



Botus Fleming Parish Council

PA22/07108

PART 1

Botus Fleming Parish Council (BFPC) has spent a considerable amount of time examining this application and listening to many of our rightfully concerned, angry and anxious residents.

The planning application **PA22/07108** is described as being a *“full planning application is for the change of use agricultural land/yard to B8 in part retrospective.”*

The use to which the western part of the site, described as Site 1, has been in use as such for many months now and did not comply with the original permissions granted in 2018 for the storage of agricultural equipment.

Work had already started levelling what has been described as being Site 2, before the present application was submitted.

Therefore, the application is **ALL**-retrospective, and not in any way, a *“part application”*.



THE AGRICULTURAL LAND/YARD SITE AT HATT BARNES & THE PLYMOUTH DEPOT OF KELTEK MOTORS RECOVERY

BFPC would like to begin by examining the actual planning application.

The site application has been described as “*Road From Churchtown To End. Cornwall, Hatt, PL12 6NH*”.

BFPC would describe the address as Hatt Barn, Hatt, Saltash, PL12 6NH.

Helpfully this address is the one that appears in connection with a Heavy Goods Vehicle (HGV) Vehicle Operator Licence application in March 2022.

WATERWAYS DRAINAGE SPECIALISTS LTD

Ref. No. OH2054120

Standard National

Director(s): JOHN LAWLER

FLAT 16, DAWS COURT, OLD FERRY ROAD, SALTASH, PL12 6JD

Operating Centre: THE YARD, HATT BARN, HATT, SALTASH, PL12 6NH

Authorisation: 2 vehicle(s)

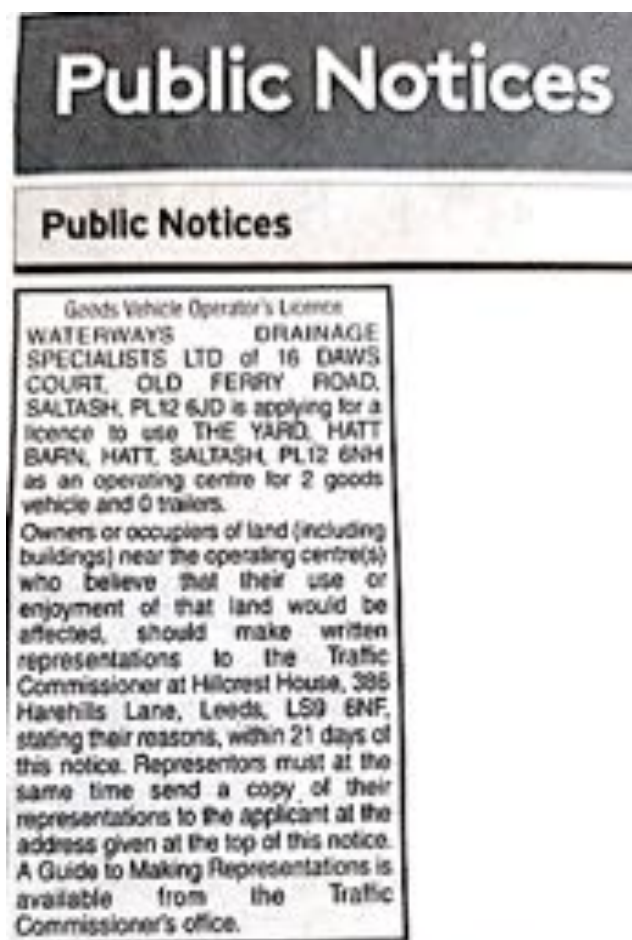
Transport Manager(s): IAIN ASHBY

Publication: A&D West of England (5748)

Application Granted

Date: 17th March 2022 & 28th April 2022

It appears that the landowner and or agent was allowing the land to be utilised by Mr Lawler of Waterways Drainage Specialists Limited prior to this application (August 2022) to Cornwall Council in March/April 2022. This obviously could not have been authorised as it was contrary to the planning permissions and use of the land, nor was this use mentioned anywhere in the planning application.



BFPC's position is that this was and continues to be a deliberate and flagrant abuse of planning regulations.

We continue onto page 2 of the application and the "*applicant's details*". The name on the application is "*Mr G. Deacon*" and their company name is shown as "*Kivells Ltd*" which is clearly not correct.

Page 4 shows the description of the "*proposed development of works including any change of use*" as "*change of use of agricultural land/yard to B8 in part retrospective on land at part 0001*".

