

Penzance Neighbourhood Plan

Report to Inform Habitats Regulations Assessment

Penzance Council

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Quality information

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1. Introduction

Background to the Project

- 1.1 AECOM has been appointed by Penzance Neighbourhood Plan Forum to assist in producing a report to inform the Local Planning Authority's (Cornwall Council) Habitats Regulations Assessment (HRA) of the potential effects of the Neighbourhood Plan for Penzance Parish on internationally designated wildlife sites. The objectives of the assessment are to:
- Identify any aspects of the Neighbourhood Plan that would cause an adverse effect on the integrity of international sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs)) including, as a matter of Government policy, Ramsar sites, either in isolation or in combination with other plans and projects, and
 - To advise on appropriate policy mechanisms for delivering mitigation where such effects were identified.
- 1.2 The HRA of the Penzance Neighbourhood Plan is required to determine if there are any realistic linking pathways present between an international site and the Neighbourhood Plan and where Likely Significant Effects (LSEs) cannot be screened out, an analysis to inform Appropriate Assessment (AA) to be undertaken to determine if adverse effects on the integrity of the international sites will occur as a result of the Neighbourhood Plan alone or in combination.

Legislation

- 1.3 The need for HRA is set out in the Conservation of Habitats & Species Regulations 2017 (as amended). See Box 1.
- 1.4 Its ultimate aim is to “*maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest*”. This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status. European sites are defined as actual or proposed/candidate Special Areas of Conservation (SAC) or Special Protection Areas (SPA). It is also Government policy for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to European sites.

Box 1: The legislative basis for Appropriate Assessment

Conservation of Habitats and Species Regulations 2017 (as amended)

With specific reference to Neighbourhood Plans, Regulation 106(1) states that:

“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority [the Local Planning Authority] may reasonably require for the purpose of the assessment under regulation 105... [which sets out the formal process for determination of ‘likely significant effects’ and the appropriate assessment].”

1.5 Therefore, it is important to note that this report has two purposes:

- To assist the Qualifying Body (the Neighbourhood Plan Group) in preparing their plan by recommending (where necessary) any adjustments required to protect European sites, thus making it more likely their plan will be deemed compliant with the Conservation of Habitats and Species Regulations 2017 (as amended); and
- On behalf of the Qualifying Body, to assist the Local Planning Authority to discharge their duty under Regulation 105 (in their role as ‘plan-making authority’ within the meaning of that regulation) and Regulation 106 (in their role as ‘competent authority’).

1.6 As ‘competent authority’, the legal responsibility for ensuring that a decision of ‘likely significant effects’ is made, for ensuring an ‘appropriate assessment’ (where required) is undertaken, and for ensuring Natural England are consulted, falls on the local planning authority. However, they are entitled to request from the Qualifying Body the necessary information on which to base their judgment and that is a key purpose of this report.

1.7 The Habitats Regulations applies the precautionary principle to European sites (SACs and SPAs). As a matter of UK Government policy, Ramsar sites are given equivalent status. For the purposes of this assessment candidate SACs (cSACs), proposed SPAs (pSPAs) and proposed Ramsar (pRamsar) sites are all treated as fully designated sites. In this report we use the term ‘European sites’ to refer collectively to the sites listed in this paragraph.

1.8 Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. This contrasts with the SEA Directive which does not prescribe how plan or programme proponents should respond to the findings of an environmental assessment; merely that the assessment findings (as documented in the ‘environmental report’) should be ‘taken into account’ during preparation of the plan or programme. Under the Habitats Regulations, plans and projects may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

1.9 In 2018, the ‘People Over Wind’ European Court of Justice (ECJ) ruling¹ determined that ‘mitigation’ (i.e. measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on European sites) should not be taken into account when forming a view on likely significant effects. Mitigation should instead only be considered at the appropriate assessment

stage. Appropriate assessment is not a technical term: it simply means ‘an assessment that is appropriate’ for the plan or project in question. As such, the law purposely does not prescribe what it should consist of or how it should be presented; these are decisions to be made on a case by case basis by the competent authority. An amendment was made to the Neighbourhood Planning Regulations in late 2018 which permitted Neighbourhood Plans to be made if they required appropriate assessment.

- 1.10 Over the years the phrase ‘Habitats Regulations Assessment’ has come into wide currency to describe the overall process set out in the Conservation of Habitats and Species Regulations from screening through to Imperative Reasons of Overriding Public Interest (IROPI). This has arisen in order to distinguish the process from the individual stage described in the law as an ‘Appropriate Assessment’. Throughout this report we use the term Habitats Regulations Assessment for the overall process.

Report Layout

- 1.11 **Chapter 2** of this report explains the process by which the HRA has been carried out. **Chapter 3** explores the relevant pathways of impact. **Chapter 4** summarises the Test of Likely Significant Effects of the policies and site allocations of the Plan considered ‘alone’ and ‘in-combination. (The Test of Likely Significant Effects itself is undertaken in **Appendix B**). **Chapter 5** contains the Appropriate Assessment for any linking impact pathways that could not be screened out from potentially resulting in a Likely Significant Effect. **Chapter 6** contains the conclusion and a summary of recommendations.

2. Methodology

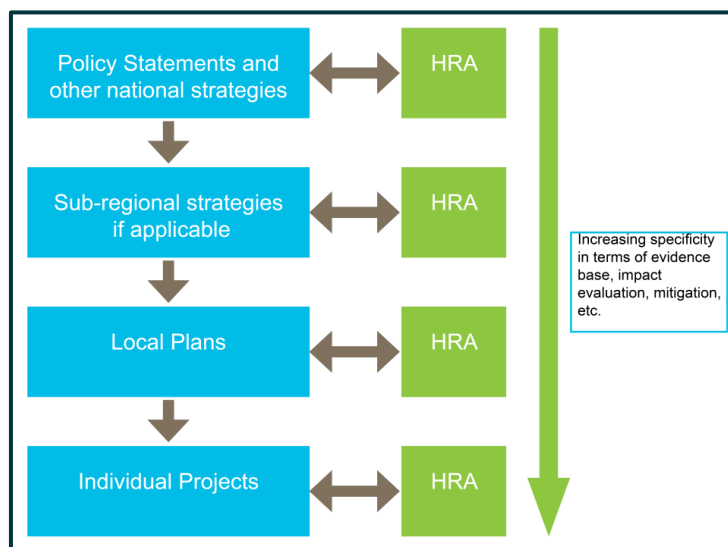
Introduction

- 2.1 This section sets out the approach and methodology for undertaking the Habitats Regulations Assessment (HRA). HRA itself operates independently from the Planning Policy system, being a legal requirement of a discrete Statutory Instrument. Therefore, there is no direct relationship to the National Planning Policy Framework (NPPF) and the ‘Tests of Soundness’.

A Proportionate Assessment

- 2.2 Project-related HRA often requires bespoke survey work and novel data generation in order to accurately determine the significance of effects. In other words, to look beyond the risk of an effect to a justified prediction of the actual likely effect and to the development of avoidance or mitigation measures.
- 2.3 However, the draft DLUHC guidanceⁱⁱ (described in greater detail later in this chapter) makes it clear that when implementing HRA of land-use plans, the Appropriate Assessment (AA) should be undertaken at a level of detail that is appropriate and proportional to the level of detail provided within the plan itself:
- 2.4 *“The comprehensiveness of the [Appropriate] assessment work undertaken should be proportionate to the geographical scope of the option and the nature and extent of any effects identified. An AA need not be done in any more detail, or using more resources, than is useful for its purpose. It would be inappropriate and impracticable to assess the effects [of a strategic land use plan] in the degree of detail that would normally be required for the Environmental Impact Assessment (EIA) of a project.”*
- 2.5 More recently, the Court of Appealⁱⁱⁱ ruled that providing the Council (competent authority) was duly satisfied that proposed mitigation could be *“achieved in practice”* then this would suffice to meet the requirements of the Habitat Regulations. This ruling has since been applied to a planning permission (rather than a Plan document)^{iv}. In this case the High Court ruled that for *“a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning mitigation to be fully resolved before a decision maker is able to conclude that a development will satisfy the requirements of reg 61 of the Habitats Regulations”*.
- 2.6 In other words, there is a tacit acceptance that AA can be tiered and that all impacts are not necessarily appropriate for consideration to the same degree of detail at all tiers as illustrated in **Box 2**.

Box 2: Tiering in HRA of Land Use Plans

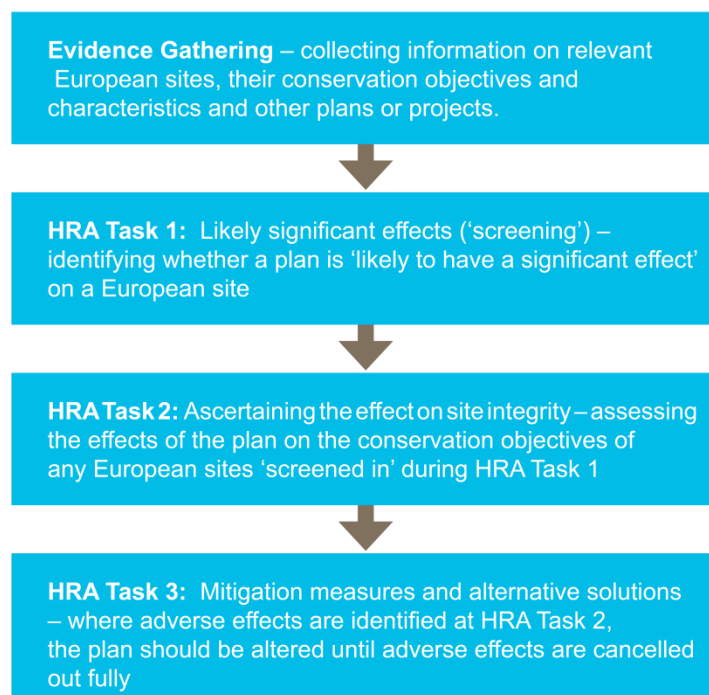


- 2.7 For a plan the level of detail concerning the developments that will be delivered is usually insufficient to make a highly detailed assessment of significance of effects. For example, precise and full determination of the impacts and significant effects of a new settlement will require extensive details concerning the design of the new housing sites, including layout of greenspace and type of development to be delivered in particular locations, yet these data will not be decided until subsequent stages.
- 2.8 The most robust and defensible approach to the absence of fine grain detail at this level is to make use of the precautionary principle. In other words, the plan is never given the benefit of the doubt (within the limits of reasonableness); it must be assumed that a policy/measure is likely to have an impact leading to a significant adverse effect upon an internationally designated site unless it can be clearly established otherwise.

The Process of HRA

- 2.9 The HRA is being carried out in the continuing absence of formal central Government guidance. The former DCLG (now DLUHC) released a consultation paper on AA of Plans in 2006^v. As yet, no further formal guidance has emerged on the assessment of plans. However, Natural England has produced its own informal internal guidance and central government have released general guidance on appropriate assessment^{vi}.
- 2.10 **Box 3** outlines the stages of HRA according to the draft DLUHC guidance (which, as government guidance applicable to English authorities is considered to take precedence over other sources of guidance). The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the plan until no likely significant effects remain.

Box 3: Four-Stage Approach to Habitats Regulations Assessment



2.11 The following process has been adopted for carrying out the subsequent stages of the HRA.

Task One: Test of Likely Significant Effect (LSEs)

2.12 The first stage of any Habitats Regulations Assessment is a test of Likely Significant Effect - essentially a high-level assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:

“Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?”

2.13 In evaluating significance, AECOM have relied on professional judgment and experience of working with other local authorities on similar issues. The level of detail concerning developments that will be permitted under land use plans is rarely sufficient to make a detailed quantification of effects. Therefore, a precautionary approach has been taken (in the absence of more precise data) assuming as the default position that if a likely significant effect (LSE) cannot be confidently ruled out, then the assessment must be taken the next level of assessment Task Two: Appropriate Assessment. This is in line with the April 2018 court ruling relating to 'People Over Wind' where mitigation and avoidance measures are to be included at the next stage of assessment.

Task Two: Appropriate Assessment

2.14 European Site(s) which have been 'screened in' during the previous Task have a detailed assessment undertaken on the effect of the policies on the European

site(s) site integrity. Avoidance and mitigation measures to avoid adverse significant effects are taken into account or recommended where necessary.

- 2.15 As established by case law, ‘appropriate assessment’ is not a technical term; it simply means whatever further assessment is necessary to confirm whether there would be adverse effects on the integrity of any European sites that have not been dismissed at screening. Since it is not a technical term it has no firmly established methodology except that it essentially involves repeating the analysis for the likely significant effects stage, but to a greater level of detail on a smaller number of policies and sites, this time with a view to determining if there would be adverse effects on integrity.
- 2.16 One of the key considerations during Appropriate Assessment is whether there is available mitigation that would entirely address the potential effect. In practice, the Appropriate Assessment takes any policies or allocations that could not be dismissed following the high-level Screening analysis and analyse the potential for an effect in more detail, with a view to concluding whether there would actually be an adverse effect on integrity (in other words, disruption of the coherent structure and function of the European site(s)).

The Scope

2.17 There is no guidance that dictates the physical scope of an HRA of a plan. Therefore, in considering the physical scope of the assessment we were guided primarily by the identified impact pathways rather than by arbitrary “zones”, i.e. a source-pathway-receptor approach. Current guidance suggests that the following European sites be included in the scope of assessment:

- All sites within the Neighbourhood Plan area boundary; and
- Other sites shown to be linked to development within the Neighbourhood Plan boundary through a known “pathway” (discussed below).

2.18 Briefly defined, pathways are routes by which a change in activity within the plan area can lead to an effect upon a European site. In terms of the second category of European site listed above, DLUHC guidance states that the AA should be “*proportionate to the geographical scope of the [plan policy]*” and that “*an AA need not be done in any more detail, or using more resources, than is useful for its purpose*” (DLUHC, 2006, p.6).

2.19 Full details of all European designated sites discussed in this document can be found in **Appendix A**, specifying their qualifying features, conservation objectives and threats to integrity. Table 1 below lists all those European designated sites included in this HRA. It is to be noted that the inclusion of a European sites or pathway below does not indicate that an effect is expected but rather that these are pathways that will be investigated.

