

## MINUTES ORDINARY MEETING OF POUNDSTOCK PARISH COUNCIL ON TUESDAY 29 MARCH 2022

An Ordinary Meeting of Poundstock Parish Council was held on Tuesday 29 March 2022 at 7.00 p.m. in The Gildhouse with Cllrs. Robert Gavin (Chair), Tom O’Sullivan (Vice-chair), Stephen Blake, Max Faulkner, Eric Harris, Steve Haynes, Pamela Idelson, Gemma Watton and the Clerk were present.

Public Present: 13

1. To receive apologies for absence: **088/22**

**RESOLVED** to accept apologies with reason for absence from Cllrs. Brian Furse and Revd Ben Lillie.

2. To receive Declaration of Interest and nature of any Disclosable Pecuniary Interest (DPI) and any Other Significant Interest (OSI). **089/22**

(a) Relating to any items appearing on the agenda – None received.

(b) Gifts over £50.00 – None received.

3. Council to consider requests for dispensations from Members concerning items on the agenda.  
None received. **090/22**

4. Public Participation - Matters raised by Members of the Public on an agenda item: **091/22**

A member of the public spoke on the Community Hall. A member of the public spoke on a the Community Hall Committee terms of reference and budget.

5. To resolve that the Minutes of previous Full Council Meeting are an accurate record: **092/22**

a) **RESOLVED** that the minutes of the Ordinary Full Council meeting were an accurate record and signed by the Chair.

b) Minutes Community Hall Committee

**NOTED** the draft minutes of the meeting held on 08 March 2022. **093/22**

c) To consider and agree recommendations of the Community Hall Committee to approve the Terms of Reference. **RESOLVED** to approve the Terms of Reference for the Community Hall Committee, noting that amendments can be made as or when required. **094/22**

d) Community Hall Committee – To appoint 1 Councillor vacancy to the Committee.

**RESOLVED** to appoint Cllr. Steve Haynes to the Community Hall Committee. **095/22**

6. Correspondence and NOTED from the following: - **096/22**

a) Code of Conduct Complaint – Rejection.

b) Town and Parish Council Newsletter.

c) The Rural Bulletin.

d) Community Link Officer Introduction.

7. Planning Applications:

a) Planning Applications to discuss and make a consultee comment on the following applications: -

*The Chair moved to item 7 - PA22/01066 on the agenda (for ease the minutes will be written in agenda order).*

PA21/01480 Poundstock (Poundstock Electoral Division) Construction of a crematorium with associated access, landscaping and infrastructure Lane West of A39 Poundstock, Bude, Cornwall EX23 0DE – PA21/01480 Case Officer – Helen Blacklock).

**RESOLVED** unanimously to **STRONGLY OBJECT** for the following reasons: -

**097/22**

The Parish Council (PC) has carefully considered this application and taken into consideration the **National Planning Policy Framework 2019** (NPPF), **Cornwall Local Plan 2016** (CLP), Consumer & Markets Authority Final Report 2020 (CMA Report), recommendations of the Federation of Burial and Cremation Authority, the guidelines set out by the Institute of Cemetery and Crematorium Management, The Siting and Planning of Crematoria issued by The Department of the Environment, several appeal cases, along with all documents submitted by the Applicant and have viewed all comments submitted on the portal.

The PC feels that given the significance of the proposed development, and the concern raised by Parishioners, that a detailed resolution setting out their reasons is warranted in this application.

The PC has concluded that the main issues in this application are:

- Whether or not the site is an appropriate location for a crematorium, having regard to local and national planning policy and guidance;
- The effect of the proposed development on the character and appearance of the area, including landscape character; and
- The need for the proposed development.

**Whether or not the appeal site is an appropriate location for a crematorium, having regard to local and national planning policy and guidance; and**

**The effect of the proposed development on the character and appearance of the area, including landscape character**

This proposal does not meet the sustainability criteria of **Policy 1** of the **Cornwall Local Plan** on any of the three pillars of economic, social or environmental.

In terms of economic sustainability much is made of the positive contribution the crematorium will make. The PC would suggest that siting the facility in the proposed location will have exactly the opposite effect. It will introduce an alien feature that will conflict with business and tourism. The CLP states that agriculture adds considerably to the management of the landscape upon which tourism relies. The CLP quite rightly highlights that tourism generates significant revenues, provides thousands of jobs and supports communities. The PC has serious concerns regarding the negative impact this proposal will have on business and tourism.

