

Cornwall Council report

Cllr Dick Cole

Time period: 23rd September – 24th October 2014

Please note: I was on holiday between 3rd October and 12th October.

1. Council meetings

I have attended a range of meetings over the last month. These included: Full Council, Strategic Planning Committee, Central Sub-Area Planning Committee, Reputation and Performance Portfolio Advisory Committee, Constitution and Governance Committee, and Group Leaders (2),

2. St Enoder Neighbourhood Plan

The closing date for returns of the questionnaire for the St Enoder Neighbourhood Plan was 4th October, and I am pleased that we have had a reasonable response. I also attended the third consultation event at Fraddon (30th September).

3. St Enoder Parish Plan – update report

I have, with the assistance of the Parish Council Chairman Michael Hopkins, completed an update report on progress towards the 75 Action Points agreed in the 2008 St Enoder Parish Plan. What has been achieved over the last six years – in relation to the Plan – is quite impressive and something which we should all be proud of.

4. Penare Pig Farm, Higher Fraddon and associated AD plant

At the last meeting of the Parish Council, I presented a detailed report about the concerns relating to the development of the AD plant and the pig farm at Penare Farm, Higher Fraddon. Over the last five weeks, I have received numerous further representations from local people and I have been in regular liaison with Cornwall Council planners, as well as representatives of Greener for Life, FLI Contracting and the pig farm.

My recent work on this issue can be summarised as follows:

- Challenge to 2013 “non-material amendment”

Last month, I reported that a “non-material amendment” had been agreed between the developer and Cornwall Council, which had not been presented to me as local member or to the Parish Council. It modified the nature of the restricted vehicle movements and the extent of the imported feedstocks.

For example, the number of staff cars had been reduced from ten to two per week, while the number of 44-tonne articulated lorries had been increased from five to 13. The actual alterations were reported in detail in my September report.

The consequences of these changes is very significant, particularly in relation to the amount of material being brought to the site.

The planning permission for the biogas, as agreed in 2009, stated that the approximate volume of feedstocks would be as below:

- Slurry from pigs – 7,800 tonnes
- Water – 9,560 tonnes
- Bakery waste – 5,480 tonnes
- Brewery waste – 500 tonnes
- Glycerol – 160 tonnes

Greener for Life have confirmed that they now plan to take 3,000 tonnes of pig slurry from the farm and to import 38,700 tonnes of other materials onto the site. This equates to a sixfold increase in imported feedstock.

I have formally challenged Cornwall Council as to how such significant changes could have been agreed through a “non-material amendment.”

Greener for Life have confirmed to me that the figures within the NMA do not accurately reflect what they wish to do, and that they are working on revised figures.

- “Open-air” meeting at Penare (2nd October)

Following the last Parish Council meeting, I requested that the future operators of the biogas plant (Greener for Life) and their present contractors (FLI Energy) hold a meeting with local residents, specifically to address concerns about the construction works. It was held at the biogas plant. Greener for Life was represented by John Deane and FLI Energy was represented by Dave Madders. Approximately fifty local residents attended the meeting and many people were angry with what has been happening in recent months, as well as fearful of what the future may hold for them.

I will acknowledge that the meeting was chaotic, but I used the opportunity to inform the local residents that I was working to arrange a number of meetings in the near future. I informed them that this would include a formal public meeting, which would be attended by representatives from Greener for Life, planning agents for the pig farm (who will soon be submitting a retrospective planning application for the site) and Cornwall Council – see below.

- Residents’ public meeting (15th October)

Early in October, local residents formed themselves into the Higher Fraddon Residents Action Group. They produced a circular raising a number of concerns, which they distributed across the affected area. This paperwork was made available to Parish Councillors at the Planning Committee meeting on 14th October.

They also organised a meeting at the Indian Queens Wesley Church Hall on 15th October. I attended this meeting along with Parish Council Chairman Michael Hopkins.

A copy of the notes from this meeting are reported elsewhere on this agenda.

- Meeting with representatives of Greener for Life, the pig farm and Cornwall Council (17th October)

I organised a meeting to raise concerns with Greener for Life, the pig farm and Cornwall Council, in advance of a formal public meeting at which they had agreed to attend. People at the meeting included David Manley and John Deane (Greener for Life); Nick Dymond (owner of site of biogas plant); Russell Dodge (Business Location Services, planning agent for pig farm) and Dan Johns (manager of pig farm); Tim Warne (Cornwall Council, planning officer) and Rick Clayton (Cornwall Council, highways officer). Alongside myself, Michael Hopkins also attended on behalf of St Ender Parish Council).

A copy of the notes from this meeting are reported elsewhere on this agenda.

