

Technical Appendix 2.3: CC EIA Scoping Opinion

Cornwall Council's Scoping Opinion

EIA Scoping Opinion request for proposed development which aims to restore and upgrade the existing facilities at Falmouth Docks, whilst facilitating the offshore renewable energy industry through the provision of berth and deck facilities

Cornwall Council Reference – PA23/ 06550

Regulation 15 – The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

1. General comment

Cornwall Council has not to date issued a Screening Opinion

This Scoping Opinion is in response to the request made by Ramboll UK Ltd - Southampton. The Environmental Statement (ES) produced should take account of this Scoping Opinion.

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs), set out below is a detailed (but not exhaustive) list of environmental issues that should be included in the Environmental Statement. The consultee responses are then set below this.

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 to the EIA Regs 2017.

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.

The content of this Opinion does not prejudice any request for further information under Regulation 25 of the above Regulations if required at a later stage.

2. Approach to the Environmental Assessment

Consultation is a key aspect of all Environmental Impact Assessments. This Opinion includes a copy of the full responses received so far has been included in the Appendix.

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.

CONTENT OF THE ENVIRONMENTAL REPORT

3. Description of the Proposed Development and Site

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.

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 storage facilities and of plant/machinery or other structures required for these purposes;

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.

4. Method Statement

This part of the Environmental Report should set out:

- i. The authorship of the document including a statement outlining the relevant expertise or qualifications of such experts;
- 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

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.

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.

The development at this location should demonstrate conformity with the Development Plan. In this part of Cornwall this currently comprises the Cornwall Local Plan Strategic Policies 2010-2030, Falmouth NDP, Climate Emergency DPD and full reference to the latest version of the National Planning Policy Framework (NPPF).

5.4 Other relevant guidance:

Cornwall AONB Management Plan

Cornwall and Isles of Scilly Shoreline Management Plan

Planning for Coastal Change Chief Planning Officers Advice Note

6. Site Location and Alternatives

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.

Under this heading, the Report should include a consideration of alternative options to the proposed site and an assessment of the potential viability for each of the proposals that have been considered. The Report should set out the justification for the chosen amount, layout, scale and height having regard to the above factors and the rationale / benefits.

7. Identification of Issues and Impacts

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 applicant 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

Baseline studies for landscape and visual impact assessment should cover the following:

- a. The current condition of the landscape;
- b. Reference the Cornwall Landscape Character Assessment 2007 identifying the character of the site itself and the way in which it relates to the wider landscape;
- c. 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. Other critical designations the proposal is within, immediately adjacent or in close proximity and which would be adversely affected by the development is The Fal and Helford Special Area of Conservation (SAC).
- d. Description of all baseline data sources, and methods used to supplement this information;
- e. 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;
- f. The character and visual sensitivity of the landscape associated with this section of coast needs to be assessed to determine the landscape's capacity to accept this proposed change.

- g. Demonstrate how the proposal links to the environmental needs of the local community.

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.

Views and visibility:

- a. Identify major views of the site, indicate what measures are being taken to protect/retain, enhance, or mitigate those identified.
- b. Provide visualisations of specific and representative views, as seen from eye level and clearly showing the visual impact in the wider landscape context.
- c. The preparation of parameter plans will enable indicative photomontages to be produced to illustrate the potential visual impact of the development.
- d. A Zone of Theoretical Visibility (ZTV) from the centre of the site, clearly indicating distance radii.

The evaluation of magnitude of change and significance of effects would be expected to precede the development of mitigation measures.

9. Effects on Human/Socio-Economic Environment

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.

10. Ecology

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 relation to earlier screening and scoping opinion requests.

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.

Impacts on these designations and associated habitats and protected species need to be addressed.

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.

The assessment should be supported by an appropriate desk based study and ecological surveys of the site and its surroundings. A 'Phase 1' 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. Scope for enhancement of biodiversity from the proposals should be explored.

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.

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.

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. Hydrology/ Hydrogeology/ Coastal processes / Geology

post completion of the development, etc.

11. Mitigation

13.1 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.

12. Cumulative impacts

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.

13. Non-Technical Summary

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.

