



Cornwall National Landscape

12 Sections – One Designation

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Dear Adam

CONSULTATION ON APPLICATION FOR A MARINE LICENCE

MLA/2025/00157

Falmouth Docks Development

Thank you for consulting the Cornwall National Landscape on this proposed development which is located in close proximity to the South Coast Central section (09) of the Cornwall National Landscape. The designated landscape (and seascape of The Carrick Roads) lies immediately to the north and east.

This application seeks a Marine Licence for operations associated with the Extension and Reconfiguration of Falmouth Docks including the demolition and removal of existing structures, construction of new buildings and structures, dredging, access and parking and landscape and finishing works.

The works are located outside the boundary of the designated landscape but are of such magnitude and in such close proximity that they, and the uses and activity they will facilitate, have the potential to affect the designated landscape and its special qualities.

Paragraph 189 of the National Planning Policy Framework confirms that the “*scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas*”. (***my emphasis***) The works proposed and the changes that will result from their subsequent operation are within the setting of the designated landscape which therefore enjoys the same protection from effects as the designated area itself.

The principal effects on the designated landscape will arise from changes to its setting through the intensification of use of the docks and the transient but repeated presence of more and larger cruise ships and other vessels and the fabrication and assembly of FLOW devices prior to their deployment. These changes whilst not themselves part of the Marine Licence Application are facilitated by the operations which are the subject of this application and therefore are the direct result of this. In the absence of the proposed changes to the dock infrastructure at Falmouth Docks these effects on the designated landscape would not occur.

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Partnership Chairperson: Peter Lefort

The increase in scale and conspicuous nature of the ships and FLOW devices is a step change from that currently observed in the docks in their existing form. This is well demonstrated in the visualisations included as part of the Seascape, Landscape and Visual Impact Assessment. It is recognised that these effects will only persist whilst the docks are occupied by either (or both) cruise ships and FLOW devices. The assessment however recognises the **Significant** adverse effects on this section of the designated landscape, identifying the *“Damage to the perceived rural character and tranquillity which is part of the CNL Special Quality”* when these are present in the enhanced docks. The assessment similarly reports **Significant** adverse effects for receptors within the designated landscape including St Mawes and Flushing, The Southwest Coast Path and the ferry route between St Mawes and Falmouth.

The assessment similarly recognises the **significant** adverse visual effects on viewpoints within the designated landscape from both Flushing and St Mawes, in the case of the latter recognising that this *“would change the perceptual scale of industrial development visible from this location”*.

Whilst the existing docks are present within the setting of the designated landscape, the elements within this have a recognisable human and landscape scale. The introduction of both the larger cruise liners and FLOW devices will substantially mask parts of the legible human scale of the existing setting to the designated landscape and as such appreciably erode the sense of place which is protected through its inclusion within the designated landscape.

In addition to the scale of the changes that would be perceived from the designated landscape, the increase of lightspill particularly from berthed cruise ships into the setting of the designated landscape would harmfully detract from the tranquillity which forms part of the Special Qualities. This would also be eroded by the addition maritime activity which would inevitably accompany enhancements to the docks.

Whilst our concerns regarding the harmful effects on the designated landscape are largely related to the operational activity we have considerable concerns regarding the construction activities and particularly the dredging. The dredging of some materials present will give rise to the mobilisation of toxic sediments and the transfer of toxic elements into the aqueous phase. We have concerns about the effects this may have on some of the very sensitive marine species and habitats of the Fal, including maerl and seagrass, which form such an important part of its character. These effects are likely to be cumulative with the other anthropogenic sources of stress already present on these species and no full cumulative assessment has been provided.

Section 85 of the Countryside and Rights of Way Act 2000 (as amended by the Levelling-up and Regeneration Act 2023) requires that relevant authorities must now *“**seek to further** the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”* in exercising or performing any function that affects the designated area (and its setting). This revised duty is a statutory duty which has been in force since 26th December 2023.

The duty is considered to be a **strengthening** of the previous Section 85 *“duty of regard”* and seeks positive outcomes for the natural beauty, in its holistic sense, of our National Landscapes.

The duty is considered to require an active approach on the part of The Marine Management Organisation (MMO). The MMO should be able to demonstrate, with evidence, that they have fulfilled the duty and how compliance with the duty has been embedded in decision-making.

DEFRA have provided [Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes - GOV.UK](#) to explain the requirements of this revised duty. The National Landscapes Association have also provided an updated [Briefing Note](#) (May 2025) regarding this. Both documents highlight the importance of the evidence base and policies within the [Cornwall National Landscape \(AONB\) Management Plan](#) in discharging this duty.

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It is important to note that **both** conservation and enhancement of the natural beauty of the designated landscape are required. Natural England have advised that measures that further the purposes are required **in addition to mitigation**. Where harm is identified, 'enhancements' themselves are unlikely to be sufficient to align with the duty, which has the dual consideration of conserving and enhancing natural beauty.

The Cornwall Local Plan Policy 23 Natural Environment specifically requires that: *"Development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance"*. It amplifies and extends paragraph 189 of the NPPF and requires that *"Great weight will be given to conserving the landscape and scenic beauty within or affecting the **setting** of the AONB. Proposals must conserve and enhance the landscape character and natural beauty of the AONB and provide only for an identified local need and be appropriately located to address the AONB's sensitivity and capacity"*. (**my emphasis**)

As set out earlier the change to the duty under Section 85 of the CRoW Act now requires relevant authorities to *"seek to further the purpose of conserving and enhancing the natural beauty"*. This is a strengthening of the previous duty and requires both conservation and enhancement.

The primary purpose of the National Landscape is to conserve and enhance the natural beauty of the area and planning policy and material considerations related to this require that development within the designated landscape (and its setting) deliver this purpose. The Cornwall National Landscape enjoys the very highest level of landscape protection, equal to that of National Parks.

This proposed development facilitating the very considerable increase in the scale of ships and FLOW devices present within the docks is recognised by the assessment to give rise to significant adverse effects on local parts of the designated landscape and its setting. These harmful changes neither *"conserve"* nor *"enhance"* the designated landscape and we object to this Marine Licence Application on this basis.

We hope this assists you in your determination of this application.

Yours sincerely

Jim Wood

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Cornwall National Landscape Planning Officer