

BACKGROUND

We bring this motion at the first available opportunity after learning of the commencement of works at Whipsiderry Cliffs at the beginning of March 2023, a license having been awarded by the Marine Management Organisation (MMO) after many years delay for the cliff works.

Planning Permission was originally granted by Restormel Borough Council for the replacement of the Paradise Cove on the top of the Whipsiderry cliff way back in 2007 with a requirement for cliff defence works before any building work commenced. The Hotel was demolished in 2008 but no further development work took place. It is understood that the re-development was not constructed following changes in the housing market at that time.

In 2016, an application that the development work had started by the demolition of the Hotel and therefore the planning permission was still extant was rejected as the permission was considered lapsed. But, in 2018, Cornwall Council granted a certificate of lawfulness. But there was no evidence they considered the 'No Active Intervention' requirements of SMP despite that being a strategic document on the Cornwall Local Plan. This permission preceded the designation of Newquay coastline as a CCMA in 2019.

We note that along with some accepted tweaks, planning permission was refused to add another 3 houses to the build and increase the size from 3 to 4 stories (PA15/08238) and to convert the houses from holiday to residential (PA18/03830), the very first test of the NNP at appeal although the Inspector did not consider the CCMA implications merely the policy that preserved holiday accommodation.

We note that the development would now breach both the Newquay Neighbourhood Plan and the new Cornwall Council Climate Change Development Plan Document. The cliff works are also in contravention of the Shoreline Management Plan. These points and others were detailed by Newquay Town Council, in their response which objected to the developer's application to the MMO in June 2019 (see Cornwall Council Planning ref: PA19/05177, MMO MLA/2018/00527).

These works began partly based on an access licence granted by the Duchy of Cornwall (but not within the bird nesting season of April to August inclusive), with conditions attached of which it was subsequently found to be in breach. We note with concern that in the view of a Senior Ecologist*, works should be undertaken outside of the breeding bird season, which she stipulates as from the end of February to the beginning of September). Beginning work in March, therefore, clearly goes against these recommendations, and we are confused as to why this was allowed in the first place. In Addition, there appear to be sufficient local reports of bat nesting sites which warrant a more robust ecological assessment to be undertaken.

We are nevertheless relieved that this licence has now been suspended, thus halting these destructive works, and are grateful to the Duchy for suspending it. A statement from the Duchy establishes:

The Duchy of Cornwall granted a licence at Whipsiderry beach to allow a third-party developer to access land within their ownership.

This was for the purpose of carrying out specific works forming part of a planning consent issued by Cornwall Council.

The Duchy granted access on the basis that these works be carried out in a safe manner and that all necessary consents were in place, including observing bird nesting restrictions. The Duchy has therefore suspended the licence in order for discussions between the developer and the relevant statutory authorities to take

place and for those authorities to determine if and how the consented work can take place in a safe and compliant manner.

* “Preliminary Ecological Appraisal Land at former Paradise Cove Hotel, Porth, Cornwall For the development of seven terraced houses September 2018” (Sophie Higgins, Freelance Senior Ecologist, report dated 04/09/2018 - Cornwall Council Planning ref: PA19/05177).