

The White House
Higher Boskerris
Carbis Bay
ST IVES
Cornwall
TR26 2TL

Tel 01736-798675
Mobile 07746-451-990
e-mail robert.jones2@homecall.co.uk

Penwith District Council
Planning Department
Council Offices
St Clare
PENZANCE
Cornwall
TR18 3QW

4 June 2008

For the attention of Jeremy Content

Dear Sirs,

FORMAL OBJECTION TO HAYLE HARBOUR REDEVELOPMENT
APPLICATION REF 08-0613-P

This letter is to be construed as a formal objection to the Hayle Harbour Redevelopment. However, please note that I am not against development of the harbour in principle but there are issues that need attention.

I have been in communication with the Environment Agency over the past 12 to 24 months and the Hayle Harbour Redevelopment appears to go against directions communicated to me by the Environment Agency. Please note that I do not necessarily agree with the directions provided by the Environment Agency but they have given specific advice, which the Harbour Redevelopment now contradicts. Therefore, what is the actual correct position regarding flood risk?

The issues are as follows:

1) SEQUENTIAL TEST AND EXCEPTION TEST

The applicant's flood Risk Assessment states that the Environment Agency have been consulted and I quote: "This project has had a long gestation period and so the consultations with the Environment Agency have been ongoing for some time".

Therefore, one may reasonably assume that the proposals put forward have been developed using Environmental Agency advice.

Page 2.

The actual harbour area itself is located where it is so there are obviously no similar alternative sites in Hayle. However, a lot of housing is proposed to be located in an area not allocated for housing, or development, in the current Penwith Local Plan.

Riviere Fields development is proposed to be located within open areas related to settlements and is therefore in direct conflict with Policy TV-2 and/or The Towans Area Policy TM-5 in the Penwith Local Plan. This housing is also outside of the specified Redevelopment Area in Hayle, Policy TV-D. This policy relates to Hayle Harbour Redevelopment which now appears to have grown well beyond the original designated boundary. The proposed development fails part b) of the Exception Test relating to previously developed land and alternative sites.

Hilltop Residential appears to be located outside of the original boundary noted in Policy TV-D.

North Quay development appears to be located, at least in part, outside of the original designated area under Policy TV-D.

The Local Plan Policy TV-D states that there is to be at least 25% "Affordable" housing in the harbour redevelopment but the current planning application provides only about 17%.

The ING ownership plan shows land approximately parallel to and behind (just to the East of) Penpol Terrace. This land does not appear to have been considered as alternative land for housing in this development as part of any Sequential Test.

The road accesses, via Penpol Terrace from Foundry end, Hayle Terrace from Copperhouse end and Lethlean Lane/King George V Memorial Walk from the East end of Hayle, to the proposed Riviere Fields residential, Hilltop residential and North Quay are through flood zones deemed "High" risk by the Environment Agency. Additionally, the application indicates that more traffic will be generated to and from the site, which will need to pass through the flood zone. Traffic queuing through the flood zone may therefore be subject to a higher flood risk. Also, how do emergency vehicles reach the housing in the event of a flood as they need to pass through the flood zone? The emergency vehicles cannot even park nearby and walk into the proposed housing development. This development therefore is either directly or indirectly putting more people at risk. This fails part c) of the Exception Test.

The Flood Risk Assessment states that the development will reduce flood risk for the wider town of Hayle. This statement is mis-leading and not true according to Environment Agency advice, who evidently

Page 3.

only consider the "Absolute" flood risk, ie assuming no defences are in place. The "Residual" flood risk, ie taking into account flood defences, may be improved for Hayle but the Environment Agency absolutely insist that this scenario is not considered for a proposed development. Why is there now an apparent anomaly?

