

## **Cornwall Council's Scoping Opinion**

Development of the Pendower Beach Hotel Site to provide a Mixed Residential/Leisure Development to include up to 33 Residential Dwellings and Associated Leisure Facility to include Reception, Lounge, Restaurant, Swimming Pool, Gymnasium, Spa, Function Room, Creche and Staff Accommodation together with Access, Car Park and Landscaping

Pendower Beach Hotel site, Rocky Lane, Ruan High Lanes, Truro, Cornwall, TR2 5LW

Cornwall Council Reference – PA15/01714

Regulation 13 – The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

### **1. General comment**

- 1.0 Cornwall Council issued a Screening Opinion dated 5 February 2015 (ref: PA15/00461), which confirmed that the development requires an Environmental Impact Assessment (EIA) because it comprises a Schedule 2 development, exceeds the relevant threshold and would be likely to have significant effects on the environment by virtue of the scale, location and cumulative impact of the development proposed.
- 1.1 This Scoping Opinion is in response to the request made by Mr Russell Dodge of Business Location Services Ltd, in the letter dated 18 February 2015. Mr Russell Dodge supplied a Scoping Opinion Request dated 19 February 2015 and in adopting this Scoping Opinion, Cornwall Council have had regard to this document. The Environmental Statement (ES) produced should take account of this Scoping Opinion and also address the issues covered in the abovementioned Scoping Opinion Request.
- 1.2 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regs), set out below is a detailed (but not exhaustive) list of environmental issues that should be included in the Environmental Statement. The list includes reference to general comments made by consultees whilst the more specific detailed comments (which you should take particular note of) can be found in copies of the consultee responses appended to this Opinion.
- 1.3 The Environmental Statement should contain the maximum relevant information available prior to submission. Full regard should be given to the advice contained in Schedule 4 Parts I and II to the EIA Regs 2011.
- 1.4 It is important that typographical errors are eliminated and the submitted document checked thoroughly as to avoid unnecessary queries of data and/or statements, which often gives rise to consultee and public concern.
- 1.5 Details of the scoping exercise, any consultations and public meetings, before and after the request for a Scoping Opinion should be provided.
- 1.6 The issues regarded as those giving rise to the most significant impacts should be highlighted in the introduction to the Statement and summarised in the Non-

Technical Summary.

- 1.7 The content of this Opinion does not prejudice any request for further information under Regulation 22 of the above Regulations if required at a later stage.

## **2. Approach to the Environmental Assessment**

- 2.1 Consultation is a key aspect of all Environmental Impact Assessments. This Opinion lists those statutory consultees and other stakeholders who have been consulted on your submitted Scoping Opinion Request. A copy of the full responses received so far has been included in the Appendices.
- 2.2 The Environmental Statement (ES) should report on how consultation responses have been addressed in the EIA including any justification for the omission of any issues. The opportunity to comment upon a draft copy of the ES is requested by Cornwall Council.

## **CONTENT OF THE ENVIRONMENTAL REPORT**

### **3. Description of the Proposed Development and Site**

- 3.1 The past, present and future uses of the site and surrounding areas should be described in sufficient detail to provide the context for analysis of the baseline and impact studies. The extent of the study area required around the site will vary according to the nature of the impact and its significance.
- 3.2 The description of the project should consider the existing nature of the site, construction and operational phases and should include the following areas:
  - i. Physical characteristics of the site including size, existing site layout, land use requirements, site infrastructure and access arrangements;
  - ii. A Site Waste Management Plan to identify the types and quantities of any waste that would be produced by the construction project, together with a consideration of how to re-use, recycle and recover any such and / or which if any wastes would require final disposal;
  - iii. The construction programme, including duration and any phasing of the main construction activities;
  - iv. Details of reception, storage facilities and of plant/machinery/bunding/hardstandings or other structures required for these purposes;
- 3.3 The elements of the scheme that need planning permission should be set out. The procedure for obtaining other consents/regulatory assessments e.g. Appropriate Assessment should be explained. Information required for any Appropriate Assessment should be supplied prior to the formal submission of the planning application.