14. Conclusion

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 Development Management Team of Cornwall Council are recommended to ensure all necessary areas are covered prior to the application being formally lodged. Details of the pre-application process can be found at: [Pre-application advice - Cornwall Council](#)

Yours sincerely,

Louise Wood

Louise Wood

Chief Planning Officer

Dated: 06/10/2023

Appendix 1 Consultation Responses

AONB Partnership

Comment Date: Wed 27 Sep 2023

Thank you for consulting the Cornwall Area of Outstanding Natural Beauty (AONB) team on this EIA Scoping Request for the assessment of the proposed restoration and upgrading of Falmouth Docks which is located outside of, but close to, the South Coast Central section (09) of the Cornwall AONB. This section of the designated landscape includes much of the Carrick Roads with the boundary of the section running between the lighthouse at St Anthony Head and Trefusis Point with the AONB to the north and east of this line.

It appears that part of the "Site Location" highlighted in red in Figure 2-1 extends into the designated landscape.

We note that within the Scoping Request Section 21 Landscape Seascape and Visual Amenity there is reference to the Cornwall And Isles of Scilly Landscape Character Study. The new landscape character assessment for Cornwall: Landscape Character Assessment 2023 Review should be used as the baseline rather than the superseded document quoted.

The report suggests that the site is less than 500m from the AONB. As set out earlier the site location plan actually extends into the designated landscape.

The viewpoints proposed for the assessment with regard to the designated landscape appear to be appropriately located to provide an assessment of the likely significant effects of the proposed development on the AONB. The widely used ferry service between St Mawes and Falmouth provides extensive, close-range views to the proposed development and the inclusion of a viewpoint (and assessment of the effects on this) from a suitable location along this route would provide an assessment of the impacts on a much perceived closer range view to the proposed development.

Table 21-2 identifies that vessels using the upgraded dock facilities will be excluded from the assessment. The presence of any vessels in addition to those currently using the port should be included as part of the assessment as these additional vessels, and their movements through or adjacent to the designated landscape are a direct result of the proposed development and hence should be considered as part of the assessment. We note and welcome that the presence of FLOW components that are facilitated by the proposed development will be assessed as part of the assessment.

The assessments set out in Table 21-3 should include receptors as identified in the Cornwall: Landscape Character Assessment 2023 Review rather than those from the former character assessment (see above).

We welcome that the assessment will consider the perceptual effects on the South Coast Central Section (09) of the Cornwall AONB. Whilst we recognise that any effects on this will be limited in geographic extent, they should be assessed on the basis of the sensitivity and magnitude of the effect where experienced. Any such effects should then be qualified as to their geographic extent. The magnitude of effects should not be seen as moderated as a result of the limited part of this sizeable section of the designated landscape over which they are experienced.

The viewpoint photography and visualisation proposed is set out in sections 21.4.5 to 21.4.11. Given the variability of the visibility proposals and their context with changes in tidal conditions we would suggest that for a selection of the closer range views photography should be provided at both extremes of the tidal range. Paragraph 21.4.6 states that only Type 1 (annotated photograph) visualisations as set out in Table 21-4 will be provided. Whilst it is recognised that more complex visualisations would not be required for all viewpoints, it is considered that a more objective assessment (and a better understanding of this) might be provided if a small number of the key close range viewpoints included more detailed visualisations such as Type 3. This approach would facilitate a fuller understanding of the impacts of both the works themselves, and also the increased presence of other infrastructure such as FLOW components and additional shipping movements and presence of large vessels at the port that will flow directly from the improved facilities.

The assessment should consider the additional lighting that the development will give rise to both directly and through additional presence of ships and additional shipping movements in and in close proximity to the designated landscape where dark skies are part of the special qualities of the AONB. Such an assessment will necessarily have as a baseline the already extensive light environment of Falmouth and the port and its visibility from the designated landscape.

I trust this is useful in defining the scope of the assessment required and particularly in connection with the designated landscape which enjoys the same protection as National Parks, with the protection afforded to it irrespective of where the effect occurs, within the designated area or its setting.

CEMHD7 (Explosives Inspectorate)

Comment Date: Thu 21 Sep 2023

To see the full comments please go to the online register, <https://www.cornwall.gov.uk/planning-and-building-control/planning-applications/online-planning-register/>, enter the planning reference number and go to the Documents tab and open the relevant document to see the comments

Comment Date: Tue 22 Aug 2023

To see the full comments please go to the online register, <https://www.cornwall.gov.uk/planning-and-building-control/planning-applications/online-planning-register/>, enter the planning reference number and go to the Documents tab and open the relevant document to see the comments

Falmouth Harbour Commissioners

Comment Date: Fri 15 Sep 2023

Falmouth Harbour (FH) have always publicly stated they would positively approach local Harbour or Port development opportunities outside of our waters. As a Trust Port we are required to proactively contribute to the Port's vibrancy and the sustainable development of the area.