Table 1. Physical Scope of the HRA

European Designated Site	Location	Reason for inclusion (pressures/ threats ^{vii} associated with the European site that could link to the Plan.)	Other site vulnerabilities
Lower Bostraze & Leswidden SAC	& At its closest point 5.6 km west of the	- None	- Change to site conditions

European Designated Site	Location	Reason for inclusion (pressures/ threats ^{vii} associated with the European site that could link to the Plan.)	Other site vulnerabilities
	Neighbourhood Plan Area		- Impediment to management
Tregonning Hil SAC	At its closest point - 11.2 km east of the Neighbourhood Plan Area	None	- Inappropriate scrub control - Undergrazing
Marazion Marsh SPA	At its closest point - 1.5 km east of the Neighbourhood Plan Area	Water Pollution Public access/disturbance	- Hydrological changes - Invasive species - Climate change

2.20 The Lower Bostraze & Leswidden SAC and Tregonning Hil SAC have been scoped out of this HRA as the SACs are solely designated for Western rustwort *Marsupella profunda*, and the distance between the SACs and the parish of Penzance means there are no linking impact pathways such as noise and vibration or water pollution. These are therefore not discussed further.

The ‘In Combination’ Scope

2.21 It is a requirement of the Regulations that the impacts and effects of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the European designated site(s) in question.

2.22 When undertaking this part of the assessment it is essential to bear in mind the principal intention behind the legislation i.e. to ensure that those projects or plans which in themselves have minor impacts are not simply dismissed on that basis but are evaluated for any cumulative contribution they may make to an overall significant effect. In practice, in combination assessment is therefore of greatest relevance when the plan would otherwise be screened out because its individual contribution is inconsequential. The overall approach is to exclude the risk of there being unassessed likely significant effects in accordance with the precautionary principle. This was first established in the seminal Waddenzee^{viii} case.

2.23 For the purposes of this HRA, we have determined that the key other documents with a potential for in-combination effects are the Adopted Cornwall Local Plan (2016) and its associated Site Allocations Development Plan Document (DPD)^{ix}. As outlined in the introduction, this Plan sets out the broad spatial development targets for the County of Cornwall in the period of 2010 – 2030. Cornwall does not have individual districts and unitary authorities and the Plan therefore covers a broad geographical area including 213 parishes.

2.24 While individual planning applications have been submitted and in some cases permitted since the Cornwall Local Plan was adopted, examination of planning applications only provides a snapshot in time. In contrast, a review of the Local Plan and its allocations provides the fullest overall picture of the most significant housing and employment development that will be delivered between 2010 and 2030. Overall, the (previously modified) and adopted Local Plan provides for a minimum of 52,500 homes at an average of 2,625 homes delivered per year, 318

permanent gypsy and traveller pitches and 704,000 m² of employment floorspace. Within the Plan, the residential and employment growth is partitioned into various Community Network Areas (CNAs). For example, the Penzance and West Penwith CNA provides for 3,150 additional residential dwellings and 32,166 m² of employment space. The growth provided in other CNAs is provided in Table 2.

2.25 The Cornwall Local Plan is associated with the following impact pathways: recreational pressure, water quality and atmospheric pollution, and as such the same impact pathways that link the Penzance Neighbourhood Plan to nearby European sites. Given the extent of development, both in terms of its volume and geographical distribution, that it proposes, the Cornwall Local Plan and the Site Allocations DPD (and its HRAs) are the most important documents to consider in assessing the in-combination effect of the Penzance Neighbourhood Plan.

2.26 As shown in the table, residential growth in the Penzance and West Penwith CNA (at the top of the table) only accounts for 6% of the total residential growth in Cornwall, while its employment growth only accounts for 4.5% of the overall employment growth in Cornwall. Nevertheless, the potential for Penzance's contribution – however small – to an in-combination effect arising from increased development throughout Cornwall, must be considered.

Table 2. Summary of the development (residential and employment growth) allocated in parishes within the Adopted Cornwall Local Plan (2016).

Location (CNA)	Residential Growth (dwellings)	Employment growth (m ² of floorspace)
Penzance and West Penwith	3,150	32,166
Truro and Roseland	5,100	69,583
Hayle and St. Ives	3,180	38,166
Helston	2,300	29,417
Csmborne, Pool, Illogan and Redruth	6,200	122,250
Falmouth and Penryn	3,400	47,417
St. Agnes, Perranporth and Newquay	4,800	58,000
Eco-Communities and St. Austell	3,200	22,250
St. Blazey, Fowey, and Lostwithiel	900	25,333
China Clay	1,800	26,250
Wadebridge and Padstow	2,100	13,334
Bodmin	3,200	47,500
Camelford	1,000	7,834
Bude, Stratton, Flexbury and Poughill	1,800	21,166
Lanceston	2,300	42,250
Liskeard	2,900	44,334
Callington and Caradon	1,000	14,750
Saltash, Torpoint and Cornwall Gateway	1,900	17,500

Location (CNA)	Residential Growth (dwellings)	Employment growth (m ² of floorspace)
All CNAs	52,500	704,000

2.27 It should be noted that, while the broad potential impacts of the Cornwall Local Plan will be considered as part of the ‘in combination’ assessment, this document does not carry out a full HRA of that Plan. Instead, it draws upon existing HRAs that have been carried out on the Plan and the Site Allocations DPD between 2014 and its adoption in 2016.

3. Pathways of Impact

3.1 The following pathways of impact are considered relevant to the HRA of the Plan:

- Recreational Pressure
- Water Quality and Water Resources
- Air pollution (Atmospheric Nitrogen Deposition)

Recreational Pressure

3.2 Recreational use of a European site has the potential to:

- Cause disturbance to sensitive species, particularly ground-nesting birds and (where relevant) wintering wildfowl.
- Cause damage through erosion and fragmentation;
- Cause eutrophication as a result of dog fouling; and
- Prevent appropriate management or exacerbate existing management difficulties;

3.3 Different types of European sites are subject to different types of recreational pressures and have different vulnerabilities. Studies across a range of species have shown that the effects from recreation can be complex.

3.4 It should be emphasised that recreational use is not inevitably a problem. Many European sites also contain nature reserves managed for conservation and public appreciation of nature.

3.5 HRAs of Local Plans tend to focus on recreational sources of disturbance as a result of new residents^x.

Activities causing disturbance

3.6 Disturbing activities are on a continuum. The most disturbing activities are likely to be those that involve irregular, infrequent, unpredictable loud noise events, movement or vibration of long duration. The presence of people and dogs generate a substantial disturbance effects because of the areas accessed and the impact of a potential predator on bird behaviour. Birds are least likely to be disturbed by activities that involve regular, frequent, predictable, quiet patterns of sound or movement or minimal vibration. The further any activity is from the birds, the less likely it is to result in disturbance.

3.7 The factors that influence a species response to a disturbance are numerous, but the three key factors are species sensitivity, proximity of disturbance sources and timing/duration of the potentially disturbing activity.

3.8 The distance at which a species takes flight when approached by a disturbing stimulus is known as the 'tolerance distance' (also called the 'escape flight distance') and differs between species to the same stimulus and within a species to different stimuli.

3.9 The potential for apparent disturbance may be less in winter than in summer, in that there are often a smaller number of recreational users. In addition, the

consequences of disturbance at a population level may be reduced because birds are not breeding. However, activity outside of the summer months can still cause important disturbance, especially as birds are particularly vulnerable at this time of year due to food shortages. Disturbance which results in abandonment of suitable feeding areas can have severe consequences for those birds involved and their ability to find alternative feeding areas. Several empirical studies have, through correlative analysis, demonstrated that out-of-season (October-March) recreational activity can result in quantifiable disturbance:

- Tuite et al^{xi} found that during periods of high recreational activity, bird numbers at Llangorse Lake decreased by 30% as the morning progressed, matching the increase in recreational activity towards midday. During periods of low recreational activity, however, no change in numbers was observed as the morning progressed. In addition, all species were found to spend less time in their 'preferred zones' (the areas of the lake used most in the absence of recreational activity) as recreational intensity increased;
- Underhill et al^{xii} counted waterfowl and all disturbance events on 54 water bodies within the South West London Water Bodies Special Protection Area and clearly correlated disturbance with a decrease in bird numbers at weekends in smaller sites and with the movement of birds within larger sites from disturbed to less disturbed areas.

- 3.1 Human activity can affect birds either directly (e.g. through causing them to flee) or indirectly (e.g. through damaging their habitat). The most obvious direct effect is that of immediate mortality such as death by shooting, but human activity can also lead to behavioural changes (e.g. alterations in feeding behaviour, avoidance of certain areas *etc.*) and physiological changes (e.g. an increase in heart rate) that, although less noticeable, may ultimately result in major population-level effects by altering the balance between immigration/birth and emigration/death^{xiii}. The impact of disturbance on birds changes during the seasons in relation to a number of very specific factors, for example the winter below freezing temperature, the birds fat resource levels and the need to remain watchful for predators rather than feeding. These considerations lead to birds apparently showing different behavioural responses at different times of the year.
- 3.2 The degree of impact that varying levels of noise will have on different species of bird is poorly understood except that a number of studies have found that an increase in traffic levels on roads does lead to a reduction in the bird abundance within adjacent hedgerows - Reijnen et al (1995) examined the distribution of 43 passerine species (i.e. 'songbirds'), of which 60% had a lower density closer to the roadside than further away. By controlling vehicle usage, they also found that the density generally was lower along busier roads than quieter roads^{xiv}.

Mechanical/abrasive damage and nutrient enrichment

- 3.3 Most types of aquatic or terrestrial European site can be affected by trampling, which in turn causes soil compaction and erosion:
- Wilson & Seney (1994)^{xv} examined the degree of track erosion caused by hikers, motorcycles, horses and cyclists from 108 plots along tracks in the Gallatin National Forest, Montana. Although the results proved difficult to interpret, it was concluded that horses and hikers disturbed more

sediment on wet tracks, and therefore caused more erosion, than motorcycles and bicycles.

- Cole et al (1995a, b)^{xvi} conducted experimental off-track trampling in 18 closed forest, dwarf scrub and meadow & grassland communities (each tramped between 0 – 500 times) over five mountain regions in the US. Vegetation cover was assessed two weeks and one year after trampling, and an inverse relationship with trampling intensity was discovered, although this relationship was weaker after one year than two weeks indicating some recovery of the vegetation. Differences in plant morphological characteristics were found to explain more variation in response between different vegetation types than soil and topographic factors. Low-growing, mat-forming grasses regained their cover best after two weeks and were considered most resistant to trampling, while tall forbs (non-woody vascular plants other than grasses, sedges, rushes and ferns) were considered least resistant. Cover of hemicryptophytes and geophytes (plants with buds below the soil surface) was heavily reduced after two weeks but had recovered well after one year and as such these were considered most resilient to trampling. Chamaephytes (plants with buds above the soil surface) were least resilient to trampling. It was concluded that these would be the least tolerant of a regular cycle of disturbance.
- Cole (1995c)^{xvii} conducted a follow-up study (in 4 vegetation types) in which shoe type (trainers or walking boots) and trampler weight were varied. Although immediate damage was greater with walking boots, there was no significant difference after one year. Heavier trampers caused a greater reduction in vegetation height than lighter trampers, but there was no difference in effect on cover.
- Cole & Spildie (1998)^{xviii} experimentally compared the effects of off-track trampling by hiker and horse (at two intensities – 25 and 150 passes) in two woodland vegetation types (one with an erect forb understorey and one with a low shrub understorey). Horse traffic was found to cause the largest reduction in vegetation cover. The forb-dominated vegetation suffered greatest disturbance but recovered rapidly. Higher trampling intensities caused more disturbance.

3.4 Walkers with dogs contribute to pressure on sites through nutrient enrichment via dog fouling and also cause greater disturbance to fauna as dogs are less likely to keep to marked footpaths and also tend to move in a more erratic manner. Sites being managed by nature conservation bodies and local authorities frequently resort to hardening eroded paths to restrict erosion but at the same time they are losing the habitats formerly used by sand lizards and burrowing invertebrates. Motorcycle scrambling and off-road vehicle use can cause more serious erosion, as well as disturbance to sensitive species. Boats can also cause some mechanical damage to intertidal habitats through grounding as well as anchor and anchor line damage.

Water Quality and Water Resources

3.5 Increased amounts of housing or business development can lead to reduced water quality of rivers and estuarine environments. Sewage and industrial effluent discharges can contribute to increased nutrients on European sites

leading to unfavourable conditions. In addition, diffuse pollution, partly from urban run-off has been identified during an Environment Agency Review of Consents process and a joint Environment Agency and Natural England evidence review, as being a major factor in causing unfavourable condition of European sites.

3.6 The quality of the water that feeds European sites is an important determinant of the nature of their habitats and the species they support. Poor water quality can have a range of environmental impacts:

- At high levels, toxic chemicals and metals can result in immediate death of aquatic life, and can have detrimental effects even at lower levels, including increased vulnerability to disease and changes in wildlife behaviour. Eutrophication, the enrichment of plant nutrients in water, increases plant growth and consequently results in oxygen depletion. Algal blooms, which commonly result from eutrophication, increase turbidity and decrease light penetration. The decomposition of organic wastes that often accompanies eutrophication deoxygenates water further, augmenting the oxygen depleting effects of eutrophication. In the marine environment, nitrogen is the limiting plant nutrient and so eutrophication is associated with discharges containing available nitrogen;
- Some pesticides, industrial chemicals, and components of sewage effluent are suspected to interfere with the functioning of the endocrine system, possibly having negative effects on the reproduction and development of aquatic life; and
- Increased discharge of treated sewage effluent can result both in high levels of macroalgal growth, which can smother the mudflats of value to SPA birds and in greater scour (as a result of greater flow volumes).

3.7 At sewage treatment works, additional residential development increases the risk of effluent escape into aquatic environments in addition to consented discharges to the catchment. In many urban areas, sewage treatment and surface water drainage systems are combined, and therefore a predicted increase in flood and storm events could increase pollution risk.

Atmospheric Pollution (Atmospheric Nitrogen Deposition)

3.8 The main pollutants of concern for European sites are oxides of nitrogen (NO_x), ammonia (NH₃) and sulphur dioxide (SO₂). NO_x can have a directly toxic effect upon vegetation. In addition, greater NO_x or ammonia concentrations within the atmosphere will lead to greater rates of nitrogen deposition to soils. An increase in the deposition of nitrogen from the atmosphere to soils is generally regarded to lead to an increase in soil fertility, which can have a serious deleterious effect on the quality of semi-natural, nitrogen-limited terrestrial habitats.