### **4. Method Statement**

- 4.1 This part of the Environmental Report should set out:

- i. The authorship of the document;
- ii. The various elements of the Report e.g. Non-Technical Summary and assessments;
- iii. The timetable to the Report process;
- iv. The results of consultations with statutory consultees, interest groups and the public;
- v. How the baseline conditions were assessed and impacts identified, the measurement of their significance and an outline of the evaluation methodology employed in the assessment. Details of the methodology used in the specialist studies, should be contained within the Background Reports.

## **5. Planning and Environmental Context**

- 5.1 The ES should set out the proposal in the policy context formed by the legal framework, regulations made under statute, statutory development plans, government circulars and policy guidance and published guidance from government departments and other statutory regulators. At the local level, the ES should describe the background of land use planning and environmental policies and their application in relation to the site and the surrounding area.
- 5.2 Policies that form the overall context for a decision on the proposal should be described. Where policies set compliance standards or other statutory or non-statutory criteria, these should be identified. The detailed implications of these policies and others that relate to specific impacts should be considered when each impact is assessed.
- 5.3 The development at this location should demonstrate conformity with the Development Plan. In Cornwall this currently comprises the saved policies in the Carrick District Wide Local Plan 1998 (the latter policies saved after 2007) and full reference to the National Planning Policy Framework (NPPF). In the preparation of any application you should be mindful of the emerging Cornwall Local Plan.
- 5.4 Other relevant guidance:
  - Circular 06/2005: Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system;
  - Cornwall AONB Management Plan 2011-2016 (adopted by Cornwall Council 16/02/11);
  - The Cornwall Shoreline Management Plan, Cornwall and Isles of Scilly Coastal Advisory Group;
  - The UK Marine Policy Statement, HM Government, March 2011;
  - On-line Planning Practice Guidance, DCLG, March 2014.

The above list of guidance is not exhaustive.

## **6. Site Location and Alternatives**

- 6.1 The ES shall demonstrate that alternative options have been considered prior to proceeding with the current proposals, which should include a consideration of the 'do nothing' option.
- 6.2 Under this heading, the Report should include a consideration of alternative sites to the proposed site and an assessment of the potential viability for each of the sites that have been considered. The Report should set out the justification for the chosen site location, amount, layout, scale and height having regard to the above factors and the rationale / benefits of development at this particular site.

## **7. Identification of Issues and Impacts**

- 7.1 This section should explain how environmental and amenity issues and potential impacts were identified and give a summary of the potential impacts assessed. This should be incorporated into the specific Chapters in the ES. The applicants should describe the scoping process and should also indicate which statutory consultees and other bodies were consulted and that full account has been taken of the points raised in this Scoping Opinion.

## **8. Landscape and Visual Impacts**

- 8.1 The ES should take account of the advice provided in the response from the Council's Natural Environment Service dated 23 March 2015 included as an Appendix to this Opinion.
- 8.2 Baseline studies for landscape and visual impact assessment should cover the following:
  - i. The current condition of the landscape;
  - ii. Landscape character assessment based on the Cornwall and Isles of Scilly Landscape Assessment 2007 supplemented by more detailed localised studies and with reference to the Cornwall Area of Outstanding Natural Beauty Management Plan 2011 – 2016;
  - iii. Relationship of the site to any designated areas of landscape at a national, regional or local level, and to areas of landscape value or scenic quality;
  - iv. Description of all baseline data sources, and methods used to supplement this information;
  - v. The landscape baseline should be evaluated in relation to its sensitivity and importance. The sensitivity evaluation of each landscape element should reflect its quality, value, contribution to landscape character and the degree to which the particular element or characteristic can be replaced or substituted.

The cultural significance of the site and its surroundings should be considered as part of the baseline studies. Viewpoints shall be agreed prior to the submission of the application.

- 8.3 Assessment of cumulative effect should consider similar complexes and clusters of buildings in this coastal landscape, including the Nare Hotel, which has planning consent for significant development that should be taken into account in the assessment.
- 8.4 The evaluation of magnitude of change and significance of effects would be expected to precede the development of mitigation measures.