We welcome the publication for consultation of the Falmouth Docks Development Environmental Impact Assessment (EIA) Scoping Report, noting the EIA scoping document considers developments including dredging entirely outside waters and fundus under control and jurisdiction of Falmouth Harbour.

Port modernisation could be a critical element of keeping our Harbour vibrant and viable in the long term. It could also be a major contributor in attracting new business and future technologies such as Floating Offshore Wind and grow existing business such as cargo and cruise, but we are aware this needs to be completed in a sustainable way.

We have reviewed the EIA scoping document and, where relevant have highlighted areas for further consideration. We look forward to detailed discussions with A&P Falmouth as a part of the consultation process. The surveys and evidence produced to support the proposed EIA will be highly valuable resource to increase our knowledge of the habitats within the Harbour.

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Items for immediate clarification are as follows:

1. **Site Area Page 4** – the site location plan includes an area in the jurisdiction of Falmouth Harbour – to the east. We think it would be better to define the scope of the study to a charted area so that the site location can be determined accurately and we can understand whether any of our waters / owned fundus are included in the site area.
2. **Methodology for dredging has described the use of a back hoe dredger.** We note that significant bedrock removal is planned. Is this to be completed using a back hoe dredge or are additional methods to be used? If there are additional methods, have these been considered in the scoping document as it does not appear to us that they have. We expect the impacts of removal of bedrock to be potentially significant and therefore request clarification and additional information on methodology.

COASTAL PROCESSES & SEDIMENT REGIME

- Page 25 – tables 5-3 and 5-4 notes maerl as being a sensitive environmental receptor to increased suspended sediment concentration and increased fine sediment deposition due to dredging and demolition. This is agreed but FH would like consideration also for seagrass beds within the inner harbour at Flushing and also within the Carrick roads as this habitat is also sensitive to increased turbidity and is in similar proximity to the site as the live maerl beds already mentioned.
- Page 25 – table 5-4 Changes to tidal currents, wave conditions, sediment transport and patterns of erosion and accretion during operational life of the scheme. Can this also assess the potential impacts of nearby infrastructure such as marinas and leisure moorings as well as key habitats such as maerl & Seagrass. We have infrastructure including listed heritage quays, operational marinas and over 600 swing moorings. Changes to tidal currents could impact these through increased flow and accretion resulting in increased operational and capital expenditure.

MARINE WATER AND SEDIMENT QUALITY

- Page 33 Table 6-2 we would ask that seagrass is included as a sensitive habitat as well as maerl in relation to increased suspended sediment concentration in water column during maintenance dredging due to the proximity and sensitivity of these habitats.
- Also to note that suspension of contaminants into the water column may result in transportation to other local sediments outside of the site resulting in increased contamination levels impacting on other organisations ability to dredge to maintain safe navigational channels. Ideally it would be good to obtain additional baseline sampling in key areas of our fundus and marina seabed so we can potentially establish whether the docks works have had an impact on contamination levels.

FLOOD RISK

- Falmouth Harbour would expect that the necessary Flood Risk Assessment would include impacts on local infrastructure outside of the site. Our own infrastructure and that of a number of local stakeholders are within close proximity of the proposed work site so changes to the docks infrastructure could potentially have an impact (positive / negative) on flood risk. This should be assessed, and potential impacts communicated to relevant stakeholders.

MARINE ECOLOGY

- Page 47 9.2.10 Marine mammals are regularly sighted in and around the planned development site throughout the year. In addition certain seasons see significant changes in frequency of sightings, we were therefore surprised that mammal surveys were not planned. The following paragraph describes the current data so further clarification on decision not to survey would be of interest. Is it because sufficient temporal data exists? If so clarification of the reasons behind this decision would be appreciated.
- Table 9-1 does not consider noise and disturbance from vessel movement, piling and dredging. In addition, are there additional effects to consider associated with the removal of bedrock that would need to be considered. Have the methodologies been assessed at this stage or are they included within the definition of dredging? Further clarification in addition to use of back hoe dredger would be useful to enable full understanding.
- Table 9-2 vessel strike causing injury to marine mammals. Vessel strike would be an extreme rarity however more likely and cumulatively potentially equally of impact would be ongoing disturbance of marine mammals. This would be good to add and consider in line with the recent DEFRA guidance.

