

Friends of Penzance Harbour

c/o John Maggs
17 Jack Lane
Newlyn, Penzance
Cornwall, TR18 5HZ

Mr Kevin Lavery
Cornwall County Council
County Hall
Treyew Road, Truro
Cornwall, TR1 3AY

2nd November 2009

Dear Mr Lavery,

Formal Complaint: Maladministration leading to injustice in respect of Penzance Harbour Proposals

This complaint relates to proposals for works at Penzance Harbour. We complain that we, like other members of the public who live in Penzance, have been misled by the actions and statements of local government officers employed by Cornwall Council (and their predecessor authorities, Cornwall County Council and Penwith District Council) into believing that the current proposals (known as 'Option A') would in their entirety be the subject of a full planning application. However, the applications published this month relate to only a small portion of the proposed works: an application for listed building consent for works on and around South Pier and Lighthouse Pier, and an application for construction of a new sea wall at South Pier. As a consequence the public is unjustly being deprived (a) of the opportunity to have the planning aspects of the proposals as a whole considered by their elected representatives, and (b) of the opportunity to submit objections on planning grounds to the proposals as a whole.

In September 2008 the 'Route Partnership', of which Cornwall Council is a member, announced a forthcoming exhibition of 'the planning application proposals', and this duly took place in Penzance on the 30th of that month. The exhibition was described as a 'Pre-Planning Exhibition', and billed as an 'Exhibition of the IoS Link Harbours Planning Application Proposals'.

In January 2009 a further 'pre-planning exhibition' took place in Penzance, with the stated aim '[to] provide an opportunity for the stakeholders and public to view and discuss the proposals before formal submission for planning approval'.

In February 2009 a planning application was submitted to Penwith District Council for the entire proposal: 'Construction and layout of new facilities and associated infrastructure at South Pier and Lighthouse Pier, Penzance.'

In March 2009 a Penzance resident was assured in writing by a Department of Transport official: 'Planning Permission will still have to be granted for this application.'

In April 2009 Penzance Town Council's response (in a letter to Cornwall Council received on April 9th) to consultation on the proposals made it clear that at that stage the Town Council anticipated still having the opportunity to object to the planning application when it was formally submitted for approval.

In June 2009 the planning application submitted in February was withdrawn.

In October 2009 the very limited applications described above, for listed building consent and for permission to construct a new sea wall, were submitted. The public have been informed that Cornwall Council, the statutory undertaker, now regards permission for all the other works as having been given by virtue of the Penzance Harbour Revision Order 2009.

The Penzance Harbour Revision Order 2009 was made by the Secretary of State for Transport on August 27th, 2009, and came into force on September 18th, 2009. In the decision letter dated August 4th, 2009, it is stated that he had satisfied himself 'that the making of the Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economical transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships'.

There is no reference here to the relationship of the proposals to the provisions of the Local Plan for Penwith or to the interests of the people of Penzance having been taken into account.

It is apparent from the proposals that they have been formulated by civil engineers with no discernible input from members of the town and country planning profession. Having led the public to believe that the entire proposals would be the subject of planning permission, affording us the opportunity to have local interests taken into account when decisions are taken, the project team now seeks to rely on the Penzance Harbour Revision Order for authority to go ahead. If they succeed, they will have circumvented the normal provisions of the planning process, with their built-in safeguards for local residents. Therein lies the injustice of which we are complaining.

We would add that we find it highly objectionable that on this matter, which will affect Penzance and its residents in a major way – not least by thwarting efforts, endorsed by the statutory local plan, to reunite the town centre with its historic seafront – we are being subjected to a procedure which a small group of people, with undoubted technical skills but manifestly no training in resolving public interest issues in a democratic society, appear to be making up as they go along. Justice is neither being done nor being seen to be done.

We understand that you have a formal complaints procedure under which this will be handled and look forward to hearing from you further.

Yours sincerely,

John Maggs
And on behalf of the Friends of Penzance Harbour