

Cornwall Council report

Cllr Dick Cole

Time period: 14th July to 24th September 2017

1. Council meetings

Over the last few weeks, I have attended a range of formal meetings. These have included: Full Council; Cabinet; Central Sub-Area Planning Committee; Electoral Review Panel (2) (plus three officer / preparatory meetings); the initial meeting about a parking review; the first two meetings of the task and finish group looking at the next waste collection contract; China Clay Area Network meeting; planning training on environmental matters: a meeting about gypsy and traveller sites in the Mid Cornwall area; a briefing on bid to "Sport England" for a well-being project (which includes the Clay Area); the Cornwall Heritage Forum, and a Group Leaders' meeting.

In the same period, as well as a host of informal meetings with council officers and others, I have been at four meetings of St Enoder Parish Council, and two meetings of the Neighbourhood Plan working group.

2. Other meetings

In the last two months, I have also attended meetings of Indian Queens Pit Association (trustee) (2), the ClayTAWC Board (Chairman) (2), Cornwall and Isles of Scilly Rural Partnership, South and East Cornwall Local Action Group, St Austell Bay Economic Forum and an associated sub-group (director) (2), and the St Piran Trust (trustee) (2).

3. WW1 project

I would like to start with the positive news that I have secured a grant for St Enoder Parish Council from the Heritage Lottery Fund towards a community project about the First World War.

Over the next twelve months, we will be working with a range of local organisations to find out more about the impact of the conflict on the people and families of Fraddon, Indian Queens, St Columb Road and Summercourt.

A key part of the project will be to produce a book which will tell the stories of the men who lost their lives between 1914 and 1918.

In addition, the Parish Council will be placing new interpretation boards in our three local village halls, as well as other materials for use in Indian Queens Methodist Church and St Enoder Parish Church.

Watch out for more information on how you can get involved.

4. "Outreach" Post Office at the Victory Hall

Following the closure of the Post Office at Kingsley Village, many people have been pushing hard for the reinstatement of a service at the "Fraddon / Indian Queens / St Columb Road" end of the Parish. I can now report that Post Office Ltd has agreed that an outreach Post Office will be run from the ante-room of the Indian Queens Victory Hall for two three-hour sessions each week.

This will start on Tuesday 3rd October. The sessions will be:

Every Tuesday morning: 8.30 – 11.30.

Every Thursday afternoon: 1.00 – 4.00.

This new outreach provision will be run from the existing Post Office at Summercourt, while the cost of hiring the Victory Hall for the next twelve months has been covered by Kingsley Developers.

I am grateful to everyone who has worked to pull this together, but it is only meant to be a temporary measure as we are continuing to push to secure more permanent Post Office provision in the eastern end of the Parish. This includes seeking the inclusion of postal services in a retail unit at the redeveloped Kingsley Village complex, as stated in the planning permission.

5. Planning matters

- Pines Tip

As parish councillors will be aware, in 2016, the unitary authority rejected plans for three large wind turbines on Pines Tip next to the Pedna Carne Mobile Home Park, near Fraddon. The reasons for refusal were the lack of local support, plus the visual and cumulative landscape impacts of the proposal. REG Windpower, the company behind the scheme, then appealed to the Planning Inspectorate in Bristol and I produced a detailed planning statement on behalf of the Parish Council.

I can now report that the Inspector has also rejected the scheme. Key extracts from the decision are as follows:

Written Ministerial Statement (WMS)

On 18 June 2015 a Written Ministerial Statement (WMS) was issued stating that planning applications for wind energy development involving one or more wind turbines should only be granted planning permission where: the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

Further advice on wind turbines is contained in the Planning Practice Guidance (PPG), which reflects the WMS. It also advises that the cumulative landscape impacts of a proposal are important considerations as to the effects of a proposed development on the fabric, character and quality of the landscape. Cumulative visual impacts may arise where two or more of the same type of renewable energy development would be visible from the same point, or would be visible shortly after each other along the same journey. The PPG advises that it should not be assumed that just because no other sites would be visible from the proposed development site that the proposal would not create any cumulative impacts.