In terms of social sustainability, the site is a well removed settlement. The proposal would result in development well away from the nearest villages in a detached and conspicuous position.

It does not meet the criteria of **Policy 2** (Spatial Strategy) which states that '*strategic scale growth will be accommodated in our main towns and city where they can best support .... sustainable development*'.

In terms of environmental sustainability the construction of a crematorium on this prominent hillside site, visible over a wide area across the valley, within the setting of an Area of Outstanding Natural Beauty, within an Area of Great Landscape Value and which has a Heritage Coast designation and is near a Site of Special Scientific Interest, would constitute a substantial alien intrusion into this predominantly undeveloped rural area and would have a massive visual impact, adversely affecting its character, appearance and recreational use of the site and the surrounding area contrary to **Policy 23** (Natural Environment). These designations are placed on land for the specific purpose to protect the landscape from inappropriate development. The PC feels that this development in this location is exactly that – inappropriate development. Even the Landscape Visual Impact Assessment (LVIA) prepared in support of the application acknowledges it would amount to ‘*a significant change in the use of the land*’. The application states that the development will have neither a positive or negative effect on the landscape. At best this is sitting on the fence. In reality the PC feels that it will have a negative effect and this is backed up by the Principal Public Space Officer (Landscape) comments.

The PC accepts that whilst the siting of a crematorium should most certainly be peaceful and tranquil, it is hard to see how this will be achieved in a coastal location with many tourist facilities in the immediate vicinity, all being next to a very busy A39.

The proposed development would have extensive hard standing, a substantial building and prominent screening measures including the use of mounds which would stand out and appear out of place among the surrounding area. The accumulation of such features would add to the presence of the development and lend it a formality which would be inconsistent with the rural and natural character of the surroundings. It is an intensive and visually intrusive form of development. Overall, the combination of these elements would lead to an urbanisation of the site, reducing its contribution to the undeveloped agricultural character of the surrounding countryside.

The PC recognises that it is intended that the development would be accompanied by a landscaping scheme but are not persuaded at all, given the nature of the development and location, that this would be successful in preserving the rural character and appearance of the area.

The site does not meet the Institute of Cemetery and Crematorium Management guidelines. It is not flat or well screened with existing landscape features nor is it reasonably served by public transport. The LVIA suggests ‘*opportunities for landscape screening*’. This was one of the reasons the Planning Inspectorate refused the Kieve Mill appeal. Even the Applicant’s own photomontages show no screening after 15 years.

There will be views of the site to passing drivers. The development is of sufficient scale that views of it would remain visible from the roads that border the site, even after 15 years.

The Tree Officer has stated that the photomontages of tree establishment after 15 years are ambitious due to the location of site and that they would expect an increased failure rates and slower growth speeds from plantings in comparison to that of sites with less exposure. This suggests to the PC that a more suitable less exposed location could be found inland where planting would work.

The Principal Public Space Officer (Landscape) states the LVIA is ‘over optimistic’ and they state, ‘*significant concern is raised regarding the reliance on ground remodelling and planting to create the required screening and ambience for the sensitive visitors to the crematorium, on this elevated exposed site adjacent to a busy*

*strategic highway*'. They go on to state that the *'LVIA downplays the impact of the development when it assesses no adverse landscape or visual effects will be experienced, as any adverse effects are mitigated by the new planting structure'*.

No consideration has been given to assessing the visual impact for main receptors in the locality despite the request from the Principal Public Space Officer (Landscape) for the Applicant to do so.

The proposal would materially harm the character and appearance of the area including its landscape character and would be perceived by a large number of receptors and would harm public views of the area.

The NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside.

This development conflicts with a number of CLP policies and the Applicant has not demonstrated that the development will conserve and enhance the landscape character and natural beauty and as such it is in contravention of **Policy 3**.

The proposal clearly conflicts with **Policy 5** (Tourism and Business) aimed at enhancing *'the cultural and tourist offer in Cornwall and to continue to promote Cornwall as a year-round destination for tourism and recreation'*. The proposed site is the *'Gateway to Widemouth Bay'* being a tourist hotspot and will be the first thing visitors see. The site is surrounded by holiday businesses and campsites.