## **9. Impacts on Designated Landscapes including Area of Outstanding Natural Beauty (AONB)**

- 9.1 The site is within the AONB and Heritage Coast. The key consideration is whether the proposed change would impact on the natural beauty of the AONB and whether the requirement to conserve and enhance its character is met.
- 9.2 The site selection process and the full assessment process of the suitability of the application site should be fully reported and evaluated in the ES.
- 9.3 The proposals should be evaluated and reported in the EIA against the relevant policies and local section guiding principles in the Cornwall Area of Outstanding Natural Beauty Management Plan 2011 – 2016.
- 9.4 The site selection process and the proposals should be evaluated in the context of The Cornwall and Isles of Scilly Landscape Character Study 2005-2007.
- 9.5 Regard should be had in respect of other similar complexes and clusters of buildings both developed and those planned which are in the public domain, especially with regard to the assessment of cumulative landscape and visual impacts.
- 9.6 You are advised to liaise with the Cornwall AONB Team in the progression of any application.

## **10. Effects on Human/Socio-Economic Environment**

- 10.1 The Report should provide specific information on the potential impact on the human and social-economic environment in the area. It should consider any community benefits arising from the proposal.

## **11. Ecology**

- 11.1 The ES should identify the nature, magnitude and significance of any impacts on the ecology and nature conservation value of the site, surrounding area and associated links. Furthermore, consideration should be given to any other statutory nature conservation sites or species and habitats known to be particularly sensitive to the proposed development. You should have regard to the comments from Natural England in the consultation response in the Appendices.

- 11.2 The ecological assessment shall include potential impacts and their avoidance mitigation and if required, compensation around but not exclusively, the following issues;
- i. Protected species;
  - ii. Designated sites;
  - iii. BAP Habitats and species.

The site falls within The Roseland Area of Great Scientific Value (AGSV). Part of the site is within the Pennarin Point to Portscatho County Wildlife Site (CWS). The Gerrans Bay to Camels Cove Site of Special Scientific Interest (SSSI) is immediately to the south of the site. The Fal and Helford Special Area of Conservation (SAC) and the Falmouth Bay to St Austell Bay potential Special Protection Area (pSPA) are immediately to the south of the site. Impacts on these designations and associated habitats and protected species need to be addressed.

- 11.3 The assessment shall also take account of other activity and consents within the study area that might lead to cumulative effects as well as current and emerging research and guidance on mitigation of impacts.
- 11.4 The assessment should be supported by an appropriate desk based study and ecological surveys of the site and its surroundings. A 'Phase I' habitat survey of the site and surrounding areas should be conducted, which should include all areas affected by the proposed development. The need for further surveys should be placed into the context of the outcomes of the desk study, the availability of existing data and the Phase 1 survey. The survey should also identify areas of important habitat that are likely to be affected. It is recommended that as much important habitat features are retained and incorporated into the design of the site. Scope for enhancement of biodiversity from the proposals should be explored.
- 11.5 The ES should set out the surveys undertaken and the particular species that have been surveyed, as well as justify the approach taken and demonstrate that sufficient data has been provided from other sources to be able to adequately assess the impacts. All surveys should be carried out by appropriate specialists at appropriate times of the year at a sufficient frequency and over a sufficient time period as identified by recognised survey methodologies.
- 11.6 The proposed development has the potential to impact on a number of protected species, and detailed surveys will be required to enable a thorough assessment of the potential impacts of the proposal on protected species.
- 11.7 The ES should consider other aspects of the operation of the proposed development not covered above on the wildlife resource of the area. This should include impacts from increased levels of disturbance, lighting and the loss of ecological continuity resulting for any infrastructure requirements.
- 11.8 You are strongly advised to liaise with Natural England and the Cornwall Wildlife Trust in the preparation of any ES.