Failure or overtopping of Copperhouse gate may result in a wall of water hitting both the existing (listed) swing bridge that is located between the existing Copperhouse defence gate and proposed concrete bridge across Copperhouse Pool and also the proposed concrete bridge itself. Traffic queuing through Hayle, where the road levels are generally below the existing Tidal Design Still Water level, never mind taking into account climate change, may therefore be subject to flooding, particularly near to Copperhouse gate where it will be located in the "Rapid Inundation Zone". Therefore, by the Environment Agency's own advice, this development may increase flood risk to residents of the proposed development. The proposed bridge would also need to be designed to resist lateral loading from an assumed wall of water (and impact loading from the iron swing bridge that may be moved by the wall of water?)

I refer to item 2.3 of the applicant's Flood Risk Assessment: The proposed development will not rely on this flood defence (Copperhouse gate) in any respect". This is simply not correct because what else prevents the high tide from swamping traffic queuing to enter and leave the site, to gain access to the proposed development? Of course Copperhouse gate is required and is relied upon by the proposed development. The fact cannot be ignored that access to and from the proposed housing development is through a flood zone and it is while travelling through this zone that residents of the proposed development may be put at risk, according to the Environment Agency advice.

The Environment Agency claim that land is becoming available outside of the main flood zone. Therefore, because land in this proposal is shown to lie outside of existing allocated land (ie outside Harbour Regeneration land), alternative sites should be considered that do not force proposed residents to drive and queue through the flood zone that, by the Environment Agency definition, must increase their exposure to flood risk.

I further quote from the applicant's Flood Risk Assessment:
"Currently, emergency access to existing residential properties on Clifton Terrace and a number of chalets on Riviere Towans, rely on access from the B3301 via the old railway swing bridge. All of these properties are outside of the development site, and will remain, post development. For a 1 in 200 year tidal event, with climate change

allowance, this route would be impassable. Even without the climate change allowance, access would be extremely difficult, as the B3301 would be flooded both from Copperhouse and at Foundry Square. With the access arrangements proposed, all of these properties will benefit from secure emergency access, via the new junction on the Phillack road, serving Hilltop and Riviere Fields. The new access arrangements will also benefit properties in King George V Memorial Walk, although, due to the existing highway levels of the Walk, the standard of improvement is not as great".

These claims are simply not correct. The existing road levels along Lethlean Lane and King George V Memorial Walk (and Hayle town areas) are around the 4.0m to 4.5m Above Ordnance Datum (AOD) level. The proposed Tidal Design Still Water Level given by the applicant for the year 2117 is 5.66m AOD. Therefore, the theoretical water depth at Lethlean Lane and King George V Memorial Walk (and in the main town areas of Hayle) is approximately 1.16m to 1.66m. A car may float in about 0.6m of water, therefore the development is adding risk not reducing risk. Also, the accesses will not be passable by emergency vehicles in the event of a flood. The Flood Risk Assessment specifically states that Foundry and Copperhouse will be under water, so why an access will be open at Lethlean Lane is difficult to understand? (In fact, the Environment Agency have produced a Lidar map showing flooding at Lethlean Lane).

Extract from Hayle Harbour Volume 1 Main Report - Flooding - "The site lies in an area at risk from tidal flooding (and to a lesser extent fluvial flooding). The existing flood defences only provide a level of protection equivalent to a 1 in 50 year tidal storm. This is below the required standard of flood defence performance".

My understanding is that the Copperhouse flood defence gate provides protection (previously confirmed by the Environment Agency) to a 1 in 200 year standard. Why is the applicant's assessment so different and greatly underestimates the protection provided if they have consulted the Environment Agency?

Additionally, because the proposed development is adding to risk, surely the development anyway should include a warning system (perhaps along similar lines to an air-raid siren?) for the benefit of the whole of Hayle potentially at risk and this would perhaps be operated from the proposed development? If the defence gate did suddenly give way, how could the people of Hayle be warned quickly? The Environment Agency would not have time to put into place their strategy to contact registered households via text, etc.