Principle of Development

... when the Council determined the planning application there were no development plan policies which identified suitable sites for wind energy development. Accordingly the Council relied on the transitional provisions as set out in the WMS. In such instances local planning authorities could find the proposal acceptable if, following consultation, they were satisfied the application had addressed the planning impact identified by affected local communities, and therefore had their backing. However, since the Council's decision, the CLP has been adopted. The appeal site is not identified as being suitable for wind energy development within the CLP; indeed paragraph 2.96 of the plan makes it clear that no sites for wind energy development will be allocated unless they are included in a NP. Both parties agree that there is no NP for the area.

The appellant submits that in view of the above the transitional provisions set out in the WMS apply in this case and my attention has been drawn to a number of planning appeal decisions to support this view. Whilst noting the submissions made, I do not consider that the transitional provisions apply in this case. This is because the WMS makes it clear that transitional provisions only apply where the application was submitted prior to the WMS (which it was) and where the development plan or NP do not identify suitable sites for wind turbines. Whilst the CLP does not specifically identify suitable sites for wind energy development within the body of the plan, it makes it clear that such sites should be included in NP. It is not silent on this matter. The particular circumstances of this case are materially different to the examples quoted and I find that they are not comparable, and I have afforded them limited weight in my consideration of the appeal proposal. In any event each planning application and appeal should be determined on its individual merits and this is the approach that I have taken.

The appeal site has not been identified as being suitable for wind energy development within the CLP or a NP. Accordingly the transitional provisions do not apply in this case. I therefore

conclude that the principle of wind turbines in this location is not acceptable. The scheme would result in conflict with Policy 14 of the CLP and national planning policy as set out above. Given my finding in this regard, whilst there was both support and opposition to the scheme, it is not necessary to consider whether or not the proposal has the backing of the affected local communities.

Landscape character

I am however concerned that their visual dominance and their solid appearance with rotating blades would be likely to draw the viewer's attention to the preponderance of turbines and other tall features in the landscape. This would be likely to result in a landscape perceived to be characterised by turbines and other tall manmade structures to an unacceptable degree. The relationship of the appeal site to other wind turbines and the intervisibility between would lead to wind energy development in the area being more than occasional which would conflict with the landscape strategy set out in the Council's renewable energy document. This would lead to a significant reduction in the landscape quality of the area. I have not taken the proposed wind turbines at Scarcewater Tip into account in my assessment as these do not benefit from planning permission at this time. The presence of topography, landscape features and settlements would not mitigate the harm identified.

In light of the foregoing, I find the impacts of the proposed development on landscape character and appearance both singly and cumulatively, to be unacceptably adverse, contrary to CLP Policies 2, 12, 13, 14 and 23. There would also be conflict with the Framework in respect of the natural and local environment and visual impact.

- Pen-y-Thon, Chapel Town

The proposal for a single dwelling to the rear of the above property was also refused by Cornwall Council, but the applicant appealed the decision and it was upheld by the Inspectorate.

The applicant's agent claimed that the proposal represented the "rounding off" of the settlement but, in the representation that I prepared on behalf of the Parish Council, we took a very different view. An extract from our statement was as follows:

The frontage of the Pen-y-Thon faces to the east and any development to the west, or south west, would be to the rear of the dwelling – clearly representing the extension of "building into the open countryside" rather than any form of "rounding off."

The wooded area to the rear of Pen-y-Thon meanwhile represents a natural end of the residential part of the Chapel Town area, and any development to the west or south west of this would represent an incursion into the open countryside.

I was very disappointed at the decision, the less-than-sympathetic interpretation of local policies, and the lack of weight given to the views of the Parish Council.

- **Unauthorised development on the Kelliers**

Members will recall that, about nine months ago, the unauthorised caravan site on the Kelliers failed to secure planning permission through an appeal to the Planning Inspectorate. The owners were also told that they had to remove the caravans from the site by 18th July 2017. They have failed to do this but, in the last few weeks, have started to move caravans to the top of the site so that they can be removed. Cornwall Council is, at the present time, still in the process of taking forward a prosecution.

