

MINUTES of the Planning Committee Meeting held on Wednesday 13 January 2021 at 6.30 p.m. via Zoom conference call.

PRESENT: Councillor E M Ahearn presiding; together with Councillors, P L G Skea, J P Cooper, J A Bassett, J R Gibbs, and P Brown

ALSO PRESENT:

Cllr K Phillips, P Cooper and D Henderson who did not vote as not members of the planning committee.

M.P. for North Cornwall Mr Scott Mann, Cornwall Councillors P Rogerson, & Chris Batters

IN ATTENDANCE: Mr. P Martin (Town Clerk) and Ms. L Pinnegar (Senior Administration Assistant / Mayor's Secretary).

Meeting commenced at 18.35

P/2021/013

Chairman's Announcements and Apologies;

Apologies were received from Cllr A Coppin, Cllr J Gammon and Cllr M Barbery

P/2021/014

Declarations of Interest – Members to declare interests in respect of Any items on the agenda;

No declarations of interest were received.

P/2021/015

PUBLIC REPRESENTATION SESSION – An opportunity for local residents to make representations or ask questions relating to items on this agenda. (Note: a maximum of 15 minutes will be allocated for this session as there will be a time constraint of 5 minutes per speaker);

There were approximately 20 members of the public present.

Standing orders were suspended in order to allow more than 15 minutes for this session if required.

Comments from members of public:

Mrs J Blacklaw - Objects to the whole ridiculous application, not green and on a moorland

Mr J Coad - Chair of Lanhydrock Parish Council, who do not support the development. Personally, he is a neighbour, farms just over the river from the development. Main concerns are the main entry for cars is stated as onto B326A, Halgavor Lane is stated as an emergency access, which is a very minor road with a treacherous junction at the northern end as it goes into Bodmin and at the southern end a blind junction, with 500 metres of single-track road with no passing places. Important that this road should not be used as an access.

Sarah - Concerned about the documents available, duplication and hard to understand. How can they put a public consultation out during COVID pandemic where unable to meet and ask questions. Has sent

numerous emails to Cornwall Council and not had replies. Asked if Bodmin Town Council could do anything to assist with a public consultation so that questions can be raised. Totally objects on the grounds of it being a Moor, a natural sponge to soak up the surface water.

Ian M - Both himself and wife object to the development. Feels there must be more suitable sites in Bodmin given the nature of the land object to the development.

Member of Public - Found plans confusing due to duplication. The change of the junction is an improvement for him personally but objects to any entrance to any development on Halgavor Moor on the principle of it destroying a natural habitat. Concerns regarding arsenic being found on the land. He would like to ask the planners if there has been a risk assessment of what would happen if the land was disturbed around the areas where arsenic has been found and is there a risk of it getting into the stream which flows into the River Camel. Strongly objects to the whole plan.

C Rowe - Here to observe. Feels the development will get planning permission, but although zero rated for SIL, it is a big site so should capitalise of this to get Section 106 payments for the Town.

J Stevenson - With Cornwall Council running consultations on climate change with a decision by 5 February and all the effect of development on climate change, and that we have the climate change summit in Glasgow in November, surely now any large development should be held off until all these policies are put into place. On these grounds he objects to anything happening on this site and any applications being approved.

C Howard - 119 objections on original application which are being disregarded, also had a number of messages from members of public who would have been at this meeting but have been unable to access.

When Halgavor Moor was put forward to the Inspectorate for Allocation, the whole Halgavor development for 770 dwellings for both sides of the Lostwithiel Road, was dependent upon a new Respryn Bridge and a new road down to the Lostwithiel Road. This being CC's and BTC's Transport Strategy to draw traffic from the A30 and A38 away from Bodmin Town Centre, directing thru traffic to use the Beacon Road and Fiveways. The Fiveways and Halgavor Junction Package was to commence immediately and done within a reasonable timescale - Inspectors Report of April 2019 refers. This is not withstanding the hump backed bridge and Beacon Hill not being suitable for a vast increased amount in traffic.

