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Mr P Mason,  
Head of Planning and Regeneration,  
Cornwall Council,  
St Austell One Stop Shop  
St Austell  
Cornwall.  
PL25 5DR

7<sup>th</sup> February, 2011

Dear Mr Mason,

**Hayle – Four Supermarket Planning Application on Various Sites**

**and**

**Planning Application 10/08142 – South Quay, Hayle– Erection of foodstore, cinema, three non-food retail units and 30 residential units**

1. This letter is copyrighted to CPRE Cornwall. It can be reproduced and read out in full but cannot be reproduced or reported in part or be summarised by the Council or LPA without the specific written permission of CPRE Cornwall. CPRE Cornwall asks that a complete copy is passed to all members of the Strategic Committee.

2. CPRE Cornwall makes the following material planning representations in respect of the four planning applications and specifically the ING application for the South Quay. It has noted the officer's report on the application and comments of others and consultees. **It would urge Members to ask to see in this case copies of the full responses and advice from English Heritage and ICOMOS UK in respect of the ING application and South Quay site**. Without this there is a real danger that Members will not in my professional opinion be fully informed of the material planning facts. This may then give rise to a successful Judicial Review of any decision made by the LPA.

3. **CPRE objects to the granting of planning permission for any of the four planning applications**. It therefore supports the recommendation of refusal in respect of the following three applications for the grounds stated in the officer's report and the additional reasons in this letter:-

1. 10/0413, Jewson Site, Carnsew Road;
2. 10/06932, Hayle Rugby Club, Marsh Lane; and
3. 10/04297, Land at Marsh Lane

**CPRE Cornwall also objects to the granting of planning permission for application number 10/08142** – South Quay, Hayle– Erection of foodstore, cinema, three non-food retail units and 30 residential units for material planning reasons set out in this letter.

### **Prematurity and Plan Led System**

4. The officer's report does not appear to deal with the material planning issues detailed below.
5. The assumption in the reports appears to be that the case for a supermarket is made and therefore one of the four applications has to be approved. This is not the case.

### The Development Plan

6. The proposal represents a major expansion of the retail capacity of Hayle and it is noted the developer accepts this. The proposed site is not allocated for a supermarket in the Development Plan and this is not disputed. Therefore the applicant has to clearly justify their proposal and why the provisions of the Development Plan should be set aside to enable it to be approved. In this case the applicant relies on the retail reports on 2007 and 2010.

**7. The fact is that the proposal is in planning policy terms contrary to the Development Plan.** The contents of the Development Plan are paramount and should prevail when determining planning applications of this nature.

### Plan Led System

8. Whether the retail capacity of Hayle should expand as detailed in the retail reports and the town get a supermarket of the scale proposed are decisions for the Council's Local Development Framework (LDF). The Government has made it clear on several occasions that major decisions of this nature are to be made via a *Plan Led System* i.e. the LDF and not by, as in this case, a speculative, ad-hoc planning application. This is because the processes and procedures of the LDF allow the community to be properly and fully engaged in major decision making about the future planning of their area and for all options to be properly and comprehensively assessed. Please see paragraphs 16 and 17 below.

### Other Potentially more Suitable Sites

9. This proposal if approved in isolation and outside the immanent LDF removes from the *Plan Led System* the ability to make a fully informed decision about the future retail expansion of Hayle and the direction of that expansion. For example because of the four applications being considered it appears to have become accepted by the LPA that these are the only sites suitable for a supermarket.

**There is no analysis of other potential sites for a supermarket in the Officer's report and this is a major failure and flaw and one that is more than likely to mean any decision made on the report will be potentially the subject of a successful Judicial Review.** The fact is that other sites require examination and analysis as they may for a variety of reasons be more suitable in planning terms than the four now before the LPA. That is practically the case in respect of this site with its World Heritage status/designation and strong objection from English Heritage. Furthermore the planning system is now expected to make decisions on an evidence basis. There are in my professional opinion various holes in the evidence base, some of which are referred to in this letter, to show justification for this proposal.

10. If the LDF is not therefore to become a meaningless exercise and document in terms of the future planning of Hayle then the proposal has to be deemed to be premature pending the outcome of the LDF and should be refused because of this.

11. Members are aware that there is an existing planning permission on the site. Members should also be aware that the new planning application is fundamentally different from the planning permission that exists. Therefore the new application does not have to be approved and Members are quite at liberty to refusing this planning application given there are good material planning grounds to do so.

*Note - Members should be aware that prematurity can with other reasons be used to refuse a planning application as in this case.*

#### Missing Town Centre Health Check

12. Much is made of the 2007 and 2010 Retail Reports for Penwith and Cornwall Council which suggest there is a need for addition retail capacity for convenience goods. It is noted that these reports appear not to be backed up or supported with a Town Centre Health Check. The Health Check is a missing link in the LPA been able to make an informed decision and having available to it all necessary information.

#### **The English Heritage Objection and overriding Heritage Issues**

13. This site has World Heritage status/designation. It is of profound importance and significance. English Heritage a statutory consultee and the Government's experts and advisors on heritage issues have sent the strongest possible objection to the Council and LPA about the proposal. The officer's report does not in my professional view remotely convey to members the severity and depth of the objection and underplays it to a significant and dangerous degree in that it might give members the wrong impression. CPRE Cornwall urges in this important case that Member's see and read for themselves the full response from English Heritage.

14. I find it impossible, having read that response, to understand professionally the recommendation of approval in the officer's report.

**15. The advice is that objections of this strength and from a statutory consultee should rarely, if ever, be set aside especially when they are so fundamental and comprehensive as they are in this case.**

Consideration of setting aside such an objection can only take place if there are overwhelming reasons and justification in planning terms for doing so. **There is in my professional opinion no such overwhelming case in this instance.**

### **The Lack of Comprehensive Community Involvement and Engagement**

16. It is clear that the community of Hayle has had very limited, if any, involvement in the applications to date. The fact that four applications have been submitted around the same time has confused many people given that the issues have not been detailed and explained. The consultations undertaken by the applicants cannot in any way be relied upon. **The fact is that the implications of a new supermarket(s) have not comprehensively been explained to the people of Hayle by an independent source.** The consultation that has been undertaken, if it can be called that, is nowhere near as comprehensive as any engagement exercise would be when the LDF is being formulated. **The fact is that Members cannot with any confidence know the views of the Hayle community on the applications as that community has not had the facts and time and options to consider this important issue correctly.** While this is not a reason for refusing the application it is a reason for deferral and the undertaking by the Council of a full and comprehensive consultation exercise.

17. If as the Council claim the views and opinions of communities are fundamental to informing the planning process and decision making then the only way to achieve this is to wait for the LDF consultation process and place before the people of Hayle the facts and options. Cornwall Council has a growing reputation, it appears, amongst the communities of Cornwall for not listening to them on planning matters and issues. This is a case where the Council can allow a proper informed debate to take place on the merits and possible location of any additional retail capacity in the Town. This should not be a case of Cornwall Council imposing its views and opinion on the people of Hayle.

18. **What is clear is that in respect of this application the Hayle Town Council has on behalf of the community objected to the application and it is hoped that Cornwall Council will concur with that community view and desire in its decision.** After all no reason has been advanced to set aside their views

Yours sincerely

*Richard Ward*

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CPRE Cornwall