HERITAGE

- Page 69 heritage – Custom House Quay, North Quay and Environs are listed structures and not specifically mentioned / detailed in fig. 13-1. Falmouth Harbour are concerned that construction could affect/damage these in particular piling / excavation close to assets and therefore consider that this area should be in scope for impact assessment and mitigation as necessary.

NAVIGATION AND RECREATION

- FH (or the Falmouth Pilots) have not been consulted in defining the scope. That is clearly the intention described in the document, however these key organisations are not included as critical consultees. This is key due to the close operational relationship with the docks required to maintain navigational safety of the area including access to and from the docks (the site).

NOISE & VIBRATION

- Falmouth Harbour operate a marina, anchorage and moorings near to the potential works site. Visitors and residents come to Falmouth for holidays and to relax. We are concerned about the additional noise these works may produce over potentially quite an extended period, as works are likely to be staged. We regularly receive noise complaints that come to us in the first instance so are aware of noise impacting local residents and visitors. We feel it would be wise for further investigation and investment in noise abatement as a mitigation to be considered wider than the proposed 250m zone.

LANDSCAPE, SEASCAPE AND VISUAL AMENITY

- Falmouth Harbour own the historic quays overlooking the docks area. There is an area described in the document as the following *'Character area 3, The waterfront (approximately 300 m from the site at the closest point), where "historic topography and fabric form a striking and distinctive area of townscape, both from land and water. Large-scale modern developments are visually prominent, but the area is particularly notable for the fine grain, diversity and charm of its historic components."*
- We would be grateful if you would confirm that the above described area includes Custom House Quay and North Quay. If this area does not include these quays we respectfully ask that this area is included within the scope of the EIA as it will have a direct view of the proposed changes.

SOCIOECONOMICS

- In section 22-3-3 Table 22-3 does not address the potential negative impacts the works may have on local and regional tourism. The site works could mean visitors do not visit the town. Particularly in the summer months and restrictions around the works may result in events going elsewhere. We ask that this impact is considered within the EIA.

Environment Agency

Comment Date: Thu 14 Sep 2023

Thank you for consulting us on this EIA Scoping Opinion application and we apologise for the delay in providing our response.

Environment Agency position

We have reviewed the submitted EIA Scoping Report for the Falmouth Docks Development (ref. 1620012132-001 by Ramboll dated 01/08/2023). We have further comments to make in respect of flood risk, pollution prevention, contaminated land and habitats and biodiversity to ensure that the environmental statement will appropriately address the environmental issues we consider are of importance to this proposal.

Flood Risk

Whilst the existing Falmouth Docks are mapped by the indicative Environment

Agency flood maps as Flood Zone 1, the site area triggers the requirement for the submission of a Flood Risk Assessment (FRA) with any future application. We note that Flood Risk has been scoped out of the Environmental Statement for the reason that a technical assessment will accompany the application. We would support this approach and provide the following advice on the contents of the FRA:

The FRA will need to consider climate change impacts in terms of sea level rise and increased wave and wind action and be in line with the current guidance on assessing these. The FRA needs to be supported by suitably contemporary modelling data. We note that the EIA Scoping report refers to an old Strategic Flood Risk Model but this would not be appropriate for this development, as the climate change data will now be outdated.

The EIA Scoping report refers to the relocation of some buildings on site. We would recommend that a sequential risk-based approach is applied to the location of these properties, placing the most vulnerable buildings furthest from the seafront. We would also recommend that these properties comprise 'Water Compatible Uses', as defined within Annex 3 of the National Planning Policy Framework, and that all buildings must be constructed using flood resilient methods.

