

Friends of Penzance Harbour

c/o John Maggs
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13 November 2009

The Rt Hon John Denham MP
Secretary of State for Communities and Local Government
Communities and Local Government
Eland House
Bressenden Place
London SW1E 5DU

Dear Mr Denham

We are writing to you from Penzance to ask you to call in all proposals being made by Cornwall Council – as statutory undertaker and leading member of the 'Route Partnership' – for major works at Penzance Harbour.

The townspeople of Penzance have consistently been led to believe, by the Department of Transport and Cornwall Council, that the harbour proposals in their entirety would be the subject of a planning application, and indeed in February 2009 a planning application was submitted to the then Penwith District Council for the entire proposal: 'Construction and layout of new facilities and associated infrastructure at South Pier and Lighthouse Pier, Penzance.' The following month a Penzance resident was assured in writing by a Department of Transport official: 'Planning Permission will still have to be granted for this application.' However, in June 2009 the planning application that had been submitted in February was withdrawn, and in October 2009 two very limited applications, for listed building consent and for permission to construct a new sea wall, were submitted. These works would constitute only a fraction of the whole.

The entire scheme would, if implemented, have major consequences for the town. Its effect would, in brief, be to create a freight depot in the middle of our historic seafront, attract heavy traffic along our seafront roads (which are already hazardous for pedestrians), and thwart proposals in the statutory Local Plan for re-establishing links between the town centre and the harbour, as well as doing irreparable damage to the South Pier (this is the subject of the application for listed building consent). There is an alternative proposal, which would entail placing the freight depot out of town, which the Council has agreed to examine, but meanwhile it is pressing ahead with what is clearly the preferred option of the civil engineers involved. No planning application has been made for any element of the alternative, and we are told there is a tight deadline after which funding for the project will no longer be available.

In a letter from one of your officials (Ms Michelle Peart, Assistant Planning Manager – Cornwall and Plymouth) to a local resident, the latest applications are described as ‘a revised planning application’. It appears that your officials are misinformed about its nature. The February 2009 application has not been revised so much as severely truncated: it is no longer an application for the entire proposal.

Moreover, the February 2009 application was accompanied by an Environmental Statement, but the October 2009 applications were not. This deprives us of the opportunity to comment on the matters that an Environmental Statement should contain.

The public have recently been informed by Cornwall Council that it now regards permission for all the other works as having been given by virtue of the Penzance Harbour Revision Order (HRO) 2009, and consequently does not need to make them the subject of a planning application.

The HRO was made by the Secretary of State for Transport on August 27th, 2009, and came into force on September 18th, 2009. In the decision letter dated August 4th, 2009, it is stated that he had satisfied himself 'that the making of the Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economical transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships'.

It is clear that the Secretary of State took his decision on transport grounds only. There is no reference here to the relationship of the proposals to the provisions of the Local Plan for Penwith or to the interests of the people of Penzance having been taken into account. The normal provisions of the statutory planning process, which falls within your responsibilities as Secretary of State for Communities and Local Government and which would have afforded us the opportunity to have local interests taken into account, have been circumvented. Moreover, we have been informed by the Department for Environment, Food and Rural Affairs that there has been no consultation with the Marine and Fisheries Agency, which administers a range of statutory controls that apply to marine works, including construction and coastal defences.

In layman's language, Cornwall Council's stance is tantamount to asserting that a motorist who has a green light at a road junction is absolved of any duty to avoid knocking down pedestrians who might be in his path. And indeed, as DEFRA officials have pointed out to us, the existence of the HRO 'does not absolve the developer from seeking any other permissions that are necessary'.

(More information is contained in the two attached documents, which are formal complaints submitted to Cornwall Council by the Friends of Penzance Harbour and a local resident. We anticipate placing them before the Local Government Ombudsman if the defects are not remedied.)

In the light of the above, we make the following requests:

1. We ask that your officials inform themselves about the fact that the current planning applications in respect of Penzance Harbour relate to only a fraction of the scheme.
2. We ask that since Cornwall Council claims to be progressing two alternative proposals for Penzance Harbour, you direct the Council to treat them together, in parallel, rather than taking one forward to the planning application stage ahead of the other.
3. We ask that you direct Cornwall Council to submit planning applications for the scheme as a whole, rather than for certain elements only, as was done in the case of the February 2009 application.
4. We ask that you direct Cornwall Council to attach an Environmental Statement to all planning applications in respect of Penzance Harbour.
5. We ask that you make it clear that you will call in all the alternative proposals being made by Cornwall Council.

As you know, Cornwall Council is a newly-formed unitary local authority. It appears to be taking a 'cutting corners' approach to policy making in this case, which is not what one expects of a democratically-elected local authority. We ask your help in ensuring that Cornwall Council abandons this approach forthwith and does not revert to it in future.

Yours sincerely

John Maggs
On behalf of the Friends of Penzance Harbour