WH have now decided that CC Strategy doesn't fit with their development plans and consider their proposal for a different entrance further down the Lostwithiel Road is better and safer. So are they are saying CC and the Inspector have got it wrong?

CC needs to explain when the new Bridge and Road and Fiveways will be in place to abide by their own and the Inspectorates

confirmation of their Transport Strategy. This Pre-Application should be held until such time CC can verify the decision of the Inspector regarding the Provision of Infrastructure.

We have a problem with Castle Hill development because of the Entranceway. It is time that CC stop peace mealing and looked at the whole transport infrastructure again before any further development is Approved, and Halgavor should be deferred until that time.

Regarding the Asset of Community Value on the Dragon Leisure Centre

WH have included the LC as their 'Green Space'.

This land would be better served for Solar Panels to benefit the running cost of the LC and helping toward Climate Change by reducing its Carbon Footprint to make the LC sustainable.

If CC decide the entrance should be through the Leisure Centre as previously presented, and WH have already paid an Option of £100 thousand for the alternative entrance, the LC land must be worth equally, and certainly more than that for our local community.

WH has no Option on this land, it should not be included within their Planning Boundaries.

N Cooper - Echo's previous comments, appalled that CC has used a different plan number and not re-directed the previous objections, people who previously objected might not be aware that this has happened. In full support of the objections and feels this is catastrophic for Bodmin, plenty of other sites for the allocation, and is the most unsuitable site she has ever heard of.

M Skea - Objects to the plan and here to listen to the other comments.

Member of Public - Feel a lot of underhand things going on, been objecting for so long and very cross with Cornwall Council and what they are doing.

J Rowland - Very Against this proposal, devastating for Bodmin and the wildlife, and safety on the Roads. No safety corridors, hedgehog population declining. The nature of the site is not suitable or safe for the development. Halgavor Moor needs looking after and supporting, floods been seen in the area.

J Cruise - Fully supports the campaign and what the last commenter said about the wildlife. It is important that everyone needs to make an objection on the planning application, safety on the roads should be considered as an issue, and that the development encroaches an amenity and will change the whole atmosphere of Bodmin. It should never have been included on the allocation plan. CC did not take the opportunity to take Halgavor Moor off the overall planning, leading us to this difficult position with a very powerful company who have paid an awful lot of money for this land. It looks very difficult to stop them. Could also object of loss of view, all the houses around that area will lose their views.

S Nichols – Objects, walks the area quite a lot, obvious how marginal things are down there, e.g., a marginal increase in flooding could cause

a real increased risk to the local properties. Found some of the documentation a bit misleading, information about environmental impact and pollution in Bodmin suggesting that it is on a downward trend and would like to point out that the recording station is on Dennison Road, but we had a period of no traffic going through there, pandemic also reduced number of vehicles. Primary access is in a very dangerous place, trees obscuring the entrance to what will be the roundabout, are some trees going to be removed, along with an inclusion of a cycle path on a steep hill. Frustration by the consultation process, no reference to the Wain Homes consultation that was put out on Facebook. Would like to see the findings of that survey. The style of properties 2.5 and 3 story high does not fit in with the character of the area and existing properties. Totally objects to the plan.

Cllr C Batters - Lived in town for 50 years and knows Halgavor Moor well. As a local Councillor has responded to emails and phone-calls regarding this development but has kept a low key as he does Chair the CC Planning Committee and sits on the Strategic Planning Committee so he will be voting on this application when the time comes so has to be sure he remains neutral. He has spoken to BTC Mayor and is anticipating objections from Bodmin Town Council, as this is not his ward he is permitted to speak and vote, and when the time comes, he will ensure that those objections are strongly represented. If it is the wish of BTC to speak on their behalf, he will.

Cllr P Rogerson - Referred to email from P Cooper who expressed his disappointment about the non-transferring of the comments on the previous application, whereby he asked the four Cornwall Councillors to do something about it. She did speak to the planning officer and was told that this was a usual process across planning authorities, and was given reasons such as GDPR, they could not automatically transfer because of consent, plus having the capacity to do this for all applications.