Table 3: Main sources and effects of air pollutants on habitats and species

Pollutant	Source	Effects on habitats and species
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Acid deposition	SO ₂ , NO _x and ammonia all contribute to acid deposition. Although future trends in S emissions and subsequent deposition to terrestrial and aquatic ecosystems will continue to decline, it is likely that increased nitrogen emissions may cancel out any gains produced by reduced sulphur levels.	Can affect habitats and species through both wet (acid rain) and dry deposition. Some sites will be more at risk than others depending on soil type, bed rock geology, weathering rate and buffering capacity.
Ammonia (NH ₃)	Ammonia is released following decomposition and volatilisation of animal wastes. It is a naturally occurring trace gas, but levels have increased considerably with expansion in numbers of agricultural livestock. Ammonia reacts with acid pollutants such as the products of SO ₂ and NO _x emissions to produce fine ammonium (NH ₄ ⁺) containing aerosol which may be transferred much longer distances (can therefore be a significant trans-boundary issue.)	Adverse effects are as a result of nitrogen deposition leading to eutrophication. As emissions mostly occur at ground level in the rural environment and NH ₃ is rapidly deposited, some of the most acute problems of NH ₃ deposition are for small relict nature reserves located in intensive agricultural landscapes.
Nitrogen oxides NO _x	Nitrogen oxides are mostly produced in combustion processes. About one quarter of the UK's emissions are from power stations.	Deposition of nitrogen compounds (nitrates (NO ₃), nitrogen dioxide (NO ₂) and nitric acid (HNO ₃)) can lead to both soil and freshwater acidification. In addition, NO _x can cause eutrophication of soils and water. This alters the species composition of plant communities and can eliminate sensitive species.
Nitrogen (N) deposition	The pollutants that contribute to nitrogen deposition derive mainly from NO _x and NH ₃ emissions. These pollutants cause acidification (see also acid deposition) as well as eutrophication.	Species-rich plant communities with relatively high proportions of slow-growing perennial species and bryophytes are most at risk from N eutrophication, due to its promotion of competitive and invasive species which can respond readily to elevated levels of N. N deposition can also increase the risk of damage from abiotic factors, e.g. drought and frost.
Ozone (O ₃)	A secondary pollutant generated by photochemical reactions from	Concentrations of O ₃ above 40 ppb can be toxic to humans and

NO_x and volatile organic compounds (VOCs). These are mainly released by the combustion of fossil fuels. The increase in combustion of fossil fuels in the UK has led to a large increase in background ozone concentration, leading to an increased number of days when levels across the region are above 40ppb. Reducing ozone pollution is believed to require action at international level to reduce levels of the precursors that form ozone.

Sulphur Dioxide SO ₂	Main sources of SO ₂ emissions are electricity generation, industry and domestic fuel combustion. May also arise from shipping and increased atmospheric concentrations in busy ports. Total SO ₂ emissions have decreased substantially in the UK since the 1980s.	Wet and dry deposition of SO ₂ acidifies soils and freshwater, and alters the species composition of plant and animal communities. The significance of impacts depends on levels of deposition and the buffering capacity of soils.
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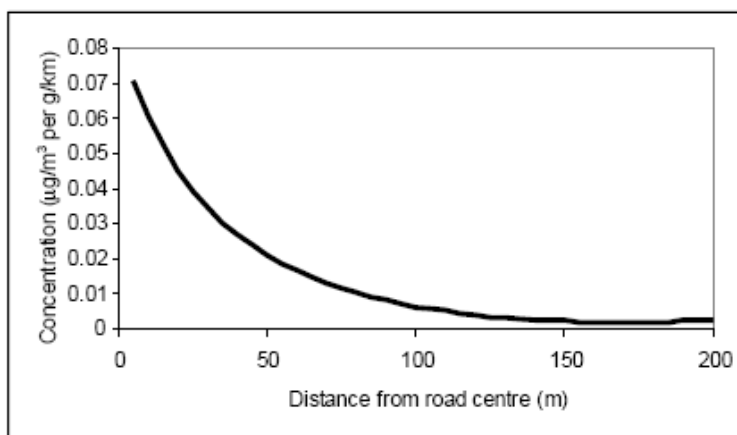
3.9 Sulphur dioxide emissions are overwhelmingly influenced by the output of power stations and industrial processes that require the combustion of coal and oil. Ammonia emissions are dominated by agriculture, with some chemical processes also making notable contributions. As such, it is unlikely that material increases in SO₂ or NH₃ emissions will be associated with Local Plans. NO_x emissions, however, are dominated by the output of vehicle exhausts. Within a ‘typical’ housing development, by far the largest contribution to NO_x (92%) will be made by the associated road traffic. Other sources, although relevant, are of minor importance (8%) in comparison^{xix}. Emissions of NO_x could therefore be reasonably expected to increase as a result of greater vehicle use as an indirect effect of the LDF.

3.10 According to the World Health Organisation, the critical NO_x concentration (critical threshold) for the protection of vegetation is 30 µgm⁻³; the threshold for sulphur dioxide is 20 µgm⁻³. In addition, ecological studies have determined ‘Critical Loads’^{xx} of atmospheric nitrogen deposition (that is, NO_x combined with ammonia NH₃) for key habitats within European sites.

Local Air Pollution

3.11 According to the Department of Transport’s Transport Analysis Guidance, “Beyond 200 m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant”^{xxi}.

Plate 1. Traffic contribution to concentrations of pollutants at different distances from a road (Source: DfT)



3.12 This is therefore the distance that is used throughout the HRA process in order to determine whether a European site is likely to be significantly affected by development under a Plan.

4. Test of Likely Significant Effects (LSEs)

Introduction

4.1 The initial scoping of European designated sites illustrated in Table 1 identified that Marazion Marsh SPA site is potentially vulnerable to:

- Recreational pressure
- Air quality
- Water quality and Water resources

4.2 The European Sites Mitigation SPD also identifies there is a 12.5km recreational catchment to Penhale Dunes SAC and Fal & Helford SAC. However, Penzance lies well over 12.5km from both European sites and therefore wouldn't need to contribute to the mitigation strategy for those sites. The full test of LSEs for the Penzance Neighbourhood Plan is presented in Appendix B. The assessment took into consideration the above potential vulnerabilities of the European sites included in Table 1.

Summary of LSEs 'Alone'

4.3 For the following 11 policies within the Penzance Neighbourhood Plan LSEs on European sites cannot be excluded 'alone'. These policies are:

- Policy DDH8: Flooding and drainage impact of development proposals
- Policy EC1: Units and Workspaces to Support the Small and Micro Businesses which Underpin the Local Economy
- Policy EC4: Supporting a Sustainable Tourism / Visitor Economy
- Policy EC5: Providing Accommodation for Hotel, Bed & Breakfast and Guest House Employees
- PEN5: Town Centre Mixed-use Development and Conversion of Retail and other Town Centre Uses
- PEN6: New Retail Premises
- PEN7: Harbour and Headland
- Policy PEN11: Penzance (Wherry Town / Waterfront) Local Development Site Supplementary Briefing Note (Mixed-use)
- Policy NEW6: The Old Bottle Top Factory
- Policy NEW16: Protecting the Village Centre Retail Core

4.4 Although these policies do not propose a specific quantum of development, they do propose developing and rejuvenating previously used facilities and buildings or developing new buildings and residential dwellings based on certain criteria provided in the Neighbourhood Plan.

- 4.5 The closest European site to Penzance Parish is the Marazion Marsh SPA which lies 1.5 km from the parish. The Marazion Marsh SPA is vulnerable to recreational pressure, air pollution and water pollution and is located within 200m of the A394 and lies within the West Penwith CNA.
- 4.6 Policies considered to have an effect on European sites only 'in combination' with other plans and projects are discussed below.

Summary of LSEs 'In Combination'

- 4.7 Of the 66 Neighbourhood Plan policies, 5 policies, were considered not considered to pose likely significant effects alone, but did have the potential to result in LSEs in combination with other plans and projects, including the existing Local Plan policies and allocations:
- Policy H2: Principal Residence Policy
 - Policy H4: Emergency Temporary Housing Units / Pods
 - Policy H5: Ensuring Quality in Houses in Multiple Occupation (HMOs)
 - Policy H6: Rural Exception Sites
 - Policy H11: Cornwall Council Adult Social Care site, Roscadghill Road, Heamoor
- 4.8 The above policies provide for the following realistic potential linking impact pathways that could result in LSEs on European sites in combination:
- Recreational pressure: as a result of new residential dwellings, business development and tourist facilities. (Policies:
 - Water quality and resources: increased demand for water and increased effluent as a result of increased accommodation and business uses. (Policies:
 - Air quality: increase in nitrogen deposition rates within SPA designated habitats located within 200m of major journey-to-work routes. (Policies:
- 4.9 All remaining policies are development management policies that do not provide impact pathways that link to European sites. The impact pathways screened in for these policies are discussed further below, to determine whether a likely significant effect can in fact be dismissed.

Recreational pressure

- 4.10 Cornwall Council undertook a visitor study of Marazion Marsh SPA between 2015 and 2016 in support of its Terrestrial European Sites Mitigation Supplementary Planning Document (SPD)^{xxii}. The visitor survey results concluded: *"Over the four seasons 175 groups were interviewed, representing the visit patterns of 280 people accompanied by 109 dogs. 33% of groups were interviewed during the Autumn, 32% in Spring, 20% in the Summer and 15% over the Winter. On average 52% of groups were accompanied by dogs"*. Based on the results of the visitor survey the SPD concluded: *"Evidence suggests that a strategic solution to mitigation for Marazion Marsh is not required. Locational data suggested this is not a strategic site for recreation. Regular walkers come from a small local range and use the site regularly but cause little disturbance at present to the protected*

species...There is current wardening and signs clearly identifying the special features of the site. Although the warden identifies dog fouling and disturbance as an issue, there are measures in place to reduce disturbance (fences) and there are dog bins at the site entrance/exits". Therefore, recreational pressure is confirmed to be screened out as not posing likely significant effects for Marazion Marshes SPA.

Water quality

- 4.11 Increased amounts of housing or business development can lead to reduced water quality in rivers and estuarine environments. Sewage and industrial effluent discharge and runoff due to construction activities can contribute to increased nutrients in European sites, ultimately leading to unfavourable conditions. In addition, diffuse pollution, partly from urban runoff has been identified during an Environment Agency Review of Consents process and a joint Environment Agency and Natural England evidence review, as being a major factor in causing unfavourable condition of European sites.
- 4.12 The Cornwall Local Plan HRA assessed potential in-combination water quality impacts of residential and employment growth across Cornwall. The HRA concluded that if growth cannot be accommodated within existing Environment Agency consents, development should be phased such that it remains in line with the existing capacity at the relevant WwTW. The HRA also identified that an appropriate policy mechanism exists in Policies 23 and 28 of the Local Plan, as evidenced in the supporting text: *'Particular importance is placed upon the provision of adequate sewerage and sewage waste treatment facilities. In areas where development without the provision of adequate facilities could impact on the integrity of the designated or candidate international wildlife sites, including the Fal and Helford and River Camel SACs and Tamar Estuaries Complex SPA development proposals will be refused where there is an impact in line with Policy 23 of this plan.'* Given that the Cornwall Local Plan provides the overarching development policies, the same principles must be applied to any dwellings in the Penzance Parish. This ensures that the growth within the Parish would not threaten the water quality thresholds identified in the Water Framework Directive and, consequently, the integrity of the Marazion Marsh SPA.
- 4.13 The effect on water quality at Marazion Marshes SPA was screened out of the Cornwall HRA: *"diffuse pollution is identified as a potential threat to ecological integrity. However at the EA Stage 3 Review of Consents process, no likely significant effects of permitted water abstractions or discharges were determined, and therefore no permissions were carried forward into Stage 4. This site is therefore not discussed further in this Chapter"*. Moreover, it is understood that no drains or wastewater treatment works outfalls associated with Penzance discharge into Marazion Marsh SPA. Therefore, water quality is confirmed to be screened out as not posing likely significant effects for Marazion Marshes SPA.
- 4.14 The impact on water resources will be further discussed 'in combination' with the Cornwall Local plan in further sections.

Conclusion

- 4.15 The appropriate assessment section will therefore focus on air quality and water resource impacts on Marazion Marsh SPA.

5. Appropriate Assessment

‘Alone’ Assessment

- 5.1 Air quality and water resources are essentially ‘in combination’ effects – a significant effect won’t arise from an individual Neighbourhood Plan because the amount of growth is too small.

‘In combination’ Assessment

- 5.2 Thirteen policies were identified within the ToLSE that may result in LSEs, through the impact pathway air quality and through water resource impacts.

Air quality

- 5.3 Since the effect of growth on air quality is an in combination issue, and this matter was looked at strategically in the HRA of the Local Plan which included growth in the Penzance area, the conclusions of the Cornwall Local Plan HRA are discussed below.

- 5.4 The Cornwall Local Plan HRA discusses the conclusions on the effects on nitrogen deposition: “*The nitrogen deposition calculations in Appendix 2 show that:*

- *The Process Contribution (PC) is at or below 1% of the critical load for all sites except for:*
- *Marazion Marsh SPA, at a distance of 7m from the roadside (where the PC is 1.4% of the critical load).*
- *In both instances, the Predicted Environmental Concentration (PEC) exceeds 70% of the critical load and also exceeds 100% of the critical load, due almost entirely to existing background concentrations.*
- *In both instances only a very narrow 7m strip along the roadside would potentially be affected and the ‘1% of the critical load’ threshold is only exceeded if one assumes that no improvement in background air quality will occur over the next 20 years, which is unlikely in practice. It would only take a slight improvement in background air quality and emissions factors for the PC to fall below 1% of the critical load and (at Marazion Marsh) for the PEC to also fall below 100% of the critical load.*

Given that the assumption of no improvement in background air quality on which these calculations are based is extremely precautionary (such that the most likely outcome is that the ‘1% of the critical load’ criterion would not be exceeded in practice) and that even using that precautionary approach a very narrow band of the SPA is affected, it is considered that no adverse effect on the SPA would occur from nitrogen deposition”.

- 5.5 It can therefore be concluded that growth in the Penzance Neighbourhood Plan will not result in adverse effects on the integrity of Marazion Marsh SPA in combination with other growth in Cornwall Local Plan.

