

Amended to show True Friends comments ([shown in blue](#))

17<sup>th</sup> February 2010

NEW VERSION

## Friends of Penzance Harbour

[www.friendsofpzharbour.org](http://www.friendsofpzharbour.org)

# How to object to the re-submitted application for LBC

As a result of the recently enacted Harbour Revision Order (HRO) Cornwall Council now consider that they have permitted development rights for most of the Option A scheme to build on Battery Rocks beach (see [www.friendsofpzharbour.org/blog\\_more.php?b=49](http://www.friendsofpzharbour.org/blog_more.php?b=49) for more information).

The only thing standing between them and implementation of the Option A scheme is the need for "listed building consent" (LBC). A first application for LBC was rejected by the Council's Strategic Planning Committee (SPC) on 14<sup>th</sup> December 2009.

An identical application has now been resubmitted (ref: 10-0095-LBC). A notice for it appeared in The Cornishman on 11<sup>th</sup> February and the deadline for objections will be 4<sup>th</sup> March. The application will be considered by the SPC on March 8<sup>th</sup>.

The LBC application can be viewed at [www.cornwall.gov.uk/default.aspx?page=21669](http://www.cornwall.gov.uk/default.aspx?page=21669). For more information about the importance of the listed South Pier view the application's Historic Building Analysis [www.friendsofpzharbour.org/pdfs/HistoricBuildingAnalysis.pdf](http://www.friendsofpzharbour.org/pdfs/HistoricBuildingAnalysis.pdf). Any member of the public can object and this can be done either in writing to:

Phil Mason, Planning & Regeneration  
Cornwall Council, St Clare, Penzance, TR18 3QW  
Email: [planning.west1@cornwall.gov.uk](mailto:planning.west1@cornwall.gov.uk)

Or on-line at: [www.cornwall.gov.uk/default.aspx?page=14945](http://www.cornwall.gov.uk/default.aspx?page=14945). The on-line form asks you for an "application site address": just put "Penzance Harbour".

However you object be sure to quote the planning application no: 10-0095-LBC.

In addition to sending your comments to the above address you might also want to contact members of the planning committee; their contact details are at Annex I. Do not expect them to express an opinion before the meeting.

**All or some of the following points should be included in your objection but it will be most effective if it is written in your own words.**

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Point 12 is particularly important.

## Key objections to planning application No. 10-0095-LBC "Listed Building Consent"

The underlined text has been added or amended since the last version in response to earlier changes to the plans and comments made in the officer's report to planning committee members.

1. The works will seriously harm what the applicant's own Historic Building Analysis describes as "among the most sensitive of any archaeological sites in any Cornish urban environment, and, in a national context, as significant an archaeological resource as any harbour or coastal town in the country". The "programme of works" and associated "Conservation Enhancement and Repair Brief" offered by way of mitigation is nothing more than best practice for any owner of a listed structure and should be undertaken anyway.

2. The demolition works will cause very substantial damage to the fabric of the listed building and in particular the late 18<sup>th</sup> Century parapet wall. English Heritage has said that "the stonework to the South Pier is a distinctive part of the harbour and creates the setting for the entire area. The loss or concealment of part or all of the harbour walls as part of a scheme may be considered to have a large adverse effect on the heritage asset as a whole." The fact that parts of the wall being demolished have been altered is irrelevant; the alterations no-longer serve a purpose and are reversible.

There is very little demolition involved – just the top of the wall to allow access to the passenger terminal and freight area. The outer part of the harbour wall will be protected by rock armour. This is visually intrusive but necessary because the South Pier is old and the fabric is deteriorating due to the action of the sea. English Heritage accept the unavoidability of rock armour. Following a letter writing campaign by FOPH English Heritage stiffed their position on the reclaimed area. English Heritage have told the Council it is their responsibility to decide the balance of needs – heritage preservation verses economic and other impacts of projects. If the reclamation does not go ahead then it will be rock armour all the way down the Harbour wall and on Battery Rocks beach at some point funded by the Council – this is necessary because of the overtopping (flooding) in the Barbican area.