MP S Mann – Said he had sat on several planning committees with Cornwall Council and been involved in planning around 8/9 years, and never seen as many objections to a planning application as this one. His offices have dealt with more letters than any other application for residential development in North Cornwall since he has become an MP.

The main reasons for objections have been encroachment into the countryside and the valley, water and drainage problems, peruviol run off into the river, building on the wetlands, all good reasons for objections.

He is frustrated with Cornwall Council's lack of support at outlining this land as public open space. His office has supported the residents on trying to get this done, but ultimately CC have not done it, and still includes this piece of land in the allocation document for Bodmin when there are many other sites in Bodmin which could have gone in before this site. This is grounds for objection.

Cornwall Council could have done a lot more to support the people of Bodmin on this application.

Cllr P Rogerson - Wished to come back on Scott Mann's comments. She thinks the pressure for this application has come from the Government Inspector, they asked for this extra land to be put in, and she wondered how much liaison Scott had had with this body and his views of the right to develop.

MP S Mann - Scott Mann answered Cllr Rogerson's question. The Government set housing targets, but ultimately those targets are delivered by Cornwall Council so they cannot absolve all responsibility. The Council set where the land is allocated, they have a strategic document where land is allocated from and this development has been included in that. It could have been excluded and it could have included other bits of land in Bodmin. Judging by the number of people who have written about this application they should have considered that.

Member of Public - Referred to P Rogerson's explanation from CC about not being able to transfer the objections. Whilst that might be true, we are in a Pandemic, we cannot go out and get support and canvass, we cannot have a full meeting to hear objections. The application should be delayed until we can.

Public session ended and Standing orders re-instated.

P/2021/016

To consider and, if approved, adopt the Minutes of the Planning Committee Meetings held Wednesday 23 December 2020 and Monday 4 January 2021. Copies to follow, and to be signed off by Chairman on next visit to office.

It was RESOLVED to confirm the accuracy of the minutes.

Cllr J Cooper and Cllr J Bassett abstained as not at that meeting.

P/2021/017

Actions arising from previous minutes.

Two letters to be drafted by the Town Clerk – confirmed that these had been actioned and sent.

P/2021/018 - PA20/10618

Outline planning for proposed residential development of up to 540 dwellings with associated car parking, public open space, landscaping and infrastructure (access considered all other matters reserved) | Land Off Halgavor Road Bodmin Cornwall Wain Homes (South West) Holdings Ltd

Cllr J Cooper - Regarding the history of how this land got allocated, this is a question for the Councillors that sat on the previous Town Council, they were the people who were consulted on this and allocated this area for development, maybe they did not expect the development to come forward as quickly as it has, but in his opinion this is not an ideal area to choose and there are far better areas in the town which lend themselves to better connectivity with the town, better opportunities to integrate the new residents that move into the area, and ease of access and effect on the environment. It was poorly thought through and poorly allocated.

When this Council was elected and we came into the consultation of the DPD it had passed the point where we could ask for the submissions to be reassessed, all we could do was to make representation to the Inspectorate. This Council has always maintained the position that Halgavor Moor was not the right location for a development of this density and type. We have petitioned Cornwall Council and the Inspectorate, we have had conversations with MP Scott Mann, asking him to pursue on our behalf. All we could do was keep protesting.

Wain Homes environmental statement Project Description 4.3 states of consultation with the Town Council, he knows of one session where they were in a room at Chy Trevail, shown a number of blueprints and indicative plans with a load of coloured pens and asked to put suggestions on. They refused to take part as felt it was not an open and honest session. They petitioned Mr Grant who led the consultation to have a public meeting, he was offered the Council's meeting rooms where the residents could attend to share their ideas. This was consistently declined and postponed. The only other consultation was when the BTC Planning Chair and some others walked the site.

Cllr Cooper agrees with the comments made tonight, regarding the format and clarity of the information. The Cornwall Council website is difficult to use as not particularly stable and not in a coherent order, there is a lot of information that does not make sense when trying to link the information.