## **14. Hydrology/ Hydrogeology/ Flood Risk**

- 14.1 The Report should provide detailed assessments on pollution prevention, groundwater and contaminated land, flood risk, surface water and foul drainage, and Sustainable Drainage Systems (SUDS).
- 14.2 The Report should assess the potential for flooding from both fluvial and tidal sources and detail any mitigation that may be required.
- 14.3 Consideration should be given to any sea defence works that may be required, including to protect the cliff atop which lies the access road that would serve the development.
- 14.4 The ES should investigate potential impacts on groundwater which may result from site excavations and whether any impacts on groundwater would adversely affect sensitive areas. The ES will need to consider any impacts on groundwater conditions as a consequence of the construction of the development. Any changes to water flows, the flooding regime and water chemistry will need to be assessed. A surface water and foul water drainage strategy should be included that explains how surface water and foul water will be managed in order to reduce flood risk and pollution.
- 14.5 You are advised to liaise with the Environment Agency in respect of these matters.

## **15. Transport**

- 15.1 A full Transport Assessment (TA) should be undertaken to inform the ES. The TA should be developed in accordance with Guidance on Transport Assessment and specific attention should be given to Department of Transport Circular *02/2007*. The applicant is encouraged to discuss the scope of the TA with the Local Highway Authority in advance of the preparation of a TA. Consideration will need to be given to current and future conditions, and any enhancements or alterations necessary to accommodate development traffic.
- 15.2 The TA should include the following:
  - i. Relevant changes in the highway network likely to take place in the lifetime of the project;
  - ii. Volume of traffic to be generated by the scheme during construction and operation;
  - iii. Traffic routeing and the likely impacts on the road network and local community in particular during construction;
  - iv. Size and nature of the vehicles anticipated at the site, including any abnormal loads, during both construction and operation;
  - v. Impacts and potential conflicts on other road users and pedestrians and users of Public Rights of Way;
  - vi. Any appropriate mitigation measures considered necessary.

## **16. Cultural Heritage and Archaeology**

- 16.1 The proposal should be subject to a robust and thorough Historic Environment Impact Assessment which includes a landscape and visual impact assessment and site survey. There may be a requirement for geophysical survey of the site to assess the below ground archaeological potential of the site and in this regard you are advised to contact the Council's Historic Environment Officer – Phil Copleston in advance of the preparation of the ES. The results of the assessment and survey may require further archaeological investigation and recording prior to determination and before any planning conditions can be recommended as mitigation.
- 16.2 The disused lime kiln to the south of the site, although unlisted and not scheduled, is of historic interest and is therefore considered to be a non-designated heritage asset. The impact of the proposed development upon the lime kiln, specifically any impact upon its setting, shall be considered.
- 16.2 You should liaise with the Council's Historic Environment Officer – Phil Copleston in the preparation of the ES.

## **17. Recreation/Tourism/Business**

- 17.1 A number of public footpaths, including the South West Coast Path, are located within the vicinity of the application site. Potential impacts on users of Public Rights of Way and other recreational activities in the area shall be assessed. This may include reference to potential impacts on path users resulting from traffic, noise, dust, visual impact, etc.
- 17.2 Consideration should be given to impacts on local businesses and tourism including Hotels and Public Houses in the vicinity of the site as well as other commercial enterprises. The potential impact on tourism should be contained within a Tourist Impact Statement included within the ES.

## **18. Economy**

- 18.1 The economic impact of the development should be investigated and described. The proposal is considered to be major development and information will be required on the wider economic and socio economic impacts of the proposal, which should include evidence to demonstrate how the proposals would help to raise business productivity, increase economic inclusion and improve regional communication and partnership. The Report should also include indirect employment considerations and impacts on local services.

## **19. Relationship with other Development**

- 19.1 Consideration should be given to the possibility of other development associated with, or arising as a result of the proposal. Such development should include industrial, business and residential use.

## **20. Mitigation**

- 20.1 It is expected that mitigation requirements will be described within each of the individual topic chapters of the Report. This should provide for a schedule of the mitigating measures proposed and a timetable for their implementation.

## **21. Contaminated Land**

- 21.1 The ES should cover any issues associated with any potential contaminated land and how this would be identified and addressed through appropriate mitigation.
- 21.2 Consideration should be given to how any contamination could affect sensitive sites and designations (e.g. SAC, SSSI etc) and how such impacts can be avoided, minimised, mitigated etc.