3. The works will irreversibly bury (through infill and rock armouring) large parts - including the oldest parts - of the largest, longest 18<sup>th</sup> century pier in Cornwall, fundamentally changing its character from a free-standing and iconic part of the town's historic landscape into little more than an underground and inaccessible archaeological relic. The applicant's own historic building analysis describes it as "part of an extensive

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and important harbour complex that puts it on a par with [Grade] II\* [listed] harbour structures elsewhere in Devon and Cornwall”, and goes on to say that the current Grade II assessment is inaccurate and the pier should be Grade II\* or “scheduled” which would make it part of the most important 8% of listed buildings in the whole country. It is currently being considered for regrading.

FOPH has campaigned English Heritage to upgrade the Harbour’s heritage status. This has the potential to obstruct any changes to the Harbour in the future. The Harbour has been adapted continually since the 1300s but II\* status could bring that to an end. Arguably Penzance Harbour would then become a maritime monument.

The difficulty with historic harbours is who will pay to maintain them. The £24 million being spend on Penzance Harbour under Option A is desperately important because Harbour fee income is tiny (a few hundreds of thousands a year). The National Trust is having to allow Mullion to be reclaimed by the sea because of the cost of maintaining it.

4. The works will fundamentally harm the character of the listed building by removing from view the elvan Portzoden reef on which the pier was built and which provided the original shelter from storms that led to the settlement that became Penzance; by removing the reef from view a key narrative linking the pier to its locality and to the history of the settlement of Penzance is lost.

You can draw your own conclusions about the value or otherwise of this argument. You can see the reef exposed at low water. Pursue this argument to the logical conclusion and you would demolish the harbour.

5. The works will fundamentally alter the public’s visual experience of the listed building and in particular the part it plays in views of Penzance from the sea, where the pier’s part in the history of Penzance is at its clearest and the visible impact of the works is at their greatest. English heritage have said “it would be preferable if this element [rock armouring] were not proposed”, and alternatives have not been properly investigated.

I recommend you visit the area involved. The sea wall is a hotchpotch of stonework when examined from the seaward side. It may have academic interest but many people find it grim and uninspiring – it is a fortress against the sea and it is losing the battle gradually. It also looks like grim fortress against the sea if viewed form The Dolphin Inn.

Any alternative plan which does not build a new sea wall or rock armour the existing sea walls is just ignoring the problem. It is a pipedream to think that nothing can change. Something has to be done. If done as part of Option A then Central Government funds it. If not then the Council has to fund it. There are pictures of overtopping on the project website.

6. The works involve the addition of a new pier head light, and the switching off of the historic 1853 lighthouse will eliminate the utility and seriously harm the character of a key element of the listed building. The light’s new position relative to the pier head

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(some 20m away) will also seriously undermine the integrity and continuity of the listed building.

Option A extends the pier by 18 metre to protect the longer replacement vessel. English Heritage do not have a problem with this change – they accept it is necessary. Secondary advantages are better protection for small boats moored in the harbour (reduced swell).

7. The abutment of a massive modern concrete structure (and rock armour) to an historic building built to different tolerances will inevitably have serious negative impacts on the listed building's fabric and future stability.

The existing harbour is made up of various different older structures (buried within it). Rock armour simply breaks the force of the waves which otherwise break directly on the structure gradually weakening it. South Pier already has dangerous fissures in the outer wall. If nothing is done sections will collapse into the sea. The rock armour simply extends the life of Pier. The proposed new section of sea wall (around the reclaimed section) will be the strongest section of the South Pier which is fortunate because it will be protecting the Barbican area.

8. By drawing heavy goods traffic further into the harbour area (at present they set down at the North Arm) the works will have an adverse impact on the setting and fabric of the listed building.