The application then asks, "Has the work or change of use already started?" The reply is "yes" and "please state the date when the work or change of use started". Unbelievably the date is given as 1st January 2019. The application is therefore applying for retrospective permission authority after over 3 and half years.

Page 5 of the application asks if the "*land is known to be contaminated*" and "*where contamination is suspected for all or part of the site*" and "*a proposed use would be particularly vulnerable to the presence of contamination*". The answers to all-3 questions was "no".

BFPC fails to understand how land that is currently being utilised without permission by a drainage specialist company and their vehicles and those of Keltek Motors Limited and Tomkin Recovery Limited and their numerous recovered vehicles (many damaged in collisions) being stored, that there is no possibility of oil, diesel, petrol and other noxious liquids leaking onto agricultural land. An independent or Cornwall Council examination and inspection should also be commissioned to check and remedy any contamination. A detailed risk assessment should have accompanied this application and not simply ignored.

Page 5 also asks "*do the proposals require any diversions/extinguishments and or creation of rights of way?*" and the answer is "*no*". BFPC reported the owner's change of use without authorisation some months ago, when residents and the Parish Council became aware of the new activity of recovery vehicles being transported and then being stored on the land. It is not lost on the Parish Council and our residents that the landowner then made the application in an attempt to rectify the situation after Cornwall Council Enforcement had been informed.

The site is now dangerous to pedestrians and for other road users. There are multiple large vehicle movements throughout the day and night, 7 days a week, from 5 am until the early hours of the following day. Many of the vehicles are transporters. The entrance of the site is close to Hatt Roundabout. The vehicle movements now cause the entrance to be blocked and cause other motorists to manoeuvre around the obstructions. The noise of the vehicles, particularly with the incessant reversing beeping sounds throughout the night, has completely changed what was once a quiet village for our residents. The feelings are very high against this application and we agree with our residents that it is actually an outrage.

Still on page 5 the question "*does the site have any existing vehicle parking spaces or will the proposed development add/remove any parking spaces?*" and the answer is "*no*". This incredibly glib reply does not actually deserve to be quantified by the Parish Council. However, in the interests of our residents, the site is already now a huge car park, with trucks and HGVs moving broken down and/or vehicles involved in collisions to and from the site on an almost 24 hours basis.

Moving onto page 6. The applicant agrees that there are trees or hedges on the proposed development site.

However, when asked “are there any trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?” the answer was again “no”. Attached to this document is an aerial photograph (which predates the site as it is now) of the applicant’s site. It clearly demonstrates that the application is again wrong.



Still on page 6 the applications moves onto “*Biodiversity and Geological Conservation*”. The questions “*is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?*”

- Protected and priority species - **NO**
- Designated sites, important habitats or other biodiversity features - **NO**
- Features of geological conservation importance - **NO**

BFPC notes that no further information has been made with this application. The original and authorised use for this land was agricultural use/yard.

The landowner decided to change the use unilaterally and to allow the site to be utilised by a drainage specialist company and their vehicles and also those of Keltek Motors Limited and Tomkin Recovery Limited and their numerous recovered vehicles (many damaged in collisions) being stored.

This development will seriously affect our biodiversity and contribute to the village's carbon footprint through additional motor vehicles and non-sustainable or renewable energy.

The very real possibility of oil, diesel, petrol and other noxious liquids leaking onto agricultural land has been completely and conveniently ignored. This is another example of not accurately answering questions and being very lackadaisical with such important issues.

Page 7 then discusses "*Foul Sewage*" and the question "*please state how foul sewage is to be disposed of*" is answered with "*unknown*". The question "are you proposing to connect to the existing drainage system?" is also answered with "*unknown*". As the landowner and or his agent have a responsibility for their land, how can it be conceivable that they answer the questions as being "unknown"?

A number of employees would be on site at any one time. We feel that there must be some system in place for toilet facilities and also for the drainage of liquid waste produced during the normal course of business.

The next part of the application asks in connection with Waste Storage and Collection "*do the plans incorporate areas to store and aid the collection of waste?*" And "*have arrangements been made for the separate storage and collection of recyclable waste?*" Both questions are answered with "*no*".

The final part of this aspect of the application deals with *Trade Effluent* and asks, "*does the proposal involve the need to dispose of trade effluents or trade waste?*" answered by "*no*".

BFPC believe that the answers to these aspects are simply not good enough. and in 2022 are completely unacceptable.

Contaminated land arose as a result of historic industrial activities and waste disposal practices. In the past, legal controls and standards within industry were not as high as they are today. This has resulted in polluted ground.