Water Resources

- 5.6 The Cornwall Local Plan HRA assessed potential in-combination impacts of development on the water resources of European sites and concludes: *"In the case of South West Water... No reductions were required with regard to the River Camel or other European sites... Relatively few measures are proposed in the WRMP as being necessary to ensure adequate water supply in the Cornwall area until 2034; they are restricted largely to water efficiency measures and new tariffs... The WRMP does not indicate that any increase in existing licenced abstraction rates/volumes from the River Camel or any other European sites will be required to secure additional resources to supply Cornwall. As such it is considered that no adverse effect on the integrity of any European sites would arise from the supply strategy for Cornwall over the Local Plan period as set out in the WRMP"*. Moreover, Marazion Marsh is not directly linked to any of South West Water's surface or groundwater abstractions.
- 5.7 Therefore, it is concluded that the Penzance Neighbourhood Plan will not result in adverse effects on the integrity of European sites regarding water resources.

6. Conclusions

- 6.1 This assessment undertook both screening and Appropriate Assessment of the policies and any allocations within the Penzance Neighbourhood Plan.
- 6.2 Impact pathways considered were: recreational pressure, water quality and resources and air pollution. Recreational pressure and water quality issues were both screened out following reference to overarching work undertaken for Cornwall Local Plan or the European Sites Mitigation SPD that identified Marazion Marsh would not be affected by these impact pathways. Air quality and water resources were taken forward to Appropriate Assessment.
- 6.3 The European designated sites, considered within the Appropriate Assessment for impact pathways that could not be screened out at the screening stage were:
 - Marazion Marsh SPA
- 6.4 Regarding atmospheric pollution, although the Cornwall Local Plan highlighted that the Marazion Marsh SPA lies within 200m of a major road (A394), air quality modelling concluded that there would be less than a 1% of the Critical Level increase in NO_x and of Critical Load increase in nitrogen deposition, and that the cumulative levels would remain below the Critical Level / Critical Load, ensuring that there will be no adverse effect through air pollution. As the Penzance Neighbourhood Plan merely supports the level of growth allocated within the Local Plan and does not allocate a further quantum of development, it can be concluded that the Neighbourhood Plan will also not cause an adverse effect through air pollution.
- 6.5 With regards to water resources, the Cornwall Local Plan HRA assessed the potential in-combination impacts and determined there will be no likely significant effects of permitted water abstractions or discharges because the South West Water WRMP is based on robust populations projections and has not identified that potable water needs in Cornwall will require increased abstraction from any European sites. Moreover, Marazion Marsh is not directly linked to any of South West Water's surface or groundwater abstractions.
- 6.6 It can therefore be concluded that the Penzance Neighbourhood Plan will not have an adverse effect on the integrity of any European sites in Cornwall, either alone or in combination with other plans and projects.

Appendix A European Sites

Lower Bostraze & Leswidden SAC

Introduction

- 6.7 This site is designated for Western rustwort *Marsupella profunda* but is not open to the public
- 6.8 This site comprises two closely adjacent locations selected for western rustwort. The colony at Lower Bostraze is in the southern half of a disused china-clay quarry where extraction ended around 1991. Most vascular plants present are only immature individuals, with heather *Calluna vulgaris* and bell heather *Erica cinerea* the most common species. Lower Bostraze supports the largest population of western rustwort, with an estimated 4,000 cm² cover, while Leswidden supports an estimated 200 cm². Leswidden is also a former china-clay quarry, where working ceased before 1965. Banks of clay spoil have been exposed more recently during work to clear and flatten the area to the south now used as a coal merchant's yard. As at Lower Bostraze, the clay surfaces are colonised by filamentous green algae and, very sparsely, by calcifuge vascular plants such as heather *Calluna vulgaris* and bell heather *Erica cinerea*.

Conservation Objectives^{xxiii}

- 6.9 With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;
- 6.10 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;
- The extent and distribution of the habitats and habitats of qualifying species
 - The structure and function of the habitats of qualifying species
 - The supporting processes on which the habitats of qualifying species rely
 - The populations of qualifying species, and,
 - The distribution of qualifying species within the site.

Qualifying Features^{xxiv}

Annex II species that are a primary reason for selection of this site

- Western rustwort *Marsupella profunda*

Environmental Vulnerabilities^{xxv}

- 6.11 Natural England's Site Improvement Plan identifies the following threats and pressure for the integrity of the Lower Bostraze & Leswidden SAC:
- Change to site conditions

- Impediment to management

Tregonning Hill SAC

Introduction

6.12 Tregonning Hill is the westerly of two granite hills overlooking Mount's Bay in west Cornwall, United Kingdom, the other being Godolphin Hill. The main vegetation types on the hill are western lowland heath and scrub. Tregonning Hill is a detached outcrop of the Cornubian batholith. The granite has been altered by kaolinization resulting in china clay. Disused pits, gullies, waste-tips and debris litter the hillside.

6.13 This site is designated for its western rustwort populations. This is a species of liverwort which colonises moist, crumbling mica-rich weathered granite and china clay waste and requires regular abrasion/exposure of new bare areas for colonisation. As a pioneer species it is highly mobile. In general this species is not particularly vulnerable to recreation in as much as the plant requires the regular exposure of new areas to colonise for the population to persist; however, excessive recreation can cause an imbalance between the existing colony and new areas for expansion and can adversely affect the species.

Conservation Objectives^{xxvi}

6.14 With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

6.15 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of the habitats of qualifying species
- The structure and function of the habitats of qualifying species
- The supporting processes on which the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Qualifying Features^{xxvii}

Annex II species present as a qualifying feature, but not a primary reason for site selection

- Western rustwort *Marsupella profunda*

Environmental Vulnerabilities^{xxviii}

6.16 Natural England's Site Improvement Plan identifies the following threats and pressure for the integrity of the Tregonning Hill SAC:

- Inappropriate scrub control
- Undergrazing

Marazion Marsh SPA

Introduction

6.17 Marazion Marsh SPA is designated for its populations of passage aquatic warbler and wintering bittern; it is also the only Special Protection Area situated wholly within Cornwall. The site is an RSPB reserve and public access is therefore both encouraged and well-managed. Paths and hides are provided specifically to avoid the most sensitive areas of the site for birds. There are also controls on dog presence within the site; while some visitors occasionally break these codes, there is a prosecution system which is likely to serve as a deterrent. Marazion Marsh SPA is situated approximately 2km from Penzance and this settlement is therefore the most likely source of locally-based visitors.

6.18 Marazion Marsh is the largest reedbed in Cornwall and the most westerly extensive area of reedbed in England, making it of strategic importance for breeding, passage and wintering birds. The maintenance of the reedbed depends on active management through the periodic cutting of reeds and control of potentially invasive scrub and willow carr, carried out according to the management plan.

Conservation Objectives^{xxix}

6.19 With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

6.20 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Qualifying Features

- Great bittern *Botaurus stellaris* (Non-breeding)
- Aquatic warbler *Acrocephalus paludicola* (Non-breeding)

Environmental Vulnerabilities^{xxx}

6.21 Natural England's Site Improvement Plan identifies the following threats and pressure for the integrity of the Marazion Marsh SPA:

- Hydrological changes
- Water Pollution
- Public access/disturbance

- Invasive species
- Climate change

Appendix B Policy Screening

Table 4. Screening for Likely Significant Effects (LSEs) of the Penzance Neighbourhood Plan Revision.

Where the ‘HRA Implications’ column is shaded green, LSEs on European sites have been excluded. For policies that are shaded orange, LSEs could not be excluded and these are taken forward to Appropriate Assessment. Policies that are shaded in grey have been updated following public consultation.

Policy	Description	HRA Implications
Development, Design & Heritage		
Policy DDH1: Design and Local Distinctiveness	<p>1. Development proposals should demonstrate high-quality design which respects and reflects the character of the surrounding area and local distinctiveness. Materials and finishes should be in keeping with the locality and be of sufficient quality and design to withstand the effects of the local maritime climate and the impacts of climate change (for example, using resilient materials and siting to reduce rusting and discolouration and the impact of high winds). Where a site is prominent in its surroundings, the use of white render or similar finishes should in general be avoided.</p> <p>2. Major development proposals within or on the edge of villages or the Penzance urban area should demonstrate how they will be well integrated with the community, surroundings and landscape context in terms of:</p> <ul style="list-style-type: none"> i) Patterns of development, scale, density, massing and building styles, with particular reference to this Plan’s Design Principles (Appendix 5); ii) Providing for the continued safe and attractive use of public rights of way; iii) Incorporating green corridors and tree planting or landscaping on site boundaries, and along hedgerows, watercourses and public rights of way, as relevant to the size and nature of the site; iv) Retaining and enhancing distinctive views, including those identified in the Penzance Spatial Strategy 2018; v) Protecting and enhancing the special character of designated Conservation Areas and other heritage assets, along with their settings; 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the design and local distinctive and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>

Policy	Description	HRA Implications
	<ul style="list-style-type: none"> vi) Retaining and enhancing buildings and features that are important in the locality, taking fully into account the Design Principles set out in Appendix 5 of this Plan and any Design Code adopted for the Penzance area at the time of the application; vii) Ensuring safe and attractive access for pedestrians, people living with disabilities or limited mobility, and cyclists; viii) Reducing the impact of traffic within the development; ix) Providing convenient storage for cycles as an integrated part of building design; and, x) Providing integrated facilities for recycling, composting and refuse collection that are appropriate to the development, convenient and minimise visual impact. <p>Development proposals which fall outside of the definition of “major development” should demonstrate, through a Planning Statement, how they have taken into account these criteria where relevant to the scale and type of development proposed, along with an impact assessment of the proposed development on any heritage assets.</p> <p>3. Where development proposals are on sites in sensitive locations which are prominent in their landscape setting, and cannot be developed elsewhere, measures to mitigate adverse impact on the landscape should be taken, such as boundary planting and landscaping to provide effective screening for development and enable development to be satisfactorily accommodated in its landscape setting. In such cases, provision must be made for future maintenance of such measures to maintain effective mitigation in the long-term.</p> <p>4. Proposals should take into account Cornwall Council’s distinctive guidance, Cornish Distinctiveness.</p> <p>5. Proposals for development in gardens and private amenity space within the curtilage of the dwelling, which require planning permission, should demonstrate how they will have no significant adverse impact on the character of the existing property’s setting and character and amenity of neighbouring property and uses.</p>	
<p>Policy Development Heritage Assets</p>	<p>DDH2: 1. Development proposals affecting designated and non-designated heritage assets should be accompanied by an appropriate assessment</p> <p>which sets out the significance of the asset (including its setting) and the impact of the proposal upon its significance. Applications will be</p>	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the</p>

Policy	Description	HRA Implications
	<p>determined strictly in accordance with national policy and guidance and the development plan.</p> <p>2. Where appropriate, Heritage Impact Assessments should show how proposals have:</p> <ul style="list-style-type: none"> i) consulted the records of the relevant heritage asset(s), for example, as detailed on the Heritage Gateway and Cornwall Interactive Mapping; ii) demonstrated that they have taken into account Conservation Area Appraisals for Gulval, Mousehole, Newlyn, Paul and Penzance and the "Historic characterisation for regeneration: Penzance" and "Historic characterisation for regeneration: Newlyn" reports referenced in Appendix 5: Key Design Principles and Summary of Design Related Policies; iii) in the case of proposals for listed buildings and sensitive sites, demonstrate that they have taken into account the provisions of Historic England: Conservation Principles, Policies & Guidance with particular reference to the new work and alteration policy, and a statement has been provided setting out how this has informed the proposals; and, iv) responded positively to local identity and distinctiveness. <p>3. The development of any of the sites identified in policies PEN7, PEN8, PEN9, PEN10, NEW6, NEW8, NEW9, NEW10 and NEW11 must also carefully and comprehensively consider any heritage assets on the site and within the setting of the site in line with paragraphs 197, 199 and 200 of the NPPF and policy 24 of the Cornwall Local Plan: Strategic Policies. Development proposals for sites identified in policies PEN7, PEN8, PEN9, PEN10, NEW6, NEW8, NEW9, NEW10 and NEW11 should be accompanied by proportionate heritage impact assessments including the archaeological potential of the sites, identifying the significance of heritage assets that would be affected by the proposals (including their settings) along with any potential archaeological remains, and the nature and degree of those effects, demonstrating how any harm would be avoided, minimised or mitigated. Where appropriate, development should take opportunities within the setting of any heritage assets to better reveal their significance.</p>	<p>development and heritage assets and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>

Policy	Description	HRA Implications
<p>Policy DDH3: Light Pollution and the Night Sky</p>	<p>The provision of external lighting and glazing in development proposals must be designed to protect the surrounding area and the night sky from light pollution through:</p> <ul style="list-style-type: none"> i) well-designed buildings with windows, other structures with glazed roofs and conservatories which have in-setting, permanent fittings or built-in shielding which are part of the window design and prevent internal lighting from having an adverse impact; ii) demonstrating that the proposed outdoor lighting scheme is appropriate in relation to the function of the development with reference to the number, design, specification and position of external lamps and lighting fittings; iii) full shielding (at the horizontal and above) of any external lighting fittings and lamps exceeding 500 initial lumens and evidence of limited impact of unshielded lighting through use of adaptive controls; and, iv) limiting the correlated colour temperature of external lighting fittings and lamps to 3000 kelvins or less. 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to light pollution and the night sky and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy Sustainability</p>	<p>DDH4: 1. Development proposals should incorporate sustainable design principles that minimise their environmental impact during construction and in subsequent use.</p> <p>2. Wherever feasible, the following should be incorporated, and Building Standards related to them exceeded:</p> <ul style="list-style-type: none"> i) provision for electric vehicle charging points in locations where public on-street parking is allowed; ii) sustainable drainage solutions such as permeable surfaces, rainwater collection, grey water recycling, and existing natural flood management features on the site; iii) low energy lighting in public spaces; and, iv) on site composting facilities. <p>3. Major development proposals will also be expected to demonstrate how they have responded positively to the following, where relevant to the proposal:</p> <ul style="list-style-type: none"> i) the appropriate community’s vision for the future of their village or neighbourhood in section 4 of this Plan; ii) Building for a Healthy Life considerations, in relation to new housing development; 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to sustainability and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>

