



Mr M Barton
Head of Sustainable Development and
Improvement
Penwith District Council
St Clare
Penzance
TR18 3QW

Please ask for: Maria Walton

Tel: 01872 322606

My Ref: 08/1721P – MW

Your Ref: 08/1721P

Date: 17 March 2009

FAO Jeremy Content

Dear Mr Content

TOWN AND COUNTRY PLANNING ACT, 1990
LOCAL GOVERNMENT ACT, 1972
LOCAL GOVERNMENT PLANNING AND LAND ACT, 1980

Application 08/1721P - Hayle Harbour Phase 1 Infrastructure - North Quay Hayle: Detailed Planning Application Submitted on behalf of CPR Regeneration and Hayle Harbour Management limited (HHML)

Thank you for your consultation on the above planning application. This letter sets out the current strategic planning and transport comments on behalf of the County Council as both County Planning and Highway Authority.

The County Council has responded separately to the outline planning application (OPA - P/08/0613) for the overall redevelopment of Hayle harbour. The County Council formally responded initially to the OPA in its letter dated 8 December 08 which set out the resolution of CCC planning committee of 27 November 08 and has updated that position following negotiations on the section 106 within its letter dated 17 March 09. Those responses establish the position of the County Council with regard to the overall redevelopment of Hayle harbour, of which this separate detailed planning application forms the first phase. As a separate full planning application clearly this current detailed planning application stands alone on its merits for the purposes of its planning assessment. However the CCC responses to the OPA provide the context for this response; and you will be aware that there remain a number of key issues with regard to the OPA that will need to be resolved by obligations, conditions or negotiations.

The proposed phase 1 development would facilitate the development of the renewables business

SPATIAL PLANNING

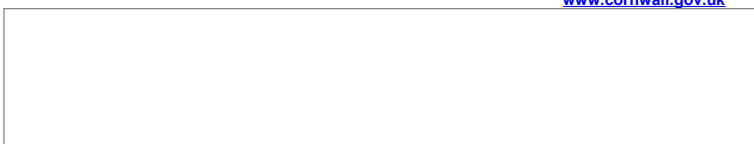
PLANNING, TRANSPORTATION & ESTATES

County Hall Truro Cornwall TR1 3AY Tel (01872) 322000 Fax (01872) 323808

Acting Director **Colin Jarvis**

Assistant Director: Spatial Planning **Tim Horwood**

www.cornwall.gov.uk



park which has the potential to secure significant economic advantages for Hayle and wider area. This phase 1 development does not include any residential or employment development but simply provides the necessary infrastructure to deliver the Renewables Business Park, revitalise the harbour and the local fishing industry and to provide the infrastructure necessary to support the “wave hub” project. The principle of the proposed development is strongly supported in terms of the location of the development in relation to the built up area of Hayle (Structure Plan policy 16), the use of brown field and (Structure Plan policy 3) and the support for the regeneration and investment in Hayle (Structure Plan policy 11). However there are some outstanding issues.

Transport

The principle of the new bridge access is accepted and the likely operational traffic in the first phase unlikely to present a problem. However the following issues will need to be resolved:-

i) Construction Management Plans / Site Waste Management Plan (SWMP)/Timing of the New Bridge

In the absence of a SWMP which was anticipated from the applicants in February, it is uncertain as to the type and quantities of waste that may either be used on site or need to be transported off site. Furthermore, there are issues as to the capacity of the existing swing bridge to take significant traffic increases, particularly HGVs. We have just received some further supplementary information from the applicant on this issue and will need to consider this further. The applicant does not intend to construct the new bridge until late in phase 1 i.e. after the harbour has been dredged. This raises issues as to the acceptability of the transport proposals for waste and for the construction process for the phase 1 DPA, and as to the timing of the bridge. It will be important to secure planning conditions to ensure that the CMPs and SWMP are prepared and signed off before construction commences. It will be important that these issues are fully understood and addressed to ensure that workable solutions can be secured through appropriate planning conditions.

ii) Access Junction i.e. Junction of New Bridge with the B3301

The access junction will also require a safety audit as its operation by use of a “green man” signal may not be possible on the western arm of the B3301 where there is potential conflict from traffic emerging from the garage. For the overall OPA, capacity at the junction has been identified as a problem, however traffic flows as a stand alone phase 1 application is unlikely to cause concern.

iii) The New Bridge

The approval of the bridge is subject to a separate “Approval In Principle” process (AIP) and will also be the subject of a Section 278/38 legal agreement. These processes will need to resolve the outstanding issues of detail that have been identified. There are some inconsistencies to be resolved. Further consideration is required in respect of the proposal for a bird screen. This raises health and safety concerns and also potential maintenance liabilities which will occur.

iii) Internal Road Layout and Parking

The internal road layout is being promoted as a 20mph zone and will also be subject to a section 278/38 ensuring adoption. The detail will need to conform to the County standards and is subject

to its own detail checks, safety audits and approval.