The application for five traveller pitches on the site has also been refused by Cornwall Council, but the landowner has appealed. The date for the appeal has not yet been set but, on behalf of Cornwall Councillors across the Clay Area, I have formally requested that the unitary authority does more research into unlawful activities in relation to such sites, and related issues, to assist in preparations for the appeal and other enforcement actions across Clay Country. A meeting is to be held with senior officers on Monday 25th September and I will be able to verbally update everyone at Tuesday's Parish Council meeting.

- **Higher Fraddon biogas plant**

The owners of the plant have submitted two appeals to the Planning Inspectorate. Condition 14 states that the types of HGVs accessing the site must be agreed through the condition, but the operators want this to be left very open-ended. Cornwall Council did not consider this acceptable and declined to discharge the condition as requested by "Greener for Life" – seeking them to be consistent with statements they made at last year's appeal about the types of lorries they intended to use.

In addition, they have appealed a planning application to modify condition 14 (by increasing the number of small vehicles to the plant) because it had not been determined by the unitary authority.

For both these appeals, written representations have to be in by 19th October.

I can also report that "Greener for Life" no longer exists. The company went into liquidation on 29th August and were bought out by Ixora Energy Ltd (which had only been incorporated on 2nd August 2017), and is owned by directors of the original company. The new managing director is

Darren Stockley who previously attended many meetings in Fraddon on behalf of Greener for Life.

However, I also understand that the "Fraddon Biogas Limited" Plant has "broken away," with a different financier – though the man recorded in the paperwork had been involved with Greener for Life for a number of years.

- **Carvynick**

At the holiday park, the application has been approved which has modified the constraints on the site. As part of the planning permission, the owners will provide £50,000 for the purchase of new play equipment for the Thomas Playing Field in Summercourt. This money will be paid to the unitary authority between 6th and 30th April 2018 and should allow improvements to be made during next year.

6. Proposed housing scheme near Mitchell

Coastline Housing is presently working up an "affordable housing led" scheme for twenty houses on the eastern site of Mitchell at the Fruit Farm. The land falls within St Enoder Parish and the company is suggesting that, for the affordable housing, residents with a local connection to either St Enoder or Newlyn East, would be eligible to apply for the homes.

A public consultation will take place on Tuesday 3rd October at the Plume of Feathers in Mitchell from 3pm until 7pm.

7. Neighbourhood Plan meetings

I am pleased that the Parish Council's working group for the Neighbourhood Plan is meeting again and busy reviewing the comments from the questionnaire circulated around the Parish earlier this year. The drafting of the actual Plan will soon commence.

8. Waste Collection and Cleansing Contract

Cornwall Council has commenced a review of the content of the contract for waste collection, street cleaning, beach cleaning, etc, which will be retendered in a couple of years. Much of the work is presently focussing on the best way to collect domestic waste from the roadside.

However, I am making representations about the limited extent of street cleaning in rural communities and the number of public waste bins.

I have reviewed Cornwall Council's list of bins in St Enoder Parish, which was quite problematic. The numbers did not always tally with the location, the location itself was sometimes inaccurately recorded, and a couple of bins were not on the list at all.

The below update lists what there is in St Enoder Parish. As you can see there are a total of 18 bins.

Fraddon / Indian Queens / St Columb Road

Moorland Road (opposite cemetery)	83
Moorland Road (cemetery layby)	348
Fraddon Hill (bus stop / layby)	351
Chapel Road (bus stop / layby)	352
Fraddon Hill (bottom of)	353
Parka (St Columb Road end)	354
Parka (nearer Fraddon end)	82
St Columb Road junction (by Chopping Block)	355
Penhale (bus stop / layby)	81
St Francis Road (bus stop nr Carworgie Way)	356
Penhale (near Westbourne Terrace)	358
Moorland Road (east of Gnomeworld)	84
<u>Not included on official list</u>	
Higher Fraddon (near bridge to Pedna Carne)- no number	
Newquay Road	899

Summercourt

School Road	360
School Road (Thomas Playing Field)	361
Road to Chapeltown (by car showrooms)	897
Beacon Road (bus stop)	47

At the Parish Council meeting on 26th September, I think it would be worthwhile to consider where we should formally request that additional bins be placed. Likewise, I believe we should also consider a formal request for more regular street cleaning to be incorporated into the new contract.