A proper "flood strategy" for Hayle is perhaps what is needed but this needs to be thought about now as part of this development, not afterwards. With the right approach, any risk to people may be reduced or even eliminated with the right systems in place. The applicant's Flood Risk Assessment is apparently in conflict with Environment Agency advice and so a reassessment is anyway required.

The proposed development therefore does not (based upon advice from the Environment Agency) comply with PPS25. Perhaps the Environment Agency would please clarify their advice given for this planning application?

2) SLUICING AND DREDGING OF THE HARBOUR AREA

It is apparent that dredging will be required for the lifetime of the development, as sluicing will not be effective (if it works as envisaged) in maintaining a totally clear access right into the harbour from the open sea. Therefore, how will dredging be permanently guaranteed in the future?

The cost of a dredger is, as I understand, presently £1,000 per day. The annual cost of say dredging every day of the year in a worst case scenario would therefore be £365,000. If this sum is divided by 1,039 proposed dwellings, this gives an average cost per dwelling of about £30 per month or £360 a year, which is not an unreasonable sum. However, this would reduce with contributions from the shops, etc.

The existing Hayle Harbour Company I assume will take on initial responsibility. However, should its parent company decide to withhold funding (I understand at present that income does not cover expenditure) and the company ceases to trade, which in theory it could, then who will be responsible for taking on the dredging and other maintenance? The development will "fail" without ongoing dredging and maintenance and therefore there should be a system set in place for the proposed houses, shops, etc to contribute to this ongoing maintenance. If this is not determined at this stage then there may be later arguments regarding who takes on responsibility.

Additionally, there must be major Health & Safety issues with sluicing. How will this be controlled and what are the comments regarding this aspect from the Health & Safety Executive or other such relevant bodies?

3) TRAFFIC

The development will greatly add to traffic all year round. Whatever the theoretical capacity of the road network, it is currently known that the town at times becomes "gridlocked". This will be made even

Page 6.

worse. Additionally, there is the flood risk aspect to queuing vehicles that does not appear to have been taken into account.

It is highly likely that cars from the site will visit West Cornwall Retail Park (Marks & Spencer, etc), thus adding to traffic problems through the actual town. The traffic details provided do not appear to take into account journeys into Hayle itself. Why?

More cars = more pollution. Although new cars are becoming "greener" they are not without pollution. If the proposed development adds more cars then pollution may be greater than without the development.

An alternative road access to the site may be via a bridge from North Quay to East Quay and a bridge from East Quay to South Quay, with traffic accessing the site just West of the viaduct. This would remove a lot of traffic from the town area.

4) SCALE OF DEVELOPMENT

I refer to the planning application in Vol 1 - "Development exclusively on previously developed land - rejected because the limited development area of the Harbour itself restricted the scale of development to the extent that it was not financially viable. The option of increasing density on the brownfield land would not have been in keeping with the character of the historic harbour or the town as a whole. The only alternative was to develop an area of greenfield land".

On the one hand the applicant insists that greenfield land is required because it would not be appropriate to increase density on brownfield land in keeping with the harbour and on the other hand density is being increased on the brownfield land and the development raised even higher! Land is owned by the applicant behind Penpol Terrace and on the West side of the harbour entrance and yet these areas at least do not appear to have been considered as alternative sites. Why? The height of the proposed development will dwarf the main viaduct structure, a prominent landmark, so how can the development be in keeping, particularly as no harbour buildings previously existed to the proposed height? If greenfield land is to be used then sequentially there are other options and it is irrelevant whether or not the applicant owns the land according to advice from the Environment Agency.

Also, there do not appear to be 1,039 berths in the marina and so presumably not all of the new housing needs to be located near to the harbour area?

Page 7.

5) LACK OF DETAIL

The planning application lacks adequate detail, even for an outline application. I would be very surprised if more detail was not insisted upon by the Local Planning Authority before making a decision.

I hope that regeneration eventually takes place but there are a lot of issues to be resolved. Any feedback from my comments would be appreciated.

Yours faithfully,

Robert Jones