Policy	Description	HRA Implications
	<ul style="list-style-type: none"> iii) Cornwall Sustainable Building Guide; iv) passivhaus principles; v) Active Design; and, vi) Secured by Design. <p>4. Development proposals which fall outside of the definition of “major development” should take into account criteria 3. i) to 3. vii) inclusive where relevant to the scale and type of development proposed.</p> <p>5.</p>	
<p>Policy DDH5: Development and New Pedestrian and Cycling Links</p>	<p>Development proposals will be supported where they:</p> <ul style="list-style-type: none"> i) protect and enhance existing Public Rights of Way on the site; ii) provide new safe pedestrian and cycling links within development sites, while minimising the impact of light pollution; iii) ensure that, wherever possible, the width of pathways caters for two mobility vehicles to easily pass from opposite directions; iv) ensure that access through, into and out of the site provides permeability for pedestrians and cyclists based on desire lines which provide the shortest and easiest route from all parts of the site to local facilities and recreational spaces; and, v) respond positively to the principles of Active Design, where relevant; vi) respond positively to the most up-to-date guidance on design for cycle infrastructure; vii) demonstrate how they relate to the Local Cycling and Walking Infrastructure Plan (LCWIP) where relevant; and, viii) connect into existing Public Rights of Way and cycling networks and, where relevant, connect to and enhance access to the natural environment and green infrastructure, and in particular to the South West Coast Path/National Cycle Route 3 and the Strategic Green Routes and Churchway Paths identified in Policy GI2 of this Plan. 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the development and new pedestrian and cycling links and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy DDH6: Protecting (non-greenspace) Civic Spaces, Outdoor Play Areas, Outdoor Sports Courts, Multi-use Games Areas and Pedestrian Routes (including lanes</p>	<p>1. Non-greenspace civic spaces and pedestrian routes comprising footpaths, lanes and opes (alleys) will be protected as community assets. Development proposals will be supported where they:</p> <ul style="list-style-type: none"> i) protect and enhance the character and function of these assets and their setting; ii) have no significant adverse impacts on the assets or such impacts can be satisfactorily mitigated; 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to protecting (non-greenspace) civic spaces, outdoor play areas, outdoor sports courts, multi-use games areas and</p>

Policy	Description	HRA Implications
and opes/alleys) within the Settlements	<p>iii) meet other relevant policy requirements in this Plan. Changes to these routes will only be supported where an alternative route is proposed offering equivalent or better access and where no harm is caused to heritage assets.</p> <p>2. Outdoor play areas, outdoor sports courts and multi-use games areas which are formed largely of hardstanding or non-grassed surfaces will be protected from loss. Proposals for replacement on-site will be supported where provision is made to an improved quality, and quantity (in terms of play equipment) where feasible. Proposals which result in their loss will only be supported where replacement provision is made on-site to an improved quality and quantity (in terms of play equipment) and increased area. Where replacement is not possible on-site, provision must be made in close proximity (an agreed location as close as possible to the original site) to the provision being replaced and to an improved quality and quantity (in terms of play equipment) and increased area.</p>	<p>pedestrian routes and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
Policy DDH7: Community Consultation and Engagement	<p>Proposals for major development must demonstrate in their application how they have involved the local community in the development of their plans. Relevant proposals should provide a Community Integration Plan to set out how the community is being involved in pre-application, planning application and post-decision processes and how the layout and design:</p> <ul style="list-style-type: none"> i) takes account of the relevant Community Vision Statement and will contribute to, and enhance, the sense of place; ii) will enhance and connect to adjacent and neighbouring development; new developments should increase permeability and, where possible, improve walking and cycling access to local facilities, including green spaces, and connectivity to the site's wider setting; iii) will meet the requirements of Policy H1 and deliver the right mix of homes for the local community; and iv) reflects feedback from the local community. 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the community consultation and engagement and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
Policy DDH8: Flooding and drainage impact of development proposals	<p>1. Development proposals should demonstrate through a Drainage Statement:</p>	<p>HRA Implications</p> <p>This policy supports the development of a drainage system with a long-term management plan.</p>

Policy	Description	HRA Implications
	<ol style="list-style-type: none"> i) how the arrangements for the disposal and management of surface water, waste water and foul water are to be managed and maintained; ii) how surface water from the site is to be separated from foul water; iii) where it can be evidenced there is no alternative but to connect to combined sewers, that this will have no adverse impact on capacity; iv) that the drainage plan prioritises natural above ground SuDS and retrofit SuDS to manage surface water flows and avoid (or even remove existing) connections to combined sewers; v) that opportunities for natural flood management have been investigated and, where feasible, incorporated in the SuDS design; vi) that the proposed sustainable drainage systems comply with the criteria set by Cornwall Council as Lead Local Flood Authority; and vii) that they will have no adverse impact on the Mounts Bay Marine Conservation Zone. <ol style="list-style-type: none"> 2. Major development proposals within the Parish should not only provide a long term water management plan, but also demonstrate that adequate contractual and funding arrangements are in place to ensure the continuity of the plan over the lifetime of the development in terms of responsibility for ongoing maintenance and inspection of drainage systems. 3. For major development proposals within the Penzance Critical Drainage Area, the required demonstration of surface water runoff “betterment” should take account of the contribution of existing trees and hedges on the site to flood risk mitigation. 	<p>Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Water Quality and Water Resources <p>The impacts of this policy are discussed in the main body of the report.</p>
Economy		
<p>Policy EC1: Units and Workspaces to Support the Small and Micro Businesses which Underpin the Local Economy</p>	<ol style="list-style-type: none"> 1. Development proposals for the creation of flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses are encouraged and will be supported in sustainable locations where they demonstrate that: <ol style="list-style-type: none"> i) the proposed units would be well-related to the uses of the surrounding land and buildings; and, ii) the proposed uses would not cause unacceptable nuisance to and would be compatible with neighbouring premises / properties. 	<p>HRA Implications</p> <p>This policy supports the development of new work units and the conversion of existing work units into residential spaces.</p> <p>Although the policy does not provide a specific quantum of development, it identifies a geographic</p>

Policy	Description	HRA Implications	
	<p>2. Where planning permission is required, proposals to change existing work hubs, workshops and other business premises to wholly residential use must demonstrate that:</p> <ul style="list-style-type: none"> i) the unit has been actively marketed as a work hub, workshop or other business premises for at least 9 months at a genuine market price consistent with other similar premises being marketed for similar use; ii) no demand exists for its existing use; and, the proposed change of use would be well-related to the uses of surrounding land and buildings. 	<p>location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure <p>The impacts of this policy are discussed in the main body of the report.</p>	
Policy Units	EC2: Live-Work	<p>1. Proposals for development to enable or facilitate working and living in the same building or site within settlements will be supported where they demonstrate that:</p> <ul style="list-style-type: none"> i) the employment floorspace would be equal to or greater than that of the residential living space; ii) the proposed uses would not cause unacceptable nuisance to and would be compatible with neighbouring premises / properties; and, iii) the proposed development would provide satisfactory or adaptable living conditions for future occupants. <p>2. Proposals which seek the change of use of existing employment space to form a live-work unit must demonstrate that:</p> <ul style="list-style-type: none"> i) such changes retain at least one floor or 50% of the total floorspace as employment space; and, ii) the occupancy of the living space is restricted to a person(s) directly involved with the business being operated (and other members of their family household). <p>3. Proposals to change a live-work unit to wholly residential use must demonstrate:</p> <ul style="list-style-type: none"> i) that the unit has been actively marketed for live-work for at least 9 months at a genuine market price consistent with other, similar premises, being marketed for similar use; ii) that no demand exists for its continued use for live-work; and, iii) the proposed change of use would be well-related to the uses of surrounding land and buildings. 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to live-work units and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>

Policy	Description	HRA Implications
Policy EC3: Protecting Maritime Industries	<p>1. The loss of premises used primarily for/by maritime industries (defined as uses principally used for/by shipping, ports (including commercial, fishing and leisure use), marine (leisure, shipbuilding, engineering, technology and science), and maritime business services will only be supported where proposals demonstrate that:</p> <ul style="list-style-type: none"> i) that the unit has been actively marketed for maritime industry uses for 9 months at a genuine market price consistent with other, ii) similar premises, being marketed for similar use; that no demand exists for its continued use by maritime industries; and, iii) the proposed change of use would be well-related to the uses of surrounding land and buildings. 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to protecting maritime industries and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
Policy EC4: Supporting a Sustainable Tourism / Visitor Economy	<p>1. Development proposals for new visitor and tourism-related facilities, attractions or amenities will be supported where they demonstrate that they:</p> <ul style="list-style-type: none"> i) support the local economy, particularly in the leisure, hospitality and maritime/marine sectors; ii) broaden and extend the visitor and tourism season; iii) are for indoor / all-weather facilities. <p>2. In coastal locations, development proposals for visitor and tourism-related facilities, attractions and amenities will be supported where they utilise brownfield / previously developed sites.</p> <p>3. Proposals should demonstrate, in a Planning Statement, the viability of the business in the long-term, identify local employment opportunities and demonstrate that the development will not harm local and residential amenity.</p>	<p>HRA Implications</p> <p>This policy supports the development of new visitor facilities. Development proposals will be supported if brown-field sites are utilised, and proposals must demonstrate the long-term benefits.</p> <p>Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure • Air Quality • Water quality and resources <p>The impacts of this policy are discussed in the main body of the report.</p>
Policy EC5: Providing Accommodation for Hotel, Bed & Breakfast and Guest House Employees	<p>Development proposals which will provide self-contained, on-site accommodation for employees of existing and proposed or new local businesses will be supported where the need for such accommodation can be demonstrated and the development will not negatively impact on the character of the local area.</p>	<p>HRA Implications</p> <p>This policy supports the development of on-site accommodation for existing or new local businesses.</p> <p>Although the policy does not provide a specific quantum of development, it identifies a geographic</p>

Policy	Description	HRA Implications
		<p>location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure • Water quality and resources <p>The impacts of this policy are discussed in the main body of the report.</p>
Policy EC6: Supporting a Sea Taxi Service	Development proposals which provide the embarkation, landing and mooring infrastructure required to support a sea taxi service operating between Mousehole, Newlyn and Penzance town, which require planning permission, will be supported.	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to supporting a sea taxi service and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
Policy EC7: Agriculture and Food Security	Proposals for development that contribute to the continuing viability and sustainability of agriculture, and local food production, will be supported.	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to agriculture and food security and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
Policy EC8: Diversification	<p>Farm 1. Farm diversification proposals, which require planning permission, will be supported where they are designed to support the continued viability of the farm business.</p> <p>2. Where planning permission is granted, conditions should be applied which require the use to remain part of the farm business and the site to be returned to agricultural use if the proposed use ceases.</p>	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to farm diversification and does not specifically allocate sites for development.</p>

Policy	Description	HRA Implications
Policy EC9: Supporting the Creative, Arts and Culture Sectors in the Parish	<ol style="list-style-type: none"> 1. Key facilities which support the creative, arts and cultural sectors in the parish will be protected from loss arising from redevelopment or change of use. Development proposals (which require planning permission) that would result in the loss of such facilities will be supported only where they can demonstrate that there is no demand for the existing use, suitable alternative provision is or can be made available or continuing use of the existing building for its current use is no longer viable. 2. Development proposals (which require planning permission) for the replacement, improvement or extension of creative, arts and cultural facilities for their primary use will be supported where they have no adverse impact on the amenity of neighbouring residents or uses. 	<p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p> <p>No HRA Implications</p> <p>This is a development management policy that sets out protection of key facilities which support the creative, arts and cultural sectors and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
Housing		
Policy H1: Housing Mix	<ol style="list-style-type: none"> 1. All proposals for new residential development will be expected to maximise affordable housing provision and contribute to a range of housing tenures, types and sizes that is relevant to the characteristics of housing in the Parish. Particular regard should be paid to the most up-to-date Housing Needs Assessment when planning for the mix, type, tenure and size of dwellings to be provided on the site. Within the affordable proportion 25% should be discounted market sales with the remainder being rented homes owned or managed as affordable housing. First Homes should be made available to buy with a discount of 50% below their full market value (i.e., the value of an equivalent new home). 2. Affordable housing should be provided on site as an integral part of the development unless it can be clearly demonstrated that the wider impact of an off-site contribution is outweighed by site specific considerations. 3. Proposals are encouraged to follow the principles established by the Lifetime Homes standards. 	<p>No HRA Implications</p> <p>This policy is concerned with affordable housing delivery. Whether housing affordable or not will not affect European sites.</p>
Policy H2: Principal Residence Policy	<ol style="list-style-type: none"> 1. New housing in Penzance Parish within the areas indicated on Maps 9, 10, 11 and 12 (other than on sites allocated for housing in the 	HRA Implications

Policy	Description	HRA Implications
	<p>Cornwall Site Allocations DPD or replacement dwellings) will be restricted to occupation as a principal residence.</p> <ol style="list-style-type: none"> 2. A principal residence is defined as one occupied as the owner or lessee's sole or main residence, which they occupy as a permanent home and where they spend the majority of their time. 3. The restriction will be satisfied by a legal agreement, and occupiers of homes with a principal residence condition will be required to keep proof that they are meeting the legal obligation and be obliged to provide such evidence on request of the Local Authority. 	<p>This policy supports the restriction of the housing at this site to be designated as principal residence.</p> <p>Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure • Air Quality • Water Quality and Resources <p>The impacts of this policy are discussed in the main body of the report.</p>
<p>Policy H3: Change of Use from C3 to C5 (residential dwelling house to short term let)</p>	<p>Proposals for the change of use of dwelling houses (Use Class C3) to short term holiday lets (proposed Use Class C5) will not be supported in areas where the proportion of homes in non-principal residence exceeds 12%.</p>	<p>No HRA Implications</p> <p>This policy is concerned with use change of dwelling houses rather than promoting or allocating development.</p>
<p>Policy H4: Emergency Temporary Housing Units / Pods</p>	<ol style="list-style-type: none"> 1. Development proposals for temporary emergency modular housing units or pods, which require planning permission, will be supported where they demonstrate, through a Planning Statement, that there will be no adverse impact on the following or such impacts can be mitigated satisfactorily: <ol style="list-style-type: none"> i) local amenity (for example, but not limited to, noise or light pollution) enjoyed by existing uses and residents which could be affected by the proposal; and, ii) the character and setting of the proposal. 2. Proposals must detail the length of time for which the units or pods will be in place, and demonstrate that there is a plan in place to house occupants in more permanent affordable housing in the longer term. 	<p>HRA Implications</p> <p>This policy supports the installation of temporary modular housing units or pods that will demonstrate, through a planning statement, they will have no adverse effect on noise or light pollution.</p> <p>Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure <p>The impacts of this policy are discussed in the main body of the report.</p>