Pollution Prevention

This proposal outlines that there could be significant impacts within the estuary local to the development site although the WFD scoping suggests that the proposed activity and mitigation measure would not detrimentally impact the Carrick Roads WFD waterbody classification. Given the extent of piling, dredging and sediment disturbance likely to occur, there is a risk that estuarine water quality will be impacted unless suitable containment and mitigation measures such as the erection of silt curtains are deployed. Sediments near the docks have been historically contaminated with TBT so it is essential that any contaminated sediments are characterised and contained and where possible removed and not allowed to spread freely within the estuary. We note that matters of Marine Water and Sediment Quality and material resources and waste are scoped in which is supported.

Contaminated Land

Environmental risks associated with land contamination and redevelopment would be primarily controlled through planning conditions on any approved permission where required and consequently are typically excluded from the ES. This approach will be acceptable for the terrestrial portion of the site to identify the most appropriate options for management of land contamination risks.

However, in relation to the proposal that incorporates the Northern arm, our records indicate that this area of the site is identified as the "New Site" historic landfill. This is likely to relate to deposit of material used in land reclamation associated with the original construction of the wharfs and management of potential contaminants from this material will require further assessment. Table 6-1 of the Scoping Opinion document Identifies Potential Effects from development of preferential pathways for contamination (line 1) and mobilisation of contamination during demolition and construction (line 2 and 3). Table 6-1 specifically refers to contaminated sediments and we recommend that these three items (which are scoped in), also be expanded to incorporate contamination associated with the "New Site" landfill material in this area.

Habitats and Biodiversity

The Scoping document is comprehensive on this matter and we are encouraged to note that Marine Ecology, Commercial Finfisheries and Shellfisheries, Noise and Vibration and Underwater Noise are all scoped in topics as these could each has some bearing on the impact to protected habitats and species. However, we would advise that there is minimal detail on the management of invasive non-native species which may be found at the site and what biosecurity measures will be implemented to eliminate them and/or avoid their spread. As the proposed development lies within the Fal & Helford SAC Natural England will take the lead on biodiversity.

We have a tidal encroachment policy and where development involves the loss of intertidal foreshore we would raise objections unless adequate mitigation or compensation is proposed. The proposal would need to achieve a biodiversity net gain to be in line with the Government's 25 Year Environment Plan, the NERC Act 2006 (section 40 & 41), the NPPF (paragraphs 170 & 175) and the Environment Bill (schedule 15).

Advice- Coastal Impacts

The EIA would need to have due consideration of the Cornwall & Isles of Scilly Shoreline Management Plan (SMP) (2011) and the associated policies and management intent for the coastal frontage of the Falmouth Estuary. This region currently operates a 'Hold the Line' policy, with an anticipation for some 'Managed Realignment' in the coming epochs. In relation to this, the ES would need to detail the likely impacts on the coastal processes caused by the redevelopment and extension of the current Falmouth Docks. Accordingly, it would be important to understand the impacts that the development would have on both wave climate and longshore and cross shore sediment transport. You may wish to pay particular attention to the zone of reclaimed land, situated behind the new western wharf, following the demolition of the existing causeway, as this may constitute an 'Advancing the Line' approach, which may

not conform with the SMP 2011.

Historic England

Comment Date: Mon 11 Sep 2023

Thank you for consulting us about the above EIA Scoping Report.

This development could, potentially, have an impact within the setting of a number of designated heritage assets in the area around the site. In line with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

We would also expect the Environmental Statement to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This information is available via the local authority Historic Environment Record (www.heritagegateway.org.uk <<http://www.heritagegateway.org.uk>>) and relevant local authority staff.

We would strongly recommend that you involve Cornwall Council's Conservation Officer and the archaeological staff at Cornwall Council's Historic Environment Planning team in the development of this assessment. They are best placed to advise on: local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

It is important that the assessment is designed to ensure that all impacts are fully understood. Section drawings and techniques such as photomontages are a useful part of this.

The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits and can also lead to subsidence of buildings and monuments.

In relation to the Scoping Report, we are pleased to see that attention has been given to the potential marine archaeological impacts in addition to terrestrial heritage factors. The marine scoping assessment rightly raises the potential for the presence of palaeogeological features and deposits. For instance, in the Carrick Roads/Falmouth area this may include elements of submerged prehistoric forests and drowned former land surfaces and soils/peats. We would expect to see the assessment and evaluation of this aspect of the marine archaeological resource include both geoarchaeological (mentioned in the report) and palaeoenvironmental approaches in assessing significance and from that, an identification of the nature and magnitude of potential impacts.