Cllr Cooper referred to the final version of the Environmental Statement attached to the planning portal and draws the committee's attention to a statement made by Wain Homes (5.5) of "the effects of the development on the sites ecology would not be significant." He fails to understand how that conclusion has been made. We have had very qualified and educated residents highlight to us today that the ecology in that area is extremely diverse. There is evidence that there are otters, kingfishers, and numerous other wildlife species in that area. He cannot expect that wildlife and ecology would not be affected.

It is well known and well documented that this land used to contain a municipal landfill site. That indicates that the land is contaminated. There are environment agency and DEFRA maps that detail the exact limits of the area covered by the land fill site. Wain Homes in their environmental studies state that the results of their contamination preliminary risk assessment indicate that the majority of the site has remained as agricultural land is anticipated to have levels of contamination which are considered unharmed to human health given the proposed use, however areas of the site have the potential to be sources of contamination.

If you go to the Government's Contaminated Lands Policy 1990 that states if there is any inference of contamination on a piece of development land, a specific structure for the risk assessment, he doesn't feel in anyway the requirements are addressed under that piece of legislation. Cornwall Council also have a Land affected by contamination developers guide and information requirements for

planning applications June 2017 which sets out how a contaminated land risk assessment should be carried out, what level and how many phases that should contain and what information it should provide, and who should validate it. The companies who validate that information must be DEFRA registered and have specific credentials with MCERTS (Monitoring Certification Scheme). He could find no evidence to assure him that this work has been done by Wain Homes prior to this application being put forward and it quite clearly states on Cornwall Councils guidelines that that information should be completed and available so that planners can make specific recommendations around protection of the environment of any contamination. For that reason alone, he feels the application is not complete and doesn't provide sufficient information to make a relevant decision.

Infrastructure – as mentioned by members of the public, there are fundamental issues with the infrastructure in Bodmin, the road network, the health provision, access to schools, sustained transport that have not been addressed. The inspectorate made a point of informing us the infrastructure will come hand in glove with the development. The Jail has come forward, Fiveways junction and parking around the Jail has not been addressed. Bodmin Town Council made representation about development on Castle Hill, the junction by Asda, and development along Launceston Hill have not been addressed, so he does not accept that infrastructure will follow if we agree to more development. How are these occupiers of 540 homes going to see a Doctor, we have been waiting 20 years for the Authorities out of our control to review the provision of Doctors places in this Town.

When he met with Malcolm Brown who is the portfolio councillor for planning, it was pointed out the DPD where the allocations are listed with their indicative maps, and script, as examined by the Government Inspector. For Bd-UE2b/a allocations it quite clearly stated that delivery of the entire site will not be permitted until the new Carminow Road junction and route through BDUE2b site onto Lostwithiel Road is in place. As this clearly is not in place, why are we being asked to consider it?

This is fundamental, Cornwall Council's own rules state that the development cannot start until this road is in place. The NPPF which we believe to be the guidance that all authorities should operate under is quite clear when it comes to all the guidance on flood zones. All the mapping provided indicate that this section of development land sits within a flood zone.

It states:

- If you develop near or on a flood area it should not cause detriment to the environment and the community.
- It states that if it creates a detrimental effect the planners should reject the application.
- If the effect on the flood area cannot be mitigated satisfactorily, (taking into consideration it is contaminated, wetland, and diverse ecology) then other areas should be selected.

There are other areas of Bodmin that could be selected. We have two other urban extensions, one which is not complete, one which hasn't been started. Why are we considering Halgavor before these more suitable areas are either complete or not started? The NPPF is a Government directive covering the whole of England, so if the ethos we are all operating on for the good of the community, can we not expect Cornwall Council to adhere to National Frameworks, their own submissions to the Inspectorate, Government contaminated land guidelines and what is morally right for this community, and withhold permission for this application and seek to place this allocation in another area.

Cllr Cooper said he has kept an open mind but after hours and hours of research he finds more and more reasons why we should not under any circumstances support this application.