Policy	Description	HRA Implications
<p>Policy H5: Ensuring Quality in Houses in Multiple Occupation (HMOs)</p>	<p>Where planning permission is required, Houses in Multiple Occupation (HMOs) will be supported where the proposal clearly demonstrates that:</p> <ol style="list-style-type: none"> i) there will be no negative or adverse impact on nearby residential amenity (for example, noise or light pollution); ii) the proposal responds to the character and setting of the area; iii) sufficient car parking is available on-site, or there is sufficient local on-street parking capacity; and, iv) that adequate rubbish and recycling storage is available on-site. 	<p>No HRA Implications</p> <p>This policy is concerned with ensuring quality in Housing in Multiple Occupation rather than promoting or allocating development.</p>
<p>Policy H6: Rural Exception Sites</p>	<p>Proposals for the development of affordable housing on small sites within or on the edge of the villages, or on the edge of the town, which would not be granted planning permission for market housing-led development, will be supported provided that:</p> <ol style="list-style-type: none"> i) The number, mix, tenure, size and type of dwellings proposed respond to meeting an identified need in the relevant community (where the site is located) which is supported by an up-to-date assessment of local housing needs; and, ii) Initial and subsequent occupancy will be secured through a planning condition or obligation to meet local need in the relevant community in perpetuity, where possible. 	<p>HRA Implications</p> <p>This policy supports the development of mixed housing on small sites located on the edge of villages or the town.</p> <p>Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure • Air Quality • Water Quality and Resources <p>The impacts of this policy are discussed in the main body of the report.</p>
<p>Policy H7: Retaining Affordable Housing in Perpetuity</p>	<ol style="list-style-type: none"> 1. Affordable or low-cost housing should be provided in perpetuity where possible (in accordance with the most up-to-date Government policy), for example through a Community Land Trust, Section 106 agreements, or any other community housing scheme or Registered Provider which retains stock for the benefit of the local community at an accessible cost. 2. Community housing schemes which provide and retain local affordable housing for the continuing benefit of local people in need, such as through a Community Land Trust or Registered Provider, will be supported. 	<p>No HRA Implications</p> <p>This policy supports the development of affordable housing for those in need in the community area. However, whether housing is affordable or not will not influence its effects on European sites.</p>

Policy	Description	HRA Implications
Policy H8: Meeting Affordable Housing Needs in Communities (Local Lettings)	<ol style="list-style-type: none"> 1. The initial, and subsequent, occupation of new affordable housing units provided in the Plan area will be prioritised to ensure affordable housing is available to those in need in the community where the housing is provided. 2. Eligible households, identified by the Cornwall Housing Register, will be prioritised as follows: <ol style="list-style-type: none"> I. firstly, to those with a local connection to the relevant settlement (within the Penzance Parish) where the affordable housing is located; and II. secondly to those with a local connection to Penzance Parish; III. before cascading to adjacent parishes or Cornwall as a whole. 3. For the purposes of this policy and to enable local lettings to be made accordingly: <ol style="list-style-type: none"> I. “community area” is defined as the settlement (village or town) where the housing is located; and, II. “local connection” is defined as: <ol style="list-style-type: none"> a. currently living (and have done for 5 or more years) in the community area; or, b. previously living (and have done for 5 or more years) in the community area; or, c. working for 16 hours or more per week within the community area; or, d. having immediate family (child(ren), sibling(s), parent(s) or grandparent(s)) who currently live in the community area (and have done for 5 or more years); or, e. providing or receiving care for immediate family (as defined in iv) in the community area. 	<p>No HRA Implications</p> <p>This policy supports the development of affordable housing for those in need in the community area. However, whether housing is affordable or not will not influence its effects on European sites.</p>
Policy H9: Extra Care Supported Living	<p>Development proposals for extra care supported living facilities or accessible dwellings will be supported where they are in accessible locations.</p>	<p>No HRA Implications</p> <p>This policy supports the development of 200 or more mixed dwellings to provide for extra-care housing. However, occupants of extra care housing have very limited mobility and are unlikely to contribute to impacts on European sites.</p>

Policy	Description	HRA Implications
Policy H10: Integrating Large Scale Housing Developments with the Local Community	<p>Major development proposals should provide a Community Integration Plan establishing how the new homes will interact with, and respect the distinct identity of, adjacent existing communities as set out in Policy DDH7.</p> <p>a) .</p>	<p>No HRA Implications</p> <p>This policy is purely concerned with the establishment of Community Integration Plans rather than promoting or allocating development..</p>
Policy H11: Cornwall Council Adult Social Care site, Roscadghill Road, Heamoor	<ol style="list-style-type: none"> 1. Proposals for community-led social housing on the former adult social care site at Roscadghill Road, Heamoor, available to meet local need in perpetuity, will be strongly supported. 2. Any development proposals for the site should offer the highest possible standards of energy efficiency and eco-design, and incorporate community food-growing and composting facilities. 3. For the part of the site located in Flood Risk Zone 3, alternative non-residential uses benefiting the local community will be supported, subject to proposals passing any required sequential and exceptions tests prescribed in national policy. 	<p>HRA Implications</p> <p>This policy supports the development of social housing that provides for the local need and incorporates energy efficiency and green infrastructure.</p> <p>Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure • Air quality • Water quality and resources <p>The impacts of this policy are discussed in the main body of the report.</p>
Policy H12: Housing Built by Design	<ol style="list-style-type: none"> 1. Quality of design is a key consideration for new housing developments. Development proposals for all new and replacement dwellings will only be supported where they demonstrate standards of high-quality design. Proposals should demonstrate (where criteria are relevant to the scale and type of proposal) through a Design and Access Statement or Planning Statement, that design is of high quality by demonstrating how they: <ol style="list-style-type: none"> i) take fully into account this Plan's Design Statement set out in Appendix 3 of this Plan; ii) take fully into account this Plan's Design Principles set out in Appendix 5 of this Plan, and any Design Code adopted for the Penzance area at the time of the application; 	<p>No HRA Implications</p> <p>This policy concerns itself purely with the quality of design of new housing developments which requires to meet the design guidance provided by Cornwall Council.</p>

Policy	Description	HRA Implications
	<ul style="list-style-type: none"> iii) follow the most up-to-date design guidance adopted by Cornwall Council; iv) meet the requirements of policy DDH1: Design and Local Distinctiveness and DDH4: Sustainability, where relevant; v) respect the distinct characteristics of the community within which it is located, including reference to the Community Vision Statements in this Plan; vi) respect and sit well within their landscape and/or streetscape setting, while recognising that development does not have to be a pastiche of existing building forms or disappear into the landscape, with innovation playing an important role in achieving the best design solution; vii) ensure good social design which meets the needs of the development's residents to create a cohesive and successfully functioning community which relates to and integrates well with its neighbouring communities; <p>2. respond positively to opportunities and needs for open space identified in the Cornwall Open Space Strategy (Table 13) and its associated equipped children's play accessibility plan Prefabricated and modular housing designs will be supported where they meet the criteria above, where relevant.</p>	
<p>Policy H13: Local Development Supplementary Notes</p>	<p>Local Site Allocations Development Plan Document (CSADPD) should demonstrate how they have considered the additional criteria in supplementary briefing notes HOU1 to HOU9 inclusive, when responding to allocation policies.</p>	<p>No HRA Implications</p> <p>Although policy supports the development of 1098 dwellings over 39.5 hectares on 9 sites these are all sites that have been allocated already in the Cornwall Site Allocations DPD.</p>
<p>Natural Environment and Green Infrastructure</p>		
<p>Policy G11: Local Green Spaces</p>	<ul style="list-style-type: none"> 1. Our locally valued green spaces are identified on Map 17 (and Appendix 9) and are designated as Local Green Space in accordance with the requirements of the National Planning Policy Framework. These areas will be protected for their local environmental, heritage and / or recreational value. 2. Development that would harm the openness and / or special character of a Local Green Space or its significance and value to the local 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to local green spaces and does not specifically allocate sites for development.</p>

Policy	Description	HRA Implications
	<p>community will not be permitted unless the proposal can demonstrate very special circumstances that outweigh the harm to the Local Green Space.</p> <p>3. Any development of such areas will be managed in accordance with national policy for Green Belt.</p>	<p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy GI2: Protecting, Enhancing and Extending Strategic Green Routes, Historic Paths and other Public Rights of Way in the Countryside</p>	<p>1. Strategic green routes (as shown in Map 19), and the wider network of Public Rights of Way, bridleways and lanes, which provide access to the countryside from the town and villages and connections within settlements and to the coast path, beach and rights of way network, will be protected and enhanced as functional and recreational assets.</p> <p>2. Measures to enhance and extend routes which connect new housing areas to the existing network of green routes or improve accessibility will be supported where:</p> <ul style="list-style-type: none"> i) their value as wildlife corridors is recognised and protected; ii) efforts are made to enhance biodiversity as part of the development work wherever appropriate; and, iii) any lighting and other safety requirements are balanced with the need to maintain and enhance the route’s recreational attractiveness, biodiversity value and setting, and do not exacerbate any existing light pollution. <p>3. Where churchway paths or other paths of historic or heritage significance and historic infrastructure (such as granite styles) would be affected by development proposals, their historic routes and character will be safeguarded.</p> <p>4. Proposals for Quiet Lanes, which require planning permission, will be supported.</p> <p>5. Development proposals on or impacting the coastline should be designed in such a way that they allow continued public access to the coastline and incorporate traffic-free pedestrian and cycle routes.</p>	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to protecting, enhancing and extending strategic green routes, historic paths and other public rights of way and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy GI3: Biodiversity Corridors and Habitats</p>	<p>1. The biodiversity corridors provided by the Ponsandane Brook / Trevaylor / Rosemorran Stream, Chy an Dour River Valley, Lariggan River Valley, and Newlyn Coombe Valley and other green and blue infrastructure areas and corridors that connect and provide wildlife habitats such as trees, Cornish hedges, hedgerows and woodland (shown in Appendix 10), and their setting, will be protected from development that would harm their value for wildlife and biodiversity.</p>	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to biodiversity corridors and habitats and does not specifically allocate sites for development.</p>

Policy	Description	HRA Implications
	<p>2. Development proposals within and likely to affect these areas will only be supported where it can be demonstrated, through an ecological assessment, that there will be no harm or adverse impact to their value for wildlife and biodiversity.</p>	<p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy GI4: Supporting Biodiversity in New Development</p>	<p>1. Proposals for development must incorporate planting and landscaping designed to support wildlife and link to existing biodiversity corridors and sites where feasible. Landscape and planting schemes should use native and/or “climate resilient” species and retain or provide wildlife corridors and “stepping stones” such as Cornish hedges (see policy GI6), hedgerows, ditches, tree planting (see policies GI7 and GI8), green spaces and verges.</p> <p>2. Applicants must demonstrate that a viable mechanism for the long-term management and maintenance of features of biodiversity importance is developed and committed to, ensuring that maintenance is sensitive to wildlife and the value of the features is retained.</p>	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to supporting biodiversity in new development and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy GI5: Green Buffers</p>	<p>In order to maintain the separate identities and distinct character and settings of the town and villages across the Parish, development proposals within the defined areas shown as Green Buffers (see Appendix 11) will only be permitted where it can be demonstrated that there would be no significant adverse impact on the open and undeveloped character and value of the area.</p>	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to green buffers and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy GI6: Cornish Hedges</p>	<p>1. Cornish hedges are a distinctive landscape feature and habitat. Development proposals should protect, retain and enhance all Cornish hedges within and forming the boundaries of the site and any new sections of hedge should reflect local styles. Proposals should demonstrate, through an ecological assessment:</p> <ul style="list-style-type: none"> i) how Cornish hedges and their associated vegetation can be sustainably retained within development sites; and, ii) how Cornish hedges will form a key element within the design of the site’s green infrastructure network. 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to Cornish hedges and does not specifically allocate sites for development.</p>

Policy	Description	HRA Implications
	<p>2. Where loss of Cornish hedges is unavoidable, replacement with hedges of the same scale and construction should be provided within the development and re-use stone and infill material (containing the important seedbank) from the original hedge should be made.</p>	<p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy GI7: New Trees and Planting</p>	<p>Development proposals which include the provision of trees and other planting to enhance the environment should ensure that:</p> <ul style="list-style-type: none"> i) planting and trees in foliage allow adequate access to buildings within their setting through adoption and implementation of an appropriate management and maintenance programme; ii) trees and planting areas are designed and contained in such a way as to prevent future problems from roots to the planting structure (where relevant), paving surface and underground structures and infrastructure, and from overhanging branches; iii) species are planted which are resilient to changes in the climate and local weather patterns (i.e. “climate resilient” species), and reflect the locality and character of the site; and, iv) the applicant has demonstrated that the proposed trees and planting have been subject to a viability test which shows that their maintenance by a responsible body is viable in the long-term. 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to new trees and planting and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Penzance Town Centre and Waterfront</p>		
<p>PEN1: Penzance Transport, Accessibility and the Public Realm Plan</p>	<ul style="list-style-type: none"> 1. Measures and schemes which deliver or support the enhancement of the Gateway Areas identified on Map 120, and the improvement of connectivity and permeability between them, and through and beyond Penzance town centre as identified in this Plan, the Cornwall Council Local Transport Plan, the Penzance Local Cycling and Walking Infrastructure Plan, and the Heamoor, Gulval and Eastern Green Feasibility Studies, will be supported. 2. Development proposals within or relating to the town centre must: <ul style="list-style-type: none"> i) consider and, where feasible, contribute towards, the delivery of such measures and schemes; ii) demonstrate that accessibility by walking, cycling and mobility aids has been considered and where feasible, embedded into their design; and, iii) where relevant, encourage and support sustainable travel links to and within the town by providing supporting infrastructure such as secure and covered cycle storage, electric bike and motor vehicle 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to Penzance transport, accessibility and the public realm plan and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>