If you have any queries about any of the above, or would like to discuss anything further, please contact me.

Historic Environment Planning

Comment Date: Fri 08 Sep 2023

Development Management Comments (Historic Environment).

EIA Scoping Opinion request for proposed development which aims to restore and upgrade the existing facilities at Falmouth Docks, whilst facilitating the offshore renewable energy industry through the provision of berth and deck facilities | Falmouth Docks Falmouth Cornwall TR11 4NR

Planning Advice. PA23/06550 8/9/23

Consultation response

From the Historic Environment Planning perspective, Section 13 of the application scoping document summarises the general approach to the above ground historic assets and setting etc. As stated in the document, there is an encircling Conservation Area, and nearby at Pendennis a Scheduled Monument with numerous other Listed buildings distributed across the landscape to the west, the south and the particularly to the south-east. Whilst it appears that the proposals generally follow the existing lines of the docks/wharves, there may well be implications relating to the setting of monuments, particularly if there are height implications.

However, the provision of a detailed Heritage Impact Assessment and Heritage Statement should be able to confirm the significance of the existing structures, and whether there may be the necessity for design changes (as mitigation) to

the wharves to reflect existing significance and setting ' especially given the visual proximity of Falmouth Conservation Area.

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty in respect to Listed Buildings and Conservation Areas.

The application has been considered; there are no further historic environment observations to make in respect of this proposal.

Where any specific issues arise in relation to the impact of the proposal on the Listed Building please re-consult the Historic Environment (Planning) Service.

Historic Environment Planning (Archaeology)

Comment Date: Fri 08 Sep 2023

Thank you for consulting us on this EIA scoping opinion.

The sections in the submitted scoping document (Ramboll 01/08/2023) which relate to heritage are Section 12 (Marine Archaeology), Section 13 (Heritage) and the supporting Appendices 4C-E incl.

We note that our conservation colleagues in Historic Environment Planning have been consulted in regard to the setting of the Falmouth Conservation Area and Grade II Listed Buildings. With Historic England consulted in regard to the setting of Grade I and II* Listed Buildings and Scheduled Monuments. As parts of the application site also fall within the remit of the MMO, Historic England may also comment on the archaeological potential within the marine area.

Our advice is solely in regard to the buried archaeological potential and historic building (or structure) recording.

We concur with the proposed methodology to assess the archaeological baseline and impacts outlined in the scoping opinion report.

Historic Environment Planning (Archaeology) [PD]

HEP.Arch@cornwall.gov.uk

Public Protection Air Quality Planning Consultations

Comment Date: Thu 07 Sep 2023

Thank you for consulting with Environmental Protection.

The applicant has submitted an Environmental Impact Assessment Scoping Report dated August 2023. The report anticipates the need for a CEMP, this We expect to be submitted with the applications.

Should an application be submitted we agree with the scope to be included in the EIA. We acknowledge that SO₂ is scoped out in line with TG22 and the developer will be addressing the construction and operational impacts however, we would like to point out that the Council gets significant number of complaints about boats with their engines running.

We encourage that the EIA would look into addressing/responding to this. It is mentioned that the scheme would provide shore power, Environmental Protection welcome any scheme that can provide Shore Power as this would be a big positive thing that the scheme could do, and a timely opportunity to do this, cause whilst as stated the boats will use fuel of .1 sulphur content there will still be emission from Nox and CO2 coming from the boats. It would be good if any application does consider this upfront.

Public Protection Contaminated Land Planning Consultations

Comment Date: Mon 04 Sep 2023

Thank you for consulting Public Protection - Contaminated Land. Due to [existing commercial and potentially contaminated land identified on-site or nearby via data held by Cornwall Council, a Phase I report (preliminary assessment) is required upon which substantive comments can be provided. In accordance with our consultation criteria, this report should be submitted prior to consulting this Service. However, no such report is available suggesting this has not been submitted.

Planning Practice Guidance under the National Planning Policy Framework, which is reflected in Cornwall Council's local validation list, outlines the minimum level of information required in such circumstances which includes the submission of a Phase 1 preliminary assessment. This report should include a desk based study (which looks at all available historical and environmental information), a site walkover, and the generation of a risk-based conceptual model of the site identifying the potential sources, pathways and receptors ('preliminary risk assessment').