**Policy 5** also states that in the countryside, and smaller rural settlements, new employment uses should be of a scale appropriate to its location, or demonstrate an overriding location and business need to be in that location. Policy 5 has not been satisfied in this case.

The site's location and distance from the nearest settlements would preclude walking, cycling and public transport almost entirely and exacerbate reliance on the private car. The evidence before the PC does not indicate that such a detached location is necessary or that tranquil and natural surroundings could not be found in a location more proximate to larger settlements.

NPPF and guidelines on the siting and planning of crematoriums state that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

The PC accepts that there are no objections raised from the Highways Officer from a safety perspective, but such an activity would otherwise not occur and would introduce a use and draw further undue attention to the presence of the facility within the open countryside. The PC notes that Highways do have reservations about sustainability of the site.

The PC feels that the proposed development would give rise to unacceptable adverse impact on the free and safe flow of traffic on the local highway network serving the site contrary to **Policy 27** (Transport and Accessibility). Convenience and safety for local road users is a material consideration. Even the Applicants own visual impact document refers to the coast road as a *'narrow and winding lane well used by locals and tourists'*. It is environmentally unsustainable contrary to **Policy 1** and will only be accessed by private cars.

Comment should also be made regarding ecology in the area. The Consultee Ecologist has acknowledged that *'a good assemblage of bat species commute and forage within the site'*. There is a concern regarding the impact of lighting on bats. The Ecologist Dr John Knight has set out his professional view on the issue of bats in his objection submitted on 31 March 2021. Nine species of bat including the very rare barbastelle have been found on the site. The barbastelle is a priority specie for conservation on the UK Biodiversity Action Plan which means that it is a conservation priority on both a local and national scale and is a material consideration. The PC has serious concerns regarding the impact of the development on bats and feels that the Applicant has failed to adequately address Dr Knight's concerns.

The LLFA requires a positive, rather than neutral, impact on flood risk and the PC cannot see that this has been evidenced. The drainage design is suggesting a neutral impact, and this is based on the proposed tree planting scheme. As a result of the ambitious and over-optimistic tree planting scheme the PC has concerns regarding drainage from the site which will be significantly reliant on the success of the planting scheme. Therefore, if the planting scheme is not successful then there will be a negative impact, not even neutral.

### **The need for the proposed development**

A crematorium can be regarded, for the purposes of planning policy, as a community facility. Para 84 and Para 92 NPPF makes a clear link between need and the provision of community facilities. Therefore, 'need' is key.

The recent CMA Report 2020 states that crematorium operators must prove a 'need' for a new crematorium to planning authorities and planning appeal decisions have defined the level of quantitative and qualitative need which providers should show as part of their planning application:

- (a) 'Quantitative' need in recent appeal decisions has been held to exist where at least 136,000 people would have the new crematorium as their closest crematorium; Quantitative need in this application is 55,832 equating to 504 cremations p.a.
- (b) 'Qualitative' need has been held to exist where there will be at least 59,000 people who will, for the first time, have a crematorium within a 30-minute cortege drive time. Qualitative need in this application is 28,431 equating to 242 cremations p.a

The CMA Report also analyses cremation volumes for viability and shows that average number of cremations per crematorium is rarely under 1,000. The proposed crematorium is estimated to conduct, at best, 504 cremations.

The Applicant states that Natural Catchment Areas cannot overlap and yet they go on to say that they will attempt to attract additional business, from further away, based on quality and price. The CMA Report makes it clear people do not select based on quality and price. To attempt to attract from further away contradicts their aim to reduce travel time for mourners and impacts further on the environmentally sustainability of the proposal.

The Applicant's case is based on a series of assumptions and *'beating the competitor'* and predictions of things *'hopefully'* occurring.

The CMA Report found little evidence that more choice of crematorium equals lower cost for customers. Instead, it found that the location of the crematorium and family connections are more important to customers.