9. Review into councillor numbers

In recent months, I have regularly updated the Parish Council on the review into councillor numbers, through the Local Government Boundary Commission "for England" (LGBCE).

I can report that the LGBCE will be publishing its decision about the number of elected members for the unitary authority, for 2021 onwards, on 26th September. The next stage of work will involve working up proposals for the new divisional boundaries.

I will give a verbal update at the Parish Council meeting.

10. Highway matters

Over the last two months, I have been in regular contact with the local Cormac officer to discuss a range of highway and related matters. I can report the following:

- As part of the 2017/2018 programme for road surface improvements, works have been completed along part of Moorland Road, Indian Queens, and at Carvynick, Summercourt.

- Other works listed in this programme and still to be carried out include improvements at Trevarren; Watery Lane near Blackcross; Halloon Roundabout; and some of the rural roads around Summercourt.
- I have received a range of representations about parking and speeding issues. I can report that speed recordings are presently being taken in three locations across the Parish. I have also reported complaints about overhanging trees and bushes next to pavements, as well as vegetation encroaching over pavements.
- Some works have been carried out. This includes the cutting back of vegetation near the roundabout at Penhale to enhance visibility.
- In terms of the flooding problem on the road to Trefullock from the A3058, a team from Cormac will be carrying investigation works during the first week in October.

The China Clay Area Network Panel is meanwhile making representations about the safety record on the A3058, much of which runs through St Ender Parish.

11. Review into parking matters

As referenced in my last monthly report, I am a member of the Economic Growth and Development Overview and Scrutiny Committee and was appointed to a "task and finish" group to review the Council's arrangement for parking, which will include enforcement matters.

I am frustrated as the timetable for the review has been lengthened and the initial briefing and first meeting of the sub-group were almost entirely about car parks in urban areas and there was little thought given to those issues being raised in areas such as ours. I am, naturally, making further representations about this.

12. Regeneration study for St Austell Bay & the China Clay Area

I attended a meeting of the St Austell Bay Economic Forum to hear a briefing about the study into the regeneration of St Austell Bay and China Clay Area being undertaken by consultants called Thinking Place. My initial thought was that the conclusions did not focus enough on the parishes of the China Clay Area and I was very outspoken on this point – much to the annoyance of some other members of the Forum. It is my intention to make further detailed comment on the draft of the final document when it is produced.

13. A strategic vision?

The consultants referred to above, are also working on a project to develop a "strategic vision, shared outcome and ambitious growth narrative for Cornwall and the Isles of Scilly" for Cornwall Council and the unelected Local Enterprise Partnership.

The project was not considered by elected members in advance of the work being commissioned. I am not happy about this or indeed what was in the brief, the contents of which have only recently been shared with me and other councillors. I have raised a number of objections and, in particular, I do not agree with the manner it seeks to place Cornwall within an emerging "Great South West proposition" which will inevitably undermine Cornwall's distinct message.

14. Visit of Police Commissioner

The Police Commissioner Alison Hernandez will be attending a meeting at Cornwall Council on Friday 29th September. It is my intention to be present to make further representations about changes to local police cover (such as the threat to PCSOs) and my opposition to the merger of the local force with that of Dorset.

15. Helping local community groups

During the last couple of months, I have assisted a number of local groups with advice and practical help. This has included writing letters of support for three parish organisations (Indian Queens Band, Indian Queens Victory Hall and Wesley Pre-School) to some local grant bodies, and I am presently helping Fraddon Village Hall put together a funding application for new chairs.

16. Website for Queens Pit Association

I am pleased to be able to report that the Pit Association has just launched a new website. As one of the trustees, I pulled together some historic information about the monument, as well as details about our community building, which was turned into a website by Dinah Crellin (DMC IT), who lives in St Enoder Parish.

The website can be found at: www.indianqueenspit.co.uk.

17. Newsletter

I am about start the distribution of my latest six-monthly newsletter around St Enoder Parish. This edition includes information about the outreach Post Office at Indian Queens Victory Hall and the First World War project.

18. Inquiries

During the couple of months, I have also helped numerous people with guidance on a vast array of issues.