Further information on the consideration of land contamination risks is contained within our Developers Guide and Information Requirements for Planning Applicants document which can be viewed here:

<https://www.cornwall.gov.uk/media/ikacq4kw/land-contamination-guidance-july-2021-v2-0-final.pdf>

Please re-consult this Service when the outlined information has been submitted such that substantive comments can be provided.

Your ref: PA23/06550

Our ref: CL23_000414SB

Network Rail

Comment Date: Fri 01 Sep 2023

Dear Sir/Madam,

Thank you for your email dated 21 August 2023 together with the opportunity to comment on this proposal.

Thank you for providing Network Rail with the opportunity to comment on the above EIA request.

We note that Section 15: Transport summarises the potential impacts anticipated to arise from the proposed development, in terms of road traffic. We observe that the EIA scoping report only makes specific reference to rail in terms of Falmouth Docks station as an infrastructure receptor, and not in any other context.

No information is provided at this stage on the scale of the development, in terms of passenger trip generation and the volume of construction materials, however the scope of development appears to be substantial.

Therefore, the EIA should pursue opportunities to consider both passenger and freight rail, as part of mitigation towards any adverse environmental effects of the scheme, and specifically the road traffic impacts of the proposals. The relevant rail opportunities include:

- o Passenger trains to and from Falmouth Docks station to accommodate staff movements during both the construction and operational phase. Rail has a particular role to play in transporting staff to the site from further afield, including Truro, St Austell and the rest of Cornwall. Great Western Railway as the passenger operator should also be consulted as the scheme develops.

- o Potential for rail freight to support the project during both the construction and operational phases. Network Rail has recently met with the Port Operators to discuss the feasibility of re-connecting rail access to Falmouth docks, and we are aware that both they and Cornwall Council are supportive of this concept. Several opportunities have been identified for future freight flows including in support of renewable energy projects, and early delivery of a railhead for the Docks could create opportunities for rail to support the construction phase too.

- o Making passive provision for any new or replacement wharf infrastructure to accommodate future rail alignment/s, linked to the possible reinstatement of the main line link to the docks. We understand from the Port Operator that existing rail alignments around the docks have been maintained in situ, and we would support the continuation of this positive approach.

We recognise that the development proposals are at an early stage. Network Rail looks forward to working with the Port Operator and Cornwall Council to develop the rail aspects of the Falmouth Docks proposals, including by way of an early

meeting, if this would be helpful.

Highway Development Management - West

Comment Date: Wed 30 Aug 2023

I have viewed the submission and have no highways observations at this stage.

Highways England

Comment Date: Wed 30 Aug 2023

See documents tab on the online planning register for comment.

Marine Management Organisation

Comment Date: Mon 21 Aug 2023

Dear Sir/Madam,

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fmake-a-marine-licence-application&data=05%7C01%7Cplanning%40cornwall.gov.uk%7C83b3ed6e17e541b0664008dba23e2336%7Cefaa16aad1de4d58ba2e2833fd9f%7C0%7C0%7C638282160013395804%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Iik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=gTLms1PjWMPtRD%2FsA1IVD2i3oWhdTWAJQa8e9UsMmB4%3D&reserved=0>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- o local planning authority name,
- o planning officer name and contact details,
- o planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations

<https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.legislation.gov.uk%2Fuksi%2F2017%2F571%2Fcontents%2Fmade&data=05%7C01>

%7Cplanning%40cornwall.gov.uk%7C83b3ed6e17e541b0664008dba23e2336%7Cefaa16aad1de4d58ba2e2833fdfdd29f%7C0%7C0%7C638282160013395804%7CUnknown%7CTWfPbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Fg2ejx2rq3Rcmu79Uo6Kx8LWLutqtcQtPb%2BybpQUsA%3D&reserved=0 may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fmake-a-marine-licence-application&data=05%7C01%7Cplanning%40cornwall.gov.uk%7C83b3ed6e17e541b0664008dba23e2336%7Cefaa16aad1de4d58ba2e2833fdfdd29f%7C0%7C0%7C638282160013395804%7CUnknown%7CTWfPbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=gTLms1PjWMPtRD%2FsA1IVD2i3oWhdTWAJQa8e9UsMmB4%3D&reserved=0>

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the

UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- o The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- o The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- o The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- o The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions - including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play - particularly where land based resources are becoming increasingly constrained.