The lack of area for freight means North Arm is littered with freight and vehicles have to arrive before the freight vessel sails to unload freight that cannot be left on North Arm.

By having vehicles come to South Pier and the new feight compound (and exta 250 yds) North Pier is uncluttered and becomes much safer because lorries will not be reversing down it to off load freight.

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9. The materials and methods envisaged in the works are entirely out of keeping with the appearance and design of the listed building.

The new sections of wall and building are going to be granite faced. With some weathering they will become entirely in keeping with their surroundings. The current appearance is nothing to be proud off (just walk down South Pier toward the The Dolphin Inn and around the corner to the left to assimilate the ambience of the area today).

10. The nature of the works and the impact on the listed building is such that meaningful mitigation is not possible; the applicants own planning and heritage statement accepts as much when it describes mitigation in terms of "building recording".

Cornwall Council will almost certainly claim that the damage to the listed building is acceptable because the scheme carries "substantial benefits for the community", so it is important that in addition to items 1-10 (above) you also include the points made in items eleven and twelve (below):

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Ask yourself the question of how this will look in 50 or 100 years. Will it just be seen as another adaption of the harbour to meet the needs of the community . What is the alternative? Do nothing and see the harbour slip from being a working harbour generating income to a monument with residential income from leisure craft? Who will pay for essential repairs when parts of South Pier need major works. The best way to keep Penzance's historic harbour in good shape is to keep it as a working harbour and make the adaptations necessary for it to operate the new ferry. The alternative is grim for both the harbour and the Town.

11. The works will not enhance the environment (quite the contrary) and the placing of an industrial development and associated heavy goods vehicles in a leisure area of high historic and amenity values will hinder, not help, the economic regeneration of the area. It must be recognised that the South Pier is the current dividing line between the harbour and leisure areas and that by building on the south side of the pier the development is taking place OUTSIDE the harbour area and encroaching on an important amenity area, destroying a popular and much loved beach in the process.

The proposed new sea wall and facilities will smarten up one of the grimmest parts of the Town. The new sea wall will be imposing to look at from the sea but it will protect the historic and much frequented Dolphin Inn/Barbican area (yes – I like the pub). The area around the public loos - the embarkation point for Scilly - is an eyesore. North Pier is an eyesore. Far from creating a new 'industrial development', the Project collects up the freight and related facilities and puts them in a secure compound on the reclaimed land adjacent to the ferry. By having the passenger and freight facility adjacent to the ship the rest of the Harbour is freed up for development as the Town sees fit.

There is much exaggeration of the freight activity. The total freight moved to Scilly is approx 13,000 tons a year. Assuming 6 day a week operation that is 42 tons a day. This is not a lot of freight but it is unsightly if dumped on the quayside due to lack of storage.

Having this modest amount of freight double handled with a separate freight facility in Long Rock is economically unsustainable. All the extra costs involved are added to this small throughput of freight to Scilly increasing the costs even more. Establishing the freight facility out of town reduces traffic on Wharf Road by 1%. Certain freight has to be delivered direct to the ship anyway. Some of vehicles delivering to Long Rock (parcel carriers, food distributors etc) are visiting the Town anyway.

12. Because there are alternative plans that meet the same objectives without causing harm to the listed building also means that the works carry no special wider "substantial benefits for the community" of Penzance or the Isles of Scilly.

Options for the harbour have been 'beaten to death' since 2004. Reclamation on Battery Rocks beach was an early option because:

- Sea defences need improvement in that area.
- No existing businesses had to be moved.
- All ferry related activities were kept next to where the ship berths. The rest of Wharf Road was left free for regeneration as a leisure area (they envisaged engineering works to be relocated on North Pier).

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- It was an affordable option (many of the alternatives were more ambitious and intrusive).

There are no credible alternatives at present. A new one can be created but if means a new cycle of planning but then funding is at risk given the deteriorating Govt finances. There is no guarantee of future funding if Option A is turned down - we compete with everybody else again.