- The technical data does not assure us that contamination will not feed into the River Camel which is an SAC (special Area of Conservation)
- The transport provision is inadequate.
- The entrance to the site, coming down a hill from a 60 mile an hour area onto a roundabout on a bend at 30 miles an hour.

He recommends to the Chair that we wholeheartedly reject this application and ask for it to go to strategic planning, and if necessary, to a public enquiry.

Cllr P Brown – his concerns are that the site was selected in the first place, for all the reasons sighted so far in the meeting. Would like to see this relocated elsewhere. He referred to reviews of this particular developer and agreed with the concerns regarding infrastructure in the town and would like Cornwall Council to listen to the views of the Town and its representatives.

Cllr P Skea – this land should not been allocated, it is a marshland and wildlife corridor and flood plain. All nature reserves should be protected. There are better sites in Bodmin that can be built on so he thinks this should be taken on of the DPD altogether.

Cllr J Gibbs – agreed with Jack Stevenson's statement regarding Climate Change including the environmental aspect and the change in governments priorities. That should affect the decisions Cornwall Council make. Building on land like this is going against Government and global policy. Should reject this application wholeheartedly.

Cllr J Bassett – agrees with everything that has been said, particularly the statement by J Stevenson regarding Climate Change. This land should never have been put into the allocation in the first place as an unsuitable piece of land, too wet, a moorland, against climate change policy due to its ability to store carbon. Concerns about the lane being used as an access point. Would like to ask why it cannot be unallocated, it is not needed to meet the building target. Would also like all the comments on PA19/07346 to be taken into consideration although they cannot be changed over, still feels they are relevant as they relate to the unsuitability of the land.

Cllr D Henderson – the number of people at this meeting is testament to the feelings of the Council and Residents. She is not a voting member of this committee but would implore the committee to not support this application.

Cllr K Phillips – been against this from the start due to the unsuitability of the land and the wildlife issues. There seems to be a lack of transparency from Cornwall Council and do the residents of Bodmin know about this. She implores the committee to not support this application.

Cllr P Cooper – Thanks those Cornwall Councillors and the MP for attending and asked that they give a commitment to where any breaches or noncompliance to procedures has been highlighted that they take the opportunity to hold people to account and that they do comply. Thanked Cllr Rogerson for following up the query regarding the transferring of the comments. He is not happy with the answer he got and feels that CC is here to serve the people of Cornwall and should find a way. He also thanked the campaigners for all their work.

Cllr J Cooper summarised his previous comments:

1. Propose that we reject this planning application and register with the Clerk that we wish it to be called into Strategic Planning.
2. We ask the Clerk to write to the Member of Parliament on our behalf to highlight some of deficiencies in the procedural and technical data that we feel may have been overlooked in this application.

It was proposed to not support this application as below:

Point 1

Cornwall Council state in their submission to the Inspectorate when this development plan was put under examination that the delivery of the entire site Bd-UE2a/b will not be permitted until the new Carminow Road junction and route to Bd-UE2b site to Lostwithiel Road is in place.

Point 2

The NPPF section 158 has a specific section on flooding and it recommends that a sequential test is used to determine if a site is appropriate.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

We have Callywith urban extension which has not been started and St Lawrence urban extension which has not been exhausted, and both much more unlikely to flood than Halgavor Moor.

Point 3

The Contaminated Lands Act 1990 plainly states that in order for the planners to consider this, there should be a risk assessment and because it is proven that this land has contamination, the old refuge site is registered by DEFRA on the mapping of old landfill sites. There is a specific responsibility to do test digs and come up with preventative measures to either remove the contamination or mitigate it, which can be evidenced to be used as any future planning approach.

It was RESOLVED unanimously by the planning committee that Bodmin Town Council do not support this application PA20/10618

It was RESOLVED that the Town Clerk requests the application PA20/10618 comes before the next available Strategic Planning Committee.

It was RESOLVED that the Town Clerk write to the Member of Parliament to investigate the deficiencies of the information provided to this Council.

Meeting closed at 8.03 pm.