There are some pollutants that are naturally occurring. These are also considered under legislation.

Contaminating substances include organic compounds, such as oils, petrol, and diesel.

The landowner is responsible for determining whether land is suitable for a particular development or can be made so by remedial action.

In particular, the owner is responsible for:

- Determining whether the land in question is already affected by contamination;
- Whether the development proposed will increase the potential for contamination on that site or elsewhere; and
- Satisfying the Local Planning Authority that any contamination can be successfully remediated with the minimum adverse environmental effect to ensure the safe development and secure occupancy of any site.

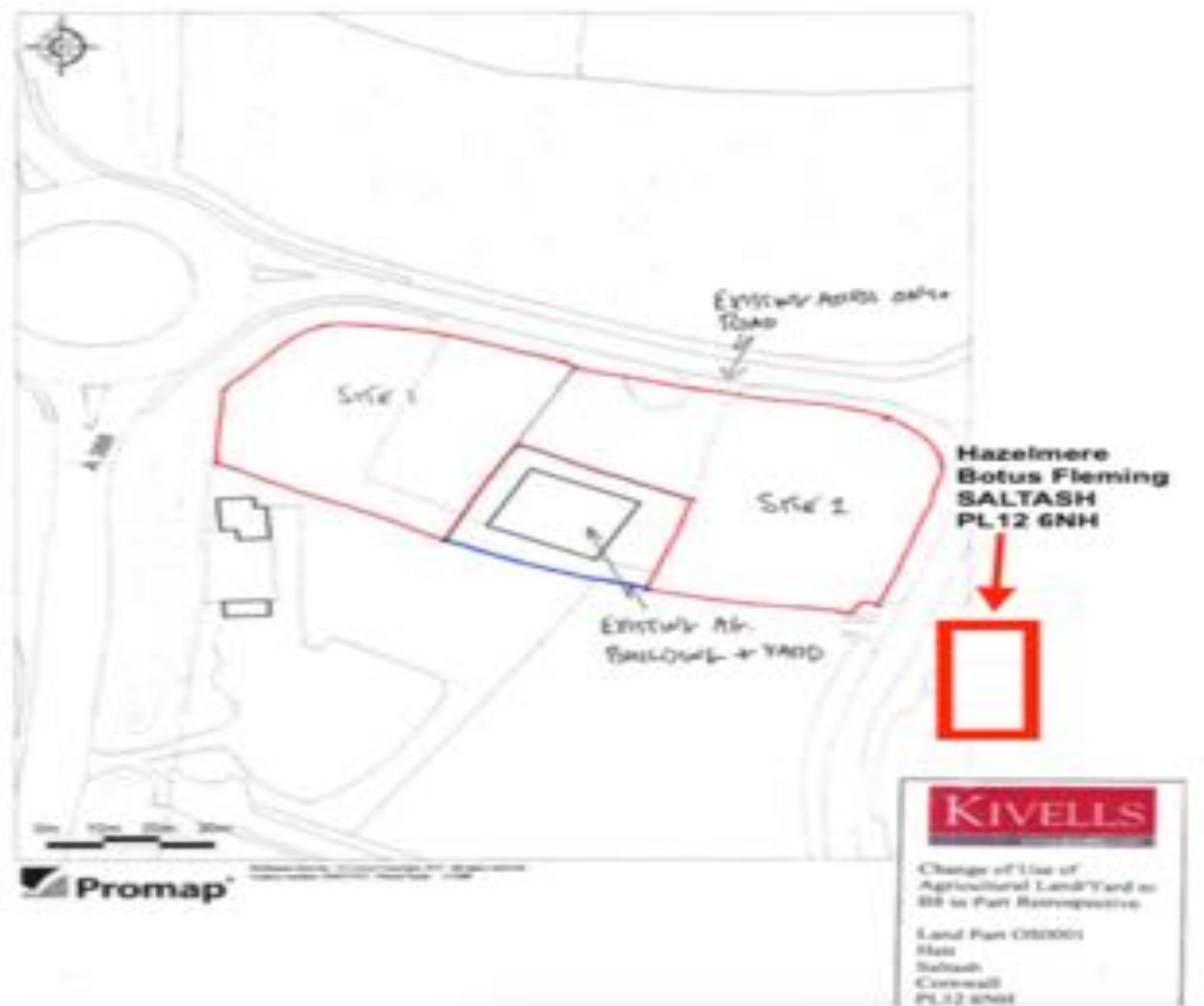
Moving onto page 8 the question posed on the application in connection with residential units was "*does your proposal include the gain, loss or change of use of residential units?*" and the answer was "*no*".