### .General objections to the scheme as a whole

1. The development is in conflict with a number of policies and objectives contained in the Local Plan and County Structure Plan.

As the conflicts are not identified they cannot be rebutted

2. The development will damage the listed South Pier and have a serious adverse effect on the setting and character of the historic harbour and of Penzance as a whole.

Option A is the least intrusive of all of the schemes envisaged that were economically credible. If you accept that major sea defences are required at the base of South Pier and in front of the Barbican then infilling and building the new facilities on top makes good sense. An appeal to the emotions (do not change anything – we love it the way it is) does not change the reality. If nothing changes at Penzance then the new ferry, when it eventually comes into service, will have to operate from Falmouth because Penzance will not have the facilities required to support it. We will then have the long term problem of how to support a harbour with a greatly reduced income.

The replacement ferry can only operate from Penzance if Penzance gets a large capital investment. The £24 million for Option A is virtually certain if and only if Project A is approved. Our MP was told this on 5 Jan 10 in Parliament by the Govt minister responsible (Paul Clark). If we re-enter the project planning phase then funding is put off by 12 – 24 months and our position in the funding pecking order may change. Of more concerns is a future shortage of capital funding. In this situation lopping off £24 million for Penzance and putting the new service at Falmouth is a solution. The Scilly Isles Council has already accepted this alternative if it become necessary.

One legal attempt to derail the whole process (Charlie Cartwrights (FOPH) Judicial Review request to declare the Harbour Revision Order unlawful) has already been made and fortunately thrown out. This action would have postponed any solution for Penzance by three years or more making Falmouth almost inevitable.

3. The development will obliterate Battery Rocks beach and seriously harm the landscape, amenity and natural values of the area.

If Option A does not go ahead then we are looking at rock armour on Battery Rocks beach because the serious overtopping/flooding has to be addressed. Rock armour is visually intrusive and it is a hazard to walk over.

4. The development ignores traffic congestion problems in the harbour area and does

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nothing to reduce the adverse effects of this on health, the natural and built environment and public safety.

Congestion is caused by lack of storage facilities for freight which means trucks have to turn up before the vessel sails to unload directly to the ship. Also, there is no easy way for vehicles to turnaround so you have vehicles reversing into/out off North Pier. This creates huge tailbacks. Only 1% of traffic on Wharf Road is related to freight traffic.

Safety is one of the reasons why the current arrangements are unsatisfactory. The mixing of passenger handling and freight handling in the same area is seen as dangerous. The vehicle movements (reversing into/ out off North Pier) are potentially hazardous. Under Option C passengers would have arrived at the Trinity House building and then dodged traffic to get to South Pier. Having a separate freight compound and separate passenger facility (on the seaward side of the road) minimizes these problems.

Amongst objectors to the Option A are an element who do like the intrusions of a working harbour on Penzance and this element are largely indifferent to the future of the ferry service. In the 2004 consultation 15% of people attending the consultation and filling out the questionnaire either disagreed or strongly disagreed with development of the harbour to improve ferry facilities and harbour business generally. Some mentioned the options of Newlyn and Falmouth. Whilst the majority of FOPH support the ferry's continued operation from Penzance, not all do. Any project that involves significant construct is therefore going to have a hard core of objectors. The wrecking action of the Judicial Review application is an example of the lengths some individuals will go to achieve personal aims.

5. The development's form, bulk and general design are not in keeping with the character of its surroundings.

One has to stand on Battery Rocks beach and view the sea walls to decide how you feel about this. Once built and weathered it is arguable that the overall impression is going to be significantly different.

6. By damaging the natural environment and undermining the town's most important heritage assets, the development harms features that are essential to the long-term wellbeing of the tourism industry and local economy

There is minimal impact on the natural environment. The rock armour will actually create habitat for marine creatures – habitat lost as the Town has controlled the sea with walls along the Promenade and harbour area.