There is need for further discussion on the extent of adoption including on street parking areas and there is need of a condition to cover the operation of off street parking so that it conforms to current policy. A separate condition on the phasing of parking through the various phases has been suggested as a section 106 planning obligation and is seen as helpful. A plan should be submitted detailing the areas intended for adoption.

iv) Public Rights of Way (PROW)

The area within the first phase application contains a number of Public Rights of Way (PROW) which will be affected by the development. A plan of the proposals for diversion / extinguishment of existing PROW is required to clarify the extent of the impact of the development on the PROW network. In the absence of a plan of the diversion / extinguishment proposals, the Living Environment Service at CCC has submitted an objection to the proposals. The diversion / extinguishment of PROW to enable permitted development to take place is subject to a separate legal process under section 247 of the Town and Country Planning Act 1990. Orders under this section can only be made once permission for the development has been granted (though consultation on proposals for the diversion / extinguishment of PROW should normally take place at the same time as consultation on the planning proposal). Development should not be commenced which affects PROW until the Orders are confirmed and operative.

Natural Environment

The removal of the cockle bank and dredging of the harbour will result in a loss of inter-tidal habitat. The section 106 agreement will need to ensure that there is a realistic prospect of a site being delivered to secure the mitigation/compensation for the loss of inter-tidal habitat. Without this, the proposals raise conflict with national, regional and structure plan policies which seek to avoid adverse impacts and to mitigate unavoidable damage particularly to sites of national and regional significance (i.e. in this case the Hayle estuary and Carrick Gladden SSSI and the Towans BAP habitat both of which are identified on the draft RSS Nature Map as Strategic Nature Areas and as such are protected from harmful development (draft RSS policy ENV4)

Historic Environment

The application includes repair and restoration of existing quay walls to North and East Quays: it does not include the restoration of South Quay walls. The County Planning Committee report and resolution of 27th November concluded that the case for agreeing to this scale of development within a World Heritage Site rests on the applicants being able to demonstrate that all the Listed quay walls will be repaired and conserved as part of a phased development. This is the only way to guarantee demonstrable benefit to the World Heritage Site.

Penwith officers have accepted that the applicant will not agree to repair of all the quay walls as part of a single phase and have sought a compromise position whereby the applicant is required to carry out emergency repairs to South Quay, including the repair of the major breach in the quay wall opposite Penpol Terrace, as part of the Phase One works.

Whilst this is contrary to the County Planning Committee's view; in circumstances where Penwith District Council is nonetheless minded to approve the application, the CCC Historic Environment

Service (HES) considers that, as a minimum, the above compromise should be secured in the section 106 agreement

It is normal practice that before commencement of development, including any associated groundworks or demolition, a programme of archaeological investigation shall be submitted to and approved in writing by the local planning authority. This can be achieved through appending a standard PPG 16 condition.

Planning conditions will also need to include:

- the need for a phasing plan which identifies when each of the heritage assets will be dealt with
- the protection of historic structures/buildings against damage during development

The County Council will also be seeking to secure (through the section106) details relating to the schedule of works for the quay restoration, and specification of repair programmes.

Conclusion

Notwithstanding the outstanding issues with regard to the OPA, viewed on its own merits this application is supported in principle. However the above issues with regard to transport (including PROW); the mitigation for the loss of inter-tidal habitat; and the restoration of the South Quay walls need to be resolved.

Ongoing discussions will be necessary as to the wording of the planning conditions and section 106, across the range of issues to ensure that all the necessary requirements are appropriately secured. The elements of the section 106 and planning conditions for the OPA, that relate to phase 1, will need to be repeated separately for the DPA.

Yours sincerely



Phil Mason
Assistant Director Spatial Planning