for the maintenance of the existing level of industrial and storage facilities* – new purpose-built facilities would replace those displaced by the proposed development
- *Ensure that town centre uses (A1, A2 and A3) are closely integrated with the adjacent town centre in terms of location, orientation and pedestrian movement* – the proposal would consolidate the majority of the retail provision in an extended town centre at Foundry/South Quay. The Design & Access Statement indicates how new uses would be integrated with those existing

- *Provide for at least 400 dwellings with a target for 25% of provision being “affordable” and meeting the requirements of Policy H-14* – whilst the proportion of new dwellings that would be affordable units would be lower than the target, the Planning Statement indicates that the number of units would be higher than policy envisaged and offers justification for the lower proportion
- *Be of a scale and design that respects the maritime environment and heritage of these prominent locations in the harbour* – the Historical Report and the Design & Access Statement that accompany this Planning Application indicate how the urban form has been designed to respond to Hayle’s historic townscape
- *Retain existing buildings and traditional features which contribute to the character of the area* – Chapter 10 and the corresponding Historical Report indicate how historic harbour buildings and features are treated, the majority being retained, restored and repaired
- *Be compatible with their surroundings* – Chapter 7 assesses the impact of the proposals on landscape and historic character of the area, concluding that a mitigated scheme would bring positive benefits in this respect
- *Include provision for the improvement of the junction between Carnsew Road and Foundry Lane* – junction improvement has subsequently been addressed by NG to the satisfaction of Penwith DC

Policy H-3

This policy indicates that proposals for housing development will be permitted in Penzance, Newlyn, St Ives and Hayle “...provided that the proposal is for the re-use, renovation or redevelopment of previously developed land or buildings on sites within the towns”. The proposal would bring large areas of previously developed harbour land and some of its buildings back into use and would result in the renovation of much of the historic infrastructure. Some of the development would be on adjacent greenfield land. This element of the scheme does not comply with policy, but the Planning Statement that accompanies the application offers justification for this additional land take in terms of overall scheme viability on the basis that, without that additional land, it would not be financially viable to redevelop the brownfield areas, to the overall detriment of the key regeneration objective.

Policy H-14

This policy requires proposals for affordable housing to genuinely provide for an identified need in the District in terms of the number and type of dwellings. By providing a range of housing type, size and tenure, the proposed development would expand the choice and opportunity in the town to accommodate a wider range of current and future needs over time. The Socio-Economic and Community chapter of the Environmental Statement points out that the provision of new housing will contribute to the stability of house prices and the

availability of housing to meet needs across the range of tenures, particularly in the light of continuing increases in population and household numbers.

H-14 also requires affordable housing to include secure arrangements through the involvement of a registered social landlord, or through the use of conditions or a planning obligation to ensure that the dwellings will be retained as affordable in the long term.

Planning obligations will secure the long term provision of affordable housing by making sites available to suitable providers and by providing low cost homes for sale within the development, with units to be completed on a phase by phase basis. In the case of low cost housing for sale, suitable covenants will seek to ensure that units remain available to people on low incomes.

Policy H-18

Policy H-18 requires the design and layout of residential development to deliver the following. Comments on the proposal are made in respect of each requirement:

- *Make the most efficient use of the land available and achieve a density of between 30 and 50 dwellings per hectare net or more on sites with good public transport accessibility* – the proposed scheme would deliver a range of housing at different densities that respond to the character of the individual sites, as outlined in the Design & Access Statement. The lowest density development (30 units per hectare) would be on Hilltop, where scattered housing reflects the character of the existing development in that area. The highest densities (up to 100 units per hectare) would be at North and South Quays where proximity to existing services and public transport infrastructure is good
- *Discourage extraneous traffic from using residential access roads and be compatible with 20 mph zones* – the movement hierarchy within the proposal is dominated by pedestrian and cycle access around and through the harbour, connecting to existing areas of the town. Highways through the development are proposed as pedestrian-friendly streets, demonstrating compatibility with policy
- *Provide for dwelling types and sizes that are appropriate to the mix of households in the area* – the proposal would provide a range of sizes of both houses with gardens and flats, in a variety of locations throughout the development area
- *General amenity space and, where family dwellings are proposed, play space will be required where provision in terms of garden space or in the immediate locality is inadequate to serve the development* – the Design & Access Statement indicates that amenity and play space will meet the required standards

Policy E-2

Proposals for industrial and business development, as defined in Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended), will be permitted in or on the edge of the town of Penzance, Newly, St. Ives, Hayle and St Just. The proposal is compatible with this policy.

Policy TM-1:

Proposals for development related to tourism will be expected to respect the primary environmental resource of the industry by utilising locations which have a minimal impact on the coast or countryside and avoiding any adverse effect of increased pressure from the number of visitors and traffic .

The proposal aims to improve the appeal of Hayle by protecting its key natural and historic assets and providing a wider range of facilities than are currently provided in the town. The Transport Assessment assesses traffic flows during the summer peak to take account of the worst case traffic scenario and concludes that the proposal accords with adopted transport policies.

4.4.3 Penwith Local Development Framework (LDF)

Penwith's LDF is at its very early stages, with the Core Strategy Issues and Options stage completed in Spring 2007. The Preferred Options are now awaited. Although at an early stage, the text sets out a number of important points. Of particular relevance to this proposal are option A1, A2 and A3 which look to distribute development appropriately throughout the District. In all options Hayle is identified as a key centre for development.

The Local Development Scheme refers to consultation on the Preferred Options version of the Hayle Area Action Plan at the end of 2007. The Hayle Harbour regeneration project will form a major part of this AAP.

4.5 Conclusion

The principle of redeveloping the Hayle Harbour area to introduce corresponding socio-economic regeneration benefits is broadly backed by national, regional and local policy. This policy review demonstrates that the proposed scheme responds to national, regional and local policy by making Hayle a more sustainable place through: the creation of a mixed use scheme in conjunction with existing built areas of the town; the provision of a significant number and variety of homes, jobs and services to expand the choice currently available; an integrated approach to land use and movement planning; the generation of intensive areas of activity all along the waterfront; the design of a walkable, permeable and well connected development; the introduction of high energy efficiency standards, waste and water management solutions; and through the protection of the built and natural assets that make the town such an appealing destination.

The sustainable development principles that are fundamental to current planning policy are also at the heart of the proposed scheme.