7. Alternatives, and in particular the out-of-town freight depot proposal, would meet all the developer's objectives, make efficient use of existing sites and buildings, and remove over 250 cars, vans and lorries from the congested harbour area for each freight sailing.

Most of the traffic (99%) driving through the harbour is nothing to do with freight. Freight operations do cause congestion because of difficulties loading and off loading on North Pier but Option A provides a purpose built facility for vehicles to drive into and turnaround in.

### Final Point

Option A was developed originally for Penzance by Penzance – there were 14 other options considered. Infilling Battery Rocks beach featured early on because of the need for space near South Pier, need for improved sea defences and need to avoid displacing existing

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businesses. The scale of the project meant it had to be handled by Cornwall County Council (now Cornwall Council).

Existing facilities for freight and passengers are grossly inadequate and do not comply with security requirements or safety requirements.

The existing ferry and freight vessel are old and it was identified in 2003 that the IoS Steamship Company made insufficient profits from operating the vessels to fund a new vessel on a commercial basis. The Route Partnership was created to solve the problem because otherwise, the only commercial sea service that was viable was a freight service with higher freight costs (50% increase). The RP solution was a combined freight and passenger vessel approx 10 metres longer than the current vessel. This combined vessel would be approximately £400,000 a year cheaper to operate than 2 two vessels (the service was originally one vessel but a freight vessel was added in 1989).

The plan was to improve both harbours and fund a new ship. The ship would be leased to an operator who would provide the service. The leasing income would repay a Council loan (was £10 million now £15 million) and contribution to replacement vessel fund so that a new vessel could be bought in 25 years time without grant funding.

Well organized opposition from Penzance has delayed the project. Proposed works have been scaled back but opposition remains. From a True Friends perspective opposition is flawed for the following reasons:

- Great weight is placed on protecting Battery Rocks and Battery Rocks beach. Battery Rocks is not significantly affected (used, we argue, for emotive purposes). Battery Rocks beach needs either rock armour or a new sea wall to prevent flooding so it is not going to stay unchanged in its current state for long.
- Little importance is given to the Scilly Isles service. This is reflected in the marginalization of the freight service (additional costs and complexity of an out of town centre) and similarly the passenger service by proposals to convert the Trinity House building to a passenger terminal despite it being on the wrong side of a busy road with inadequate space for vehicles to off load passengers.
- An unjustified assumption that the ferry mainland port must automatically be Penzance when, because of the need for major investment at Penzance, moving the future service to Falmouth is always a possibility which might become unavoidable if insufficient capital is available for Penzance investments.
- Little consideration for the long term future the Harbour. Rock armour is objected to but how else do you protect an aging Pier wall from damage by the sea. If the Harbour is encumbered with Grade II\* them it will be inhibited from change and adaption with the risk that is become unsupportable. Loss of the ferry service would reduced harbour income by nearly 50%. There are examples of heritage harbours crumbling into the sea due to lack of revenue to maintain them (Mullion, Porthleven).

Frustrating the development of the harbour gambles the economic future of the Town. Travellers to Scilly create a lot of tourism income for Penzance and Penwith generally. Businesses like carpet and furniture shops get a lot of trade from Scilly. Approximately 190 jobs in Penzance are seen as dependent on the ferry link (Hansard 5 Jan 10). Whilst moving these jobs to Falmouth is a zero sum game when looking at Cornwall as a whole (Penzance's loss is Falmouth's gain) it is a potential disaster for Penzance. It is the reason why the business community supported Option A vigorously as soon as opposition became evident. It is also the reason why the majority of residents support the project. If you do not rely on the Town to earn a living for yourself or your children you can be more relaxed about the future of the ferry. In Penzance, this means mainly the retired community and especially those who have retired into the area and have no children living here. It is not a surprise that objectors to the project include predominantly the retired age group.



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All that Penzance has to do to ensure the ferry moves to Falmouth is do nothing and keep saying no. That is why True Friends of Penzance and the Isles of Scilly say yes to Option A