- Meeting between local residents and Cornwall Council (23rd October)

I also organised a meeting at the Indian Queens Victory Hall between Phil Mason (Head of Planning and Enterprise), Nigel Doyle (Assistant Head of Planning and Regeneration) and Tim Warne of Cornwall Council, with a delegation of local residents, to discuss concerns relating to the planning process and subsequent enforcement matters, etc.

The representatives of Cornwall Council gave a number of commitments at the meeting. These included:

- Looking in detail at the case for an alternative access off the A30 and how central government could be lobbied.
- Assessing the nature of the road to Higher Fraddon, through Highways.
- Reviewing the number and nature of vehicle movements through the retrospective planning application expected for the pig farm.
- Looking in detail at how concerns about traffic and other issues could be mitigated through planning controls linked to the retrospective planning application expected for the pig farm.

Full notes from the meeting will be produced and made available in the next few days.

- Formal public meeting

The public meeting referred to above has been arranged for Thursday 30th October at Kingsley Village. The meeting will commence at 7.00.

- Contact with MP about alternative access to the site

At the meetings noted above, I agreed to contact Stephen Gilbert (MP for St Austell and Newquay) about making representations to the Department of Transport and the Highway Agency. He has agreed to help us make whatever representations local people deem appropriate.

- Patching

Cormac visited Higher Fraddon on the 15th October to assess the condition of the road and what patching would be appropriate. At the present time, I am exploring when the works could be done and with the least disturbance to local residents.

5. Indian Queens School

Cornwall Council has granted planning permission for five much-needed additional classrooms at the site. As reported last month, I remain disappointed that the "traffic management plan" produced by consultants for the unitary authority did not take adequate notice of the worries of local residents concerning the existing problems with traffic and congestion.

While application was being considered, I made representations and was able to secure some assurances that they would continue to consider changes to the "traffic management plan" and, potentially, the addition of extra car parking.

This was confirmed in a letter from Paul Solway, to the planning officer, as follows:

The Council is committed to ensuring the success of School Travel Plans and is committed to monitoring their performance through regular monitoring and review systems. In general terms Travel Plans are intended to find alternative methods of travelling to school other than by private car journeys that terminate at the school gates. However there may be circumstances for schools where such matters are not successful and in such instances the monitoring and review requirements, which are secured by planning conditions, are intended to find ways of reducing car travel.

In the case of Indian Queens we consider that the reduction of the number of vehicles that enter the Suncrest Estate is a priority in terms of reducing the impact of peak school travel times on the local community.

However, we do recognise the concerns of Cornwall Councillor Dick Cole and local residents from the surrounding area, who wish for there to be an increase in parking provision for those vehicles who do travel to the school gates in order to reduce conflict with the owners of properties around the school.

I will give an assurance that in the coming months, we will monitor the situation and if the actions contained within the submitted Travel Plan are not securing the relevant reductions in traffic, we will investigate the provision of additional parking facilities within the proximity of the school.

It is important to note that, should it be agreed that more car parking is needed, a further planning application may not be required as potentially the works (on school / Cornwall Council land) could be undertaken as a permitted development.

I have personally given this assurance to Cllr Cole and look forward to liaising with him in the coming months.

6. Gaverigan Manor Farm wind turbine

I attended the meeting of the Central Sub-Area Planning Committee on 29th September. In previous weeks, I had given advice to the landowners as well as the nearest local objectors and assisted with the production of a statement for the meeting from St Enoder Parish Council. Cllr Mark Morcom attended the meeting and spoke on behalf of the Parish Council.

Issues raised by myself, the Parish Council and local residents included landscape impacts, concerns about noise impacts and flicker. The Committee did not debate these concerns to any great degree and it was passed by eight votes to five with one abstention.

7. Gaverigan Manor Farm wind turbine – community payment

Clean Earth Energy who successfully gained planning permission for the wind turbine at Gaverigan Manor Farm have set out a commitment to pay £6,000 per annum to local projects.

Following the meeting of the Central Sub-Area Planning Committee, I asked representatives of Clean Earth Energy whether they would be willing to pay this funding to the Parish Council to support capital projects in the Parish. I received the following response:

I can confirm that Clean Earth (CE) will make £6k annual community contribution over the anticipated 20 year term of the project, as stated in the planning statement. I also confirm that we shall index link the payment with RPI, such that it's "inflation-proofed" over the full period.

The payment will be made annually in arrears, and made for the "direct benefit" of the local community.

Clean Earth do not wish to be involved in the fund allocation decision making process. In respect of each project, we consider it imperative that local beneficiaries are determined on

their own merits – with no input from CE (other than provision of funds) whatsoever.