Policy	Description	HRA Implications
	<p>charging points and clear and convenient information which offers clarity to visitors and residents about the different options for travel, both in terms of mode and destination.</p>	
<p>PEN2: Car-free Residential Development</p>	<p>Car-free residential development will be supported in Penzance town where it can be demonstrated satisfactorily, through a Travel Plan, that safe and suitable sustainable travel options are in place prior to completion of the development, including electric car and bicycle clubs (and the infrastructure required to support them), and community and public transport opportunities, and that such provision will be feasible and viable in the long-term.</p>	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to car-free residential development and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>PEN3: Car Parking Capacity</p>	<p>Development proposals in Penzance town centre (where policy PEN2 does not apply) will only be supported where car parking capacity required by the proposed use is provided or a policy in this Plan specifically negates this need. Where a proposal does not include on-site car parking, sufficient off-site dedicated parking capacity should be provided for residents or users of the development, year-round. Such capacity may need to be additional to existing provision and proposals should demonstrate that:</p> <ul style="list-style-type: none"> i) existing capacity is either sufficient and/or that dedicated parking solutions are or will be put in place (for example, residents' parking schemes, permits or season tickets); and, ii) the proposed parking is within easy walking distance (no more than a 500-metre walk) of the development. 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to car parking capacity and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>PEN4: Core Town Centre Retail Zone (Heart of the Town Centre)</p>	<p>1. The area around the Grade I listed Market House and The Terrace, as shown on Map 22, should be retained and protected as the heart of the town centre. Proposals for development at street level, which require planning permission, will be supported provided that:</p> <ul style="list-style-type: none"> i. the proposed use is for retail or a complementary town centre use and there is no loss of ground floor activity, footfall and interest; ii. it can be demonstrated that the unit has been actively marketed for a similar or alternative town centre or community use for a period of 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the heart of the town centre and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>

Policy	Description	HRA Implications
	<p>iii. at least 9 months prior to application; and,</p> <p>2. the design respects the historic and local character and appearance of the area, particularly the setting of the Market House and other Listed Buildings, and is informed by a heritage impact assessment or statement where appropriate and reference to this Plan’s Design Principles (Appendix 5). Development proposals for the provision of facilities at upper levels which support town centre living or the development of the six core sectors will be supported.</p>	
PEN7: Harbour and Headland	<p>1. The area bounded by and between the Wet Dock, the Coinagehall Street site and Jubilee Pool is the point at which the town centre meets the waterfront, and its development will play a key role in the future prosperity of the town.</p> <p>2. Development proposals in the Harbour and Headland area will be supported:</p> <ul style="list-style-type: none"> i) in the Wet Dock for high-quality replacement buildings to secure development and expansion of existing commercial activities and to foster development of Marine Leisure; ii) on the land-side of the Wet Dock if they support development of the hospitality and leisure sectors, and have no adverse impact on the existing commercial activities; iii) on the Coinagehall Street site, where delivered in line with the Site Allocations DPD policy, and where they: <ul style="list-style-type: none"> a) provide high-quality mixed-use development including priority sector work-space, street-level retail (primarily use class E(b) and sui generis drinking establishments), and gallery space; b) provide an open frontage at street level and encourage public access both through the site and using Barbican Lane to Quay Street and the Harbour area; and, c) in the light of the chronic need for residential accommodation to meet local needs, deliver an increase in the residential aspect of a development on this site, in particular the provision of affordable homes at low-cost market rent. iv) if they enable creation of a unified public realm between Anthony’s Gardens and Jubilee Pool. <p>3. Development proposals located specifically in the Penzance Harbour area which require planning permission and are not classed as permitted development should also take every opportunity to:</p>	<p>HRA Implications</p> <p>This policy supports the development of the Harbour and Headland to improve the site with replacing buildings and providing mixed-use development to secure development and expansion.</p> <p>Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure <p>The impacts of this policy are discussed in the main body of the report.</p>

Policy	Description	HRA Implications
	<ul style="list-style-type: none"> i) support the role and function of Penzance Harbour as the mainland terminal of the Isles of Scilly ferry; ii) provide or support facilities to host or enable cruise ship visits; iii) provide or support improved facilities for leisure craft in Penzance Harbour; and iv) seek to diversify the range of marine businesses supported by Penzance Harbour, whilst sustaining ferry and marine engineering business. <p>4. Development proposals must demonstrate, through a Heritage Impact Assessment, that they have examined the potential risk of harm to heritage assets and that the proposal will cause no harm to heritage assets or mitigate potential harm (and in doing so, meet the requirements of Policy DDH2: Development and Heritage Assets).</p>	
PEN8: Harbour Car Park	<ul style="list-style-type: none"> 1. The Harbour Car Park area is allocated in the adopted Local Plan (policy PZ-M1 “Harbour Car Park”). The site occupies a key location between the town centre and the waterfront and offers the best opportunity to deliver one of the key objectives of the Neighbourhood Plan: to reconnect the town with the sea. 2. Any development proposals for the Harbour Car Park should demonstrate how they: <ul style="list-style-type: none"> i) meet the strategic aims of Local Plan policy PZ-M1; ii) respond positively to the aspirations of the community and have sought early consultation with the local community and Town Council; iii) provide retail, complementary to and not adding to or competing with town centre retail uses (focusing on maritime and leisure activities), and year-long and seasonal “pop-up” structures; iv) relate to and complement the future use(s) of the current Wharfside shopping centre; and, v) provide a well-planned vision for the whole site which supports and is in accordance with the policies, objectives and investment priorities for the town centre and waterfront. 3. Development proposals will be supported where they do not harm and have an adverse impact on the character and vitality of the town centre or harbour area. 	<p>No HRA Implications</p> <p>Although policy supports the development of a car park to meet the aims of Local plan policies and deliver one of the objectives of the Neighbourhood Plan, it is clear that this site is an allocation that has already been made in the Local Plan.</p>

Policy	Description	HRA Implications
PEN9: Vitality of the Promenade	<ol style="list-style-type: none"> 1. Development proposals which support leisure and exercise activities, events, pop up retail and environmental improvements which will contribute to the vitality and use of the Promenade will be supported where they do not harm its historic character, and maintain or strengthen the resilience of the Promenade in terms of coastal vulnerability. 2. Development proposals must demonstrate, through a Heritage Impact Assessment, that they have examined the potential risk of harm to heritage assets and that the proposal will cause no harm to heritage assets or mitigate potential harm (and in doing so, meet the requirements of Policy DDH2: Development and Heritage Assets). 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the vitality of the promenade and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
PEN10: Mount's Bay Linear Park	<ol style="list-style-type: none"> 1. The route of the South West Coast Path into and through the town will be safeguarded and enhanced to provide a safe and attractive pedestrian and cycle trail. 2. Development proposals which help to create an accessible linear park (Mount's Bay Linear Park) along the shoreline will be supported where they: <ol style="list-style-type: none"> i) provide links or access into the town and countryside; ii) which contribute to the enhancement of the coast path; iii) provide improved facilities at hubs or stopping points at key locations including (but not limited to) Ponsandane sidings, Harbour Car Park, St Anthony's Gardens and Wherrytown; and, iv) offer complementary additional facilities to the use of the route where they add value to the amenity provided by the trail. <p>Development of a car park at the Ponsandane sidings to support the use of the route and reduce the pressure on parking along the waterfront will be supported.</p> 3. Where relevant, development proposals must support the use and enjoyment of the route and should not detract from the character or vitality of Penzance Town Centre and its Waterfront. 4. Development proposals must demonstrate, through a Heritage Impact Assessment, that they have examined the potential risk of harm to heritage assets and that the proposal will cause no harm to heritage assets or mitigate potential harm (and in doing so, meet the requirements of Policy DDH2: Development and Heritage Assets). 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the mount's bay linear park and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>

Policy	Description	HRA Implications
<p>PEN5: Town Centre Mixed-use Development and Conversion of Retail and other Town Centre Uses</p>	<p>1. Outside the Core Town Centre Retail Zone, where policy PEN4 applies, development proposals for mixed-use development within the town centre area (which require planning permission) will be encouraged and supported where they:</p> <ol style="list-style-type: none"> I. enable provision of town centre dwellings and/or promote the growth and development of the town’s six core sectors (creative sector, maritime, leisure and hospitality, services, transport and independent retail); II. are designed to respect the historic and local character and appearance of the area, informed through a heritage impact assessment or statement where appropriate and reference to this Plan’s Design Principles (Appendix 5). <p>2. Any statement should indicate how the proposal is expected to impact on the economy of the Town Centre.</p>	<p>HRA Implications</p> <p>This policy supports the development of mixed-use dwellings and ground-floor retail units to promote the improvement of the town centre.</p> <p>Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure <p>The impacts of this policy are discussed in the main body of the report.</p>
<p>PEN6: New Retail Premises</p>	<p>1. Development proposals for new retail premises will be supported where they are located within the defined town centre area. Edge of centre proposals should demonstrate that they are complementary to and not competing with the town centre provision, and that they are well connected to the town centre.</p> <p>2. Proposals for out-of-town retail will need to demonstrate how the sequential test for retail has been applied. Given the nature of the retail offer in Penzance, proposals of more than 1,500m² floorspace in out of town and edge of centre locations should be considered carefully so as not to have an adverse impact on town centre viability and vitality.</p>	<p>HRA Implications</p> <p>This policy supports the proposals for new retail premises located within and on the edge of the town centre.</p> <p>Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure • Water Quality and Resources <p>The impacts of this policy are discussed in the main body of the report.</p>
<p>Policy PEN11: Penzance (Wherry Town Waterfront) Development / Local Site</p>	<p>Development proposals should take into account supplementary briefing note P1 when responding positively to the allocation policy.</p>	<p>HRA Implications</p> <p>This policy supports the development of the Penzance promenade at the Wherry Town site.</p>

Policy	Description	HRA Implications
Supplementary Briefing Note (Mixed-use)		<p>Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure <p>The impacts of this policy are discussed in the main body of the report.</p>
Newlyn		
Policy NEW1: Newlyn Transport, Accessibility and the Public Realm Plan	<ol style="list-style-type: none"> Measures and schemes which deliver or support the enhancement of the regeneration, connectivity and accessibility projects identified on Map 23, the Penzance Local Cycling and Walking Infrastructure Plan and the Cornwall Council Local Transport Plan, will be supported. Development proposals within or relating to the village centre must: <ol style="list-style-type: none"> consider and, where feasible, contribute towards, the delivery of such measures and schemes; demonstrate that accessibility by walking, cycling and mobility aids has been considered and where feasible, embedded into their design; where relevant, encourage and support sustainable travel links to and within the village by providing supporting infrastructure such as secure and covered cycle storage, electric bike and motor vehicle charging points and clear and convenient information which offers clarity to visitors and residents about the different options for travel, both in terms of mode and destination; and, where relevant, demonstrate how they maintain access by commercial vehicles to and from the working harbour. 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the Newlyn transport, accessibility and the public realm plan and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
Policy NEW2: Stable Hobba and Sandy Cove Park and Walk / Cycle Hubs	<ol style="list-style-type: none"> Development proposals which deliver or support the delivery of the Stable Hobba and Sandy Cove Park and Walk / Cycle Hubs identified in map 23 will be supported. The hubs should be exemplars in how such facilities can help to contribute to achieving net zero carbon emissions targets and adapt to and mitigate impacts of both the changing and ecological emergencies. Proposals for the facility should demonstrate, as part of a Planning Statement, that: 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the Stable Hobba and Sandy Cove park and walk/cycle hubs and does not specifically allocate sites for development.</p>

Policy	Description	HRA Implications
	<ul style="list-style-type: none"> i) they complement and do not compromise the proposed development at Sandy Cove allocated in Cornwall Site Allocations DPD Policy PZ-E3; ii) there is a sustainable, costed, business plan in place, part of which identifies suitable parking charges to be levied on the site; iii) a full feasibility appraisal has been undertaken to understand fully the infrastructure requirements on the site; iv) secure and covered electric charge points have been provided for electric bikes to support a community or commercial bike share scheme; v) secure and covered cycle stands are provided; vi) electric vehicle charge points are provided and where spaces do not have EV charge points installed initially, the infrastructure is provided to enable future connection to every parking space; vii) Highways Authority and national parking standards are met with regard to the size of vehicle parking spaces; viii) LTN1/20 Cycle Infrastructure Design guidance has been used in the design on site and connecting to Newlyn (or the most up-to-date equivalent where this is superseded); ix) low energy lighting is used on the site; x) opportunities have been taken to generate renewable or low carbon energy on-site, to help achieve a site which operates on a basis of meeting net zero carbon emissions from its operation; xi) a safe route is provided from the site to Newlyn for pedestrians, people with disabilities or mobility impaired, and cyclists; and, xii) there are no adverse impacts on habitats and ecology and the local amenity enjoyed by nearby uses and residents, or such impacts can be satisfactorily mitigated (for example, noise or light pollution). <p>Should the above elements of a project evolve during the Plan period or relevant guidance referenced is updated, proposals should justify why requirements set out are no longer needed / feasible or have changed.</p> <p>3. The number and type of parking spaces for cars, minibuses / vans, buses / coaches, electric bikes and pedal bikes should be provided to satisfy the business plan and feasibility appraisal.</p>	<p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>

Policy	Description	HRA Implications
<p>Policy NEW3: Access to the South Pier and Tidal Observatory</p>	<p>1. Development proposals which deliver, support the delivery of or improve the quality and safety of access to and along the South Pier and Tidal Observatory, which require planning permission, will be supported where they demonstrate how they:</p> <ul style="list-style-type: none"> i) complement and do not compromise the proposed development at Sandy Cove allocated in Cornwall Site Allocations DPD Policy PZ-E3; ii) enhance and have no adverse impact on the heritage value of the South Pier and Tidal Observatory and their setting or mitigate such impacts satisfactorily; iii) do not affect the day-to-day use and operation of Newlyn Harbour as a working fishing port, lifeboat station and leisure craft mooring; and, iv) have been developed jointly with and subject to early consideration by the Newlyn Pier and Harbour Commissioner. 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to access to the south pier and tidal observatory and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy NEW4: Parking for Residents at Chywoone Hill</p>	<p>1. Development proposals for additional off-street and dedicated parking spaces for residents on and around Chywoone Hill will be supported where there is no adverse impact on the following (or such impacts can be satisfactorily mitigated):</p> <ul style="list-style-type: none"> i) noise; ii) amenity enjoyed by neighbouring residents and nearby uses; iii) light pollution. <p>2. Proposals should:</p> <ul style="list-style-type: none"> i) be in a location in close enough proximity to dwellings on Chywoone Hill to ensure that the dedicated spaces will be used by residents throughout the year; ii) be developed in partnership with the local community to ensure that the residents' needs are addressed; iii) demonstrate how they have taken into account and fulfil other relevant policy requirements in this Plan; and, iv) take into account the most up-to-date relevant Highways Authority and Local Planning Authority guidance on parking design and infrastructure requirements. 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to parking for residents at Chywoone Hill and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy NEW5: Newlyn Local Development Site Supplementary Briefing Notes (Employment):</p>	<p>The Cornwall Site Allocations Development Plan Document (DPD) allocates employment development sites. To supplement criteria and requirements set out in policies in the DPD, advisory supplementary briefing notes have been developed to give proposals for those sites further direction with regard to meeting the objectives of this Plan.</p>	<p>No HRA Implications</p> <p>Although this policy supports the development of Stable Hobba and Sandy Cove sites with a new training facility, small business units and greenspaces,</p>