## **22. Geology and soils**

- 22.1 The ES should include an assessment of the geology and soils of the site and an assessment of the potential impacts of the development upon geology, soils and land stability, including an assessment of cliff stability, to include details of any cliff stabilisation works that may be necessary and any other mitigation.

## **23. Lighting**

- 23.1 The ES should include an assessment of the impact of lighting, both in terms of visual impact and impacts upon ecology, including protected species. The assessment should include the impacts of lighting during both the construction and operational phases of the development and details of mitigation should be included.

## **24. Cumulative impacts**

- 24.1 The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the proposed development in combination with other projects and activities that are being, have been or will be carried out. It should also consider the in-combination effects of the different predicted impacts.

## **25. Non-Technical Summary**

- 25.1 The Non-Technical Summary should bring together all the aspects of the process in a manner to enable the general public to comprehend the information contained in the technical assessments.

## **26. Conclusion**

- 26.1 The conclusion will draw on all the assessments carried out as part of the process.

## **Summary**

This Scoping Opinion seeks to address the main issues that should be covered in any Environmental Report accompanying a planning application for the above development. However it should be appreciated that this Scoping Opinion is based on information currently available and is not exhaustive.

Continued pre-submission discussions with the Strategic Development Management Team of Cornwall Council are recommended to ensure all necessary areas are covered prior to the application being formally lodged.

Should you decide to change the details of your proposed development in any way then please contact the Case Officer (Mark Ball) via the contact details below to determine whether or not further screening or scoping of the proposal is necessary.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Mason', with a long horizontal flourish extending to the right.

Phil Mason  
Head of Planning and Enterprise

Tel: 01726 223495

Email: [mark.ball@cornwall.gov.uk](mailto:mark.ball@cornwall.gov.uk)

Dated: 19 June 2015

List of Appendices:

Environment Agency  
Cornwall Council Environmental Health  
Cornwall Council Natural Environment Service  
Natural England

## Environment Agency

Mr Mark Ball - Principal Development  
Officer  
Cornwall Council  
Planning and Regeneration  
Carrick House Pydar Street  
Truro  
Cornwall  
TR1 1EB

**Our ref:** DC/2015/116539/01-L01  
**Your ref:** PA15/01714  
**Date:** 09 March 2015

Dear Mr Ball

### **EIA SCOPING OPINION REQUEST FOR PROPOSED REDEVELOPMENT OF THE PENDOWER BEACH HOTEL SITE PENDOWER BEACH HOTEL ROCKY LANE RUAN HIGH LANES TRURO**

Thank you for your EIA Scoping consultation letter of the 26<sup>th</sup> February 2015.

#### **Environment Agency position**

We have reviewed the scoping report submitted and have no further comments to make in respect of Water Quality, Flood Risk and Biodiversity.

We look forward to reviewing the full EIA submission in due course.

Yours sincerely

**Shaun Pritchard**  
**Sustainable Places Technical Specialist**

Direct dial 01208 265047  
Direct fax 01208 78321  
Direct e-mail [shaun.pritchard@environment-agency.gov.uk](mailto:shaun.pritchard@environment-agency.gov.uk)

## **Cornwall Council Environmental Health**

Community and Environmental Protection

20.03.2015

SR15\_002483 PA15/01714

Contaminated land

A soil contamination survey ' phase 1 report carried out by Cornwall Consultants Ltd for their client Mr Gould of Roseland Peninsula Developments (report ref NVS/NVS/SS/2572.b.SS dated 12 Feb 2008) concluded 'there may be potential significant pollutant linkages between the landfill waste area, manganese and copper in the underlying geology and the principle receptors'. Further intrusive investigation is thus required in line with CLR 11 'Model Procedures for the Management of Contaminated Land'.

Thank you for consulting Environmental Protection.

[communityandenvironmentalprotection@cornwall.gov.uk](mailto:communityandenvironmentalprotection@cornwall.gov.uk)

01209 616990

**Cornwall Council Natural Environment Service**

## **Natural England**