We tend not to allow Parish Councils to determine the distribution of funds, especially where there has been no positive engagement within the project. Instead we would allow [the landowners] a primary role, especially given their understanding of local issues and requirements - perhaps in conjunction with a small, independent allocation board.

As the turbine is unlikely to be erected until Q2 2015, there's a fair amount of time to get the details resolved.

7. Goonabarn (first) wind turbine – community payment

Members will recall that when planning permission for two wind turbines was consented at Goonabarn, a legal agreement to pay an annual community payment to the local area had not been agreed. Members will also recall that I approached the landowner, John Richards, who gave me a personal assurance that he would nonetheless pay £2,500 (per turbine) to the Parish Council each year.

I can report that I have written an agreement between the landowner's company and the Parish Council, in respect of the first turbine. The agreement has been signed by Mr Richards and Cllr Hopkins, and we have received our first payment of £2,500.

Mr Richards has also confirmed that he will sign a similar agreement for the second turbine, once it has been erected.

8. "Chytane" wind turbine

The Cornwall Council decision to refuse planning permission for a wind turbine on farmland near Chytane was upheld at a recent planning appeal (30th September 2014).

The reasons which the inspector gave to uphold the decision to refuse the consent including landscape impacts, impact on St Enoder Church (a Grade I Listed Building), concerns about noise and harm to the living condition of local residents.

In terms of noise, the Inspector noted concerns about the existing turbine at Melbur, and stated: "It appears to me that there is no prospect of framing a condition which would ensure effective control of what the residents of Chytane Farm consider now to be an unacceptable impact upon their living conditions and what they consider would be an enhanced and cumulative effect if the appeal proposal goes ahead."

And in his concluding section, he added: "There would be less than substantial harm to the significance of a Grade I heritage asset; one therefore of the most value to the nation's heritage. In addition, there would be the harm to the character of the landscape ... and the harm to

the living conditions of nearby residents that cannot be overcome by any suggested condition ... in my judgement the benefits of the proposal would not be such that the overall balance falls in favour of the appeal proposal.”

9. Solar farm at Burthy

The Cornwall Council decision to refuse planning permission for a large solar farm on farmland near Burthy was overturned at a recent planning appeal (30th September 2014).

The key issues related to the effect that the development would have on “(a) the landscape character and visual amenity of the area; and (b) the best and most versatile agricultural land.”

The Inspector reported that: “I do not consider that the limited discernable effect that there would be on landscape character and visual amenity as a result of either the development itself or the appeal proposal in combination with the other solar farms nearby would amount to the substantial harm.”

He also confirmed that he gave “limited” weight to the development of land that was 52% Grade 3A farmland.

10. Solar farm at Burthy – community payment

Prior to the application being assessed by Cornwall Council, the applicant signed a unilateral undertaking to pay Cornwall Council “the sum of seven thousand pounds (£7,000) per MW of installed capacity on the site within 30 days of the commencement of commercial operations,” which would need to be spent for the benefit of St Enoder Parish.

I have already started to make enquiries about how the funds will be allocated, once the solar panels have become operational.

11. Unauthorised development on land adjacent to the Kelliers

At the last meeting, I reported how land immediately to the east of the Kelliers was being developed without planning permission, and that I had been in regular contact with the Council’s enforcement officer.

Since then, on Saturday 4th October, the landowner put three caravans into the site and I understand that two of these are now being occupied. I am continuing to make regular representations to the enforcement officers.

I can further report that Cornwall Council placed some large boulders on the land opposite the entrance to the site, which was cleared without the permission of the unitary authority.

12. Works on the local road network

At Parish Council meetings over the last six months, I have reported on a range of planned works on local roads.

Patching around Burthy and Chytane has been completed.

The ditch in Higher Fraddon was cleared in July but the water does not appear to be draining away through the pipe which local residents say is there. Cormac have visited the site and are investigating what can be done.

The following works continue to be planned for 2014-2015:

Carnego Lane, Summercourt	-	patching & surface dressing
Carvynick, Summercourt	-	patching
Narrow Lane to St Enoder	-	patching & surface dressing
Newquay Road, St Columb Road-		patching & surface dressing

I am also continuing to push for patching or further patching in the following areas:

Barton Lane, Fraddon
Trevarren village

13. Old Stamps Hill

In July, I reported that Cornwall Council had agreed to clear the dumped rubble at the junction of the closed-off Stamps Hill (at the Gaverigan roundabout). I am pleased that a new gate has been installed, to hopefully discourage the ongoing flytipping in this area. I have had it confirmed that the rubble should be removed within November.

14. Inquiries

Throughout the last month, I have also helped numerous people and local organisations with advice and guidance on a wide range of issues. These include everything from parking to traffic matters, benefit problems and housing issues, to Japanese Knotweed and overgrown hedges.