Policy	Description	HRA Implications
Stable Hobba and Sandy Cove	Development proposals should take into account supplementary briefing note N1 when responding positively to the allocation policies.	the policy also makes it clear that this is an allocation made in the Local Plan.
Policy NEW6: The Old Bottle Top Factory	<p>1. Development proposals for The Old Bottletop Factory site will be supported where they:</p> <ul style="list-style-type: none"> i) enable remediation and re use of the site; ii) are appropriate to the location within a residential area; and, iii) take account of the capacity of access roads and need for parking provision on the site. <p>2. Development proposals must demonstrate, through a Heritage Impact Assessment, that they have examined the potential risk of harm to heritage assets and that the proposal will cause no harm to heritage assets or mitigate potential harm (and in doing so, meet the requirements of Policy DDH2: Development and Heritage Assets).</p>	<p>HRA Implications</p> <p>This policy supports the regeneration of the Old Bottletop Factory site for commercial, mixed-use or residential use.</p> <p>Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination:</p> <ul style="list-style-type: none"> • Recreational Pressure <p>The impacts of this policy are discussed in the main body of the report.</p>
Policy NEW7: Enhancements at Newlyn Green	<p>1. Development proposals at Newlyn Green which deliver or support the delivery of enhancements to the existing facilities and spaces or provide an increase in the leisure and play offer will be supported where they are for one or more of the following facilities:</p> <ul style="list-style-type: none"> i) Children’s water play; ii) Trim trail and play route; iii) Seasonal café, toilet facilities and picnic area; and, iv) Improved playspace / playground. <p>2. Proposals should also facilitate or support planting of appropriate hardy seashore species on the site where feasible, and meet any relevant requirements of the other policies in this Plan.</p>	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to enhancements at Newlyn Green and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
Policy NEW8: Penlee Quarry (Pippoon Lagoon)	<p>1. Development proposals which make best use of the Penlee Quarry (Pippoon Lagoon) through a mix of leisure, recreation, marine and housing should demonstrate, through a Planning Statement and/or Design and Access Statement, that:</p> <ul style="list-style-type: none"> i) they protect the factors of and reasoning for the site’s designation as an SSSI; 	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to Penlee Quarry and does not specifically allocate sites for development.</p>

Policy	Description	HRA Implications
	<ul style="list-style-type: none"> ii) they maintain and enhance flora & fauna and provide net gains in biodiversity on-site and have no adverse impact on the biodiversity within the site's setting; iii) they have an element of on-site affordable housing; iv) they have no adverse impact on the landscape setting of the site with no part of the development is visible from Paul village or the surrounding area; v) they have no adverse impact on the amenity enjoyed by local residents, including, but not limited to noise, light pollution and visual impact; and, vi) the materials and design of the development take fully into account its setting within the quarry and its visibility across Mount's Bay, use natural local materials (for example, granite, slate, timber), represent innovative design and celebrate the quarry's heritage. <p>2. Where the proposed scheme requires an element of housing on the site to make the scheme viable, policy H2: Principal Residence Policy in this Plan applies. Departure from policy H2 requirements may be acceptable, on this site only within the Principal Residence Policy Area, only where the proposal demonstrates, through an independent assessment or appraisal, that the proposed or alternative scheme would not be viable if all dwellings on the site were to meet the requirements of policy H2.</p> <p>3. Development proposals must demonstrate, through a Heritage Impact Assessment, that they have examined the potential risk of harm to heritage assets and that the proposal will cause no harm to heritage assets or mitigate potential harm (and in doing so, meet the requirements of Policy DDH2: Development and Heritage Assets).</p>	<p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy NEW9: Heritage Harbour Quay)</p>	<p>The Development proposals, which require listed building consent and/or a planning application, for improvements to the Grade II* Old Quay Heritage Harbour will be supported where they demonstrate that they do not harm, but protect, preserve and retain, the heritage value and significance of the structure and its setting.</p>	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the Heritage Harbour and does not specifically allocate sites for development.</p>

Policy	Description	HRA Implications
Policy NEW10: Village Square	<p>The 1. Development proposals which provide a “village centre” as a civic and events space at the convergence of The Strand, Jack Lane and Newlyn Pier will be supported where they demonstrate that they:</p> <ul style="list-style-type: none"> i) are designed to enable safe pedestrian and cyclist access into, from and within the area; ii) are developed in partnership with the Newlyn Pier and Harbour Commissioners; and, iii) consider how temporary closure of access to the Newlyn Pier via this secondary route, if still operational at the time of planning application, could be introduced for specific days, times or events, without compromising the main use of the Pier and access by the fishing industry. <p>2. Development proposals must demonstrate, through a Heritage Impact Assessment, that they have examined the potential risk of harm to heritage assets and that the proposal will cause no harm to heritage assets or mitigate potential harm (and in doing so, meet the requirements of Policy DDH2: Development and Heritage Assets).</p>	<p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p> <p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the Village Square and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
Policy NEW11: The Old Iceworks	<p>The Old 1. Development proposals for regeneration of The Old Iceworks which help to bring the building back into an appropriate use will be supported where they demonstrate that they:</p> <ul style="list-style-type: none"> i) are comprised of an appropriate, viable and feasible mix of community, heritage, cultural, visitor, leisure and/or café uses which reflect the historic use of the building; ii) protect and enhance the heritage value of the building, its character and its setting; iii) are underpinned by a business case which demonstrates long-term viability of the uses proposed; and, iv) make best use of the side frontage onto Keel Alley at ground level, integrating public use of the building with enhancements to the open space. <p>2. Residential units will be supported as part of the redevelopment only if they are required to ensure the viability of the redevelopment of the building.</p>	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the Old Iceworks and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>

Policy	Description	HRA Implications
	<p>3. Development proposals must demonstrate, through a Heritage Impact Assessment, that they have examined the potential risk of harm to heritage assets and that the proposal will cause no harm to heritage assets or mitigate potential harm (and in doing so, meet the requirements of Policy DDH2: Development and Heritage Assets).</p>	
<p>Policy NEW12: Fradgan</p>	<p>The 1. Development proposals for regeneration of The Old Pilchard Works, Fradgan which help to bring the building back into an appropriate use will be supported.</p> <p>2. Proposals should be comprised of an appropriate and feasible mix of community, heritage, cultural, leisure, office and/or café uses which reflect the historic use of the building.</p>	<p>No HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to the Fradgan and does not specifically allocate sites for development.</p> <p>There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.</p>
<p>Policy NEW13: Seafood Training Facility</p>	<p>The 1. Development proposals for improvements to or redevelopment of the Seafood Training Hub (which require planning permission) will be supported where the existing use is maintained and facilities enhanced to support the main use, unless the existing use has become unviable and this can be demonstrated following an active marketing period of at least 9 months. Proposals should be of a design and scale appropriate to the site, neighbouring buildings and enhance the character of its setting.</p> <p>2. Proposals for the relocation of the Seafood Training Hub facility will be supported.</p>	<p>No HRA Implications</p> <p>Maintaining the existing use of the Seafood Training Hub will not affect European sites</p>
<p>Policy NEW14: Fishermen’s Mission</p>	<p>The Development proposals which provide a new facility for the Fishermen’s Mission will be supported.</p>	<p>No HRA Implications</p> <p>Delivering a new Fisherman’s Mission facility will not affect European sites</p>
<p>Policy NEW15: Boathouse Storage for Gig Rowing</p>	<p>Proposals for a shoreline or harbourside boathouse and/or temporary or permanent storage to support gig rowing will be supported provided that:</p> <p>i) the design is sensitive to the location and respects the heritage and character of the area, especially on sites within the Conservation Area or affecting the setting of a listed building or structure; and,</p>	<p>HRA Implications</p> <p>This is a development management policy that sets out key development criteria in relation to proposals for a shoreline or harbourside boathouse and does not specifically allocate sites for development.</p>

Policy	Description	HRA Implications
	ii) the facility does not impede public access to the water or waterfront.	There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy NEW16: Protecting the Village Centre Retail Core	1. The Newlyn Village Centre Retail and Services Core is defined on Map 23. Proposals for change of use of ground floor retail, employment or commercial business and service units to residential dwellings and holiday let units, which require planning permission, will only be supported where it is demonstrated in a Planning Statement that the following uses, which would continue to help ensure the vitality and viability of the centre, are not viable on the site: <ol style="list-style-type: none"> i) retail uses; ii) commercial, business and service uses; iii) local community uses; iv) entertainment, cultural and arts uses; or, v) a combination of the above uses. 2. Proposals should demonstrate that the existing use or another retail use is no longer economically viable through evidence that the site has been actively marketed for a period of a minimum of at least 9 months.	HRA Implications This policy supports the change of use of ground floor retail, employment or commercial business and service units to residential dwellings and holiday let units. Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination: <ul style="list-style-type: none"> • Recreational Pressure The impacts of this policy are discussed in the main body of the report.

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- ⁱ Case C-323/17
- ⁱⁱ DLUHC (2006) Planning for the Protection of European Sites, Consultation Paper
- ⁱⁱⁱ No Adastral New Town Ltd (NANT) v Suffolk Coastal District Council Court of Appeal, 17th February 2015
- ^{iv} High Court case of R (Devon Wildlife Trust) v Teignbridge District Council, 28 July 2015
- ^v DLUHC (2006) Planning for the Protection of European Sites, Consultation Paper
- ^{vi} <https://www.gov.uk/guidance/appropriate-assessment>
- ^{vii} As identified in the Site Improvement Plans or RAMS for European sites.
- ^{viii} Waddenzee case (Case C-127/02, [2004] ECR-I 7405)
- ^{ix} Cornwall Site Allocations Development Plan Document. Adopted November 2019. Available at: <https://www.cornwall.gov.uk/media/p0ucvkw0/cornwall-site-allocations-development-plan-document.pdf> [Accessed on the 09/10/2019].
- ^x The RTP1 report 'Planning for an Ageing Population'(2004) which states that 'From being a marginalised group in society, the elderly are now a force to be reckoned with and increasingly seen as a market to be wooed by the leisure and tourist industries. There are more of them and generally they have more time and more money.' It also states that 'Participation in most physical activities shows a significant decline after the age of 50. The exceptions to this are walking, golf, bowls and sailing, where participation rates hold up well into the 70s'.
- ^{xi} Tuite, C. H., Owen, M. & Paynter, D. 1983. Interaction between wildfowl and recreation at Llangorse Lake and Talybont Reservoir, South Wales. *Wildfowl* 34: 48-63
- ^{xii} Underhill, M.C. et al. 1993. Use of Waterbodies in South West London by Waterfowl. An Investigation of the Factors Affecting Distribution, Abundance and Community Structure. Report to Thames Water Utilities Ltd. and English Nature. Wetlands Advisory Service, Slimbridge
- ^{xiii} Riley, J. 2003. Review of Recreational Disturbance Research on Selected Wildlife in Scotland. Scottish Natural Heritage.
- ^{xiv} Reijnen, R. et al. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. *Journal of Applied Ecology* 32: 187-202
- ^{xv} Wilson, J.P. & J.P. Seney. 1994. Erosional impact of hikers, horses, motorcycles and off road bicycles on mountain trails in Montana. *Mountain Research and Development* 14:77-88
- ^{xvi} Cole, D.N. 1995a. Experimental trampling of vegetation. I. Relationship between trampling intensity and vegetation response. *Journal of Applied Ecology* 32: 203-214
- Cole, D.N. 1995b. Experimental trampling of vegetation. II. Predictors of resistance and resilience. *Journal of Applied Ecology* 32: 215-224
- ^{xvii} Cole, D.N. 1995c. Recreational trampling experiments: effects of trampler weight and shoe type. Research Note INT-RN-425. U.S. Forest Service, Intermountain Research Station, Utah.
- ^{xviii} Cole, D.N., Spildie, D.R. 1998. Hiker, horse and llama trampling effects on native vegetation in Montana, USA. *Journal of Environmental Management* 53: 61-71
- ^{xix} Proportions calculated based upon data presented in Dore CJ et al. 2005. UK Emissions of Air Pollutants 1970 – 2003. UK National Atmospheric Emissions Inventory. <http://www.airquality.co.uk/archive/index.php>
- ^{xx} The Critical Load is the rate of deposition beyond which research indicates that adverse effects can reasonably be expected to occur
- ^{xxi} www.webtag.org.uk/archive/feb04/pdf/feb04-333.pdf
- ^{xxii} <https://www.cornwall.gov.uk/media/wmvnoxzz/european-sites-mitigation-spd-july-2021-marine-and-terrestrial-sites.pdf>
- ^{xxiii} <http://publications.naturalengland.org.uk/file/6475965832364032> [Accessed 13/09/2022]
- ^{xxiv} <https://sac.jncc.gov.uk/site/UK0030064> [Accessed 13/09/2022]
- ^{xxv} <http://publications.naturalengland.org.uk/file/5326226878103552> [Accessed 13/09/2022]
- ^{xxvi} <http://publications.naturalengland.org.uk/file/5095895758798848> [Accessed 14/09/2022]
- ^{xxvii} <https://sac.jncc.gov.uk/site/UK0012604> [Accessed 14/09/2022]
- ^{xxviii} <http://publications.naturalengland.org.uk/file/6396603218788352> [Accessed 14/09/2022]
- ^{xxix} <http://publications.naturalengland.org.uk/file/5260054660120576> [Accessed 14/09/2022]

^{xxx} <http://publications.naturalengland.org.uk/file/5355650508914688> [Accessed 14/09/2022]