Comment should also be made regarding the 30-minute cortege drive time. This figure of 30 minutes is only a 'rule of thumb' and is not included in any policy or charter objective. It is not applied rigidly, for example, in the sparsely populated areas of Cornwall for good reason. It seems from documents recently submitted regarding site search that the Applicant now accepts that a 45-minute cortege drive time is more appropriate. The PC would have found it helpful had the Applicant submitted one map showing the 45-minute cortege drive time catchment area for the proposed site together with Barnstaple and Bodmin.

The PC takes the view that alternative crematoriums are available within what the PC consider to be a reasonable cortege drive time and are not considered to be excessive, or for there to be clear evidence that it would cause distress. Cornwall is rural in character and its population are used to longer journey times to reach higher order facilities and services. Increasing the cortege drive time to what is reasonable in a rural area results in a significant overlap with other crematorium catchment areas. Choice is not a material planning consideration.

Regarding capacity of other crematoriums, it seems that the Applicant's case against Bodmin Crematorium not having capacity to cope with demand is based on estimates and assumptions. Evidence in the public domain shows Barnstaple Crematorium is only running at 50% overall capacity as they are only using one cremator. Therefore, the PC concludes that existing crematoriums serving the area have sufficient capacity.

There are allegations of poor service, experience and claims of convenience issues attempting to portray a Qualitative Need. The PC forms the view that delay is a product of several factors, many outside the control of the crematorium.

Qualitative Need is subjective, and the PC would suggest that if any exists on reduction of travel time it is certainly not sufficient to outweigh the harm caused by the proposal to the location and the surrounding area and is not sufficient to override CLP policies and the NPPF. The Planning Inspectorate stated in the Kieve Mill appeal that '*convenience and accessibility .... does not amount to a compelling need*'.

There is no business plan evidenced within the application which given that this is a commercial application is a material planning consideration. The PC feels that they have simply not evidenced a viable proposal on sound business grounds.

### **Site Search**

No detailed site search process has been undertaken by the Applicant. The Applicant provides only brief commentary on other potential locations with little to indicate the extent to which other sites within a wider area were considered and ruled out. Claims by the Applicant those other locations would not be commercially viable or suitable are not substantiated by evidence. The Applicant has made little attempt to search and identify other sites that would be more suitable and meet greater quantitative and qualitative need.

The Applicant accepts that if there are available sites within potentially suitable areas, then those sites need to be investigated to test their suitability at a site level, and to look at their viability. The Applicant has not done this as they state no other sites are available without having evidenced an adequate site search process.

The Planning Inspectorate in several cases has been highly critical of the fact that alternative sites had not been adequately investigated. In this proposal no alternatives have been considered and investigated.

The pre-app advice also strongly recommended that a detailed formal public consultation was undertaken in advance of submitting this application. The PC wish it to be noted that this was not done by the Applicant.

### **Planning Balance and Conclusion**

The PC concludes that the limited benefits associated with the proposed development would not outweigh the significant harm to the intrinsic character and appearance of the area, including its landscape character given its location within the open countryside and lack of accessibility by means other than the private car. Consequently, the proposal would not achieve the three objectives of sustainable development set out in the NPPF and CLP.

Neither quantitative nor qualitative need for the proposed facility has been demonstrated. No comprehensive site search has been carried out. The PC notes that these were key points raised in the pre-app advice. No business plan has been evidenced.

The application fails to comply with the **National Planning Policy Framework 2019, Cornwall Local Plan 2016 Policies 1, 2, 3, 4, 5, 21, 23 and 27** and there are no material considerations, including that of need, to outweigh this conflict.

Therefore, for the reasons set out above the PC **STRONGLY OBJECTS** to this application.

PA22/01066 Poundstock (Poundstock Electoral Division) Ocean View Coast Road Bude Cornwall EX23 0DF Demolition of existing dwelling and erection of replacement dwelling - PA22/01066 (Case Officer - James Hills).

**RESOLVED** to SUPPORT. **098/22**

PA22/01765 Poundstock (Poundstock Electoral Division) Pineapple House, Penfound Road, Poundstock, Bude Formation of new driveway and off-road parking area – PA22/01765 (Case Officer Sarah Tatton).

**RESOLVED** to comment with NO OBJECTIONS. **099/22**

PA22/02321 Poundstock (Poundstock Electoral Division) Little Wanson Poundstock Coast Road Bude Cornwall EX23 0DF Proposed extensions to building - PA22/02321 (Case Officer - Lorraine Lehan).

**RESOLVED** to comment with NO OBJECTIONS. **100/22**

b) Planning decisions available at <https://www.poundstock-pc.gov.uk/planning-applications> **101/22**

#### 8. Finance:

a) Note Bank Balances and Bank Reconciliation as per schedule were accepted. **102/22**

**RESOLVED** to agree.

b) To authorise payments  
**RESOLVED** that the payments be approved. **103/22**

9. Agenda items:

a) Defibrillator update on defibrillator training and repairs to kiosk **104/22**  
12 spaces are available for training the Chairman asked who would like to attend and which of the dates offered would be most suitable to everyone. The defibrillator signs are ready and the painting of the kiosk is to be carried out soon.

b) To discuss and the current situation with regard to the sewage/drainage capacity in Widemouth Bay and the impact on future planning applications/decisions (Cllr. Gemma Watton).  
**RESOLVED** to defer to the next meeting. **105/22**

c) Update on an Abusive, Persistent and Vexatious Complaints Policy.  
**RESOLVED** to defer to the next meeting. **106/22**

d) Local Maintenance Partnership PROW 2022 to consider any tenders received.  
**RESOLVED** SB Garden Services be awarded the contract. **107/22**

e) Local Maintenance Partnership SWCP 2022 to consider any tenders received.  
**RESOLVED** SB Garden Services be awarded the contract. **108/22**

f) Public Toilets Widemouth Bay Summer Cleaning 2022 to consider any tenders received.  
**RESOLVED** TJ Davies be awarded the contract. **109/22**

g) Cemetery and Closed Churchyard Maintenance 2022 to consider any tenders received.  
**RESOLVED** Simon Furse be awarded the contract. **110/22**

h) CALC Training Bulletin – Schedule of training events.  
**NOTED.** **111/22**

i) Platinum Jubilee Celebrations: -

(i) To consider commemorative benches in Widemouth Bay Car Park.  
**RESOLVED** to purchase 2 x benches to include the bolt down kit less the commemorative plaque from KBS Depot Ltd at a cost of £1,158.00. (7-0) (1 abs) **112/22**

(ii) To consider collaboration with the Gildhouse Management Committee for a joint function.  
**RESOLVED** to defer to the next meeting. **113/22**

10. Reports:

a) Ward Member Report: **114/22**  
None received.

b) Chairman's Report: **115/22**



Report circulated

c) Clerk's Report: **116/22**  
No report.

11. Steering/Working Group Reports:

a) Neighbourhood Development Plan Steering Group. **117/22**

The public engagement event held on 12 March in the Gildhouse was a success, documents will be available in the NDP website. A second public event is to be held in June, date to be confirmed. 2021/22 NDP expenses are being finalised, further grant will become available in 2022/23.

**RESOLVED** to pay the invoice to Nicky Vereker for refreshments at the public event of £25.00. **118/22**

b) To appoint second Councillor to the NDP Steering Group.

**RESOLVED** to appoint Cllr. Steve Haynes to the NDP Steering Group. **119/22**

12. Portfolio Reports written reports received were circulated and **NOTED.** **120/22**

- Cemetery & Closed Churchyard - None received.
- Finance – Cllr. Stephen Blake continues to monitor finance and thanked the clerk.
- Highways & Transport – None received.
- Planning – Cllr. Tom O'Sullivan stepped down as a portfolio holder.
- Police Advocate – Report circulated.
- PROW's – None received.
- Widemouth Bay Toilets, Car Park and Beach **121/22**  
**RESOLVED** to hold an extraordinary meeting to discuss matters relating to the public toilets.

13. Councils Representatives reports from Outside Bodies: **122/22**

None received.

15. Items for Information: **123/22**

Annual Parish Meeting to be held on 26 April 2022 at 6:30 pm in the Gildhouse, prior to the Ordinary Parish Council Meeting.

16. Items for next Agenda: **124/22**

Public Toilets.

17. Notification of the next Ordinary Council Meeting: **125/22**

Community Hall Committee Meeting 12 April 2022.

Ordinary Meeting 26 April 2022.

18. Meeting Closed 21:40 **126/22**