On examination of the site plan, BFPC noted that the residence known as Hazelmere, Botus Fleming, PL12 6NH, does not appear on any of the application location plans.



CURRENT VIEW FROM HAZELMERE, BOTUS FLEMING & OF WITHIN THE TAMAR VALLEY AREA OF OUTSTANDING NATIONAL BEAUTY

BFPC has attached a location plan (below) that demonstrates how close the premises are to the applicant's site. The occupants have already suffered from the stress and noise caused by the site and it has all but destroyed their quality of life.



Continuing on page 8 and *Employment* and “are there any existing employees on the site or will the proposed development increase or decrease the number of employees?” Which is answered by “no” and *Hours of Opening* and “are Hours of Opening relevant to this proposal?” Answered with “no”.

BFPC suggest that neither comments are accurate. There has been a marked increase in the amount of individuals working on the site carrying out their work duties. The change of the operating hours, as previously described, together with the noise nuisance has increased exponentially and is operating on an almost 24 hour cycle.

The final part of the application concerns *Industrial or Commercial Processes and Machinery* and “does this proposal involve the carrying out of industrial or commercial activities and processes? And “is the proposal for a waste management development?” and *Hazardous Substances* “does the proposal involve the use or storage of Hazardous Substances?” All answered “no”.

BFPC does not intend to repeat itself, but believe that the responses are unacceptable.

In our opinion the planning application is poorly completed and peppered with serious inaccuracies throughout. BFPC believes that it demonstrates a degree of disdain for our residents, the Parish Council and Cornwall Council. It should always be borne in mind that any person who makes a false or misleading statement in connection with a planning application, knowing that it was or might be untrue or misleading, with the intent to make a gain for himself could incur serious penalties.

PART 2

BFPC will now discuss the document described as being the “*Planning, Design And Access Statement In Relation To: Change of use Agricultural Lane/Yard to B8 in Part Retrospective at Part OS9991, Hatt, Saltash, Cornwall, PL12 6NH*” on behalf of Mr G. Deacon of Grove Farm, Landulph and prepared by the agent Mr W M Bunt BSc MRICS FAAV from Kivells Limited.

BFPC have gone through this document and reproduced Mr Bunt’s statements in blue italics and added BFPC’s responses under each comment.

1.0 INTRODUCTION

1.1 *This full planning application is for the change of use agricultural land/yard to B8 in part retrospective.*

The use to which the western part of the site (Site1) has been utilised for months now, has not complied with the original permissions granted in 2018 for the storage of agricultural equipment.

Work had already started levelling Site 2 before the present application was actually submitted.

Therefore, the application is **ALL**-retrospective, and not in any way, a “part application”.

1.2 *The property formerly comprising an agricultural field upon which planning permission has been obtained for the construction of agricultural buildings. Part of the site and yard remains in agricultural use, with the buildings/yard housing machinery. The field, however, is too small for any reasonable agricultural enterprise to be carried out, particularly considering location of the Applicant’s principal farm some distance away.*

BFPC believes that the size of the field is completely immaterial and should not be a factor in determining its suitability for agricultural use.

The size of the field should not be a factor in determining its suitability for agricultural use. Many small to medium sized agricultural businesses would be able to make good use of the field. Distance from the owner’s major holding should not be a factor either. Other farms in the Landulph area use land on the western side of the A388, even further away from Hatt Barns.

2.0 PLANNING POLICY

2.1 *The Cornwall Local Plan 2010/23 (CLP) was adopted in November 2016 and provides the overarching planning framework for Cornwall.*

2.2 *Policy 1 mirrors the National Planning Policy Framework (NPPF) where there is a presumption in favour of sustainable development, account will be taken of its location, layout, design and use against the three pillars of economic development, social development and environmental protection and improvement.*

The applicant conveniently omits to include the following from the above quote from the CLP:

*“Planning applications that accord with the policies in this Local Plan and supporting Development Plan (including, where relevant, with policies in Neighbourhood Plans) will be regarded as sustainable development and be approved, **unless material considerations indicate otherwise.**”*

Botus Fleming Parish Council believes, and will demonstrate, that there are indeed material conditions that indicate that this application should not be considered sustainable or appropriate for this location.

2.3 Considered against these three pillars the proposal will certainly add to the economic development of the county, has minimal impact in respect of social development and is located in an environmentally sustainable position, therefore according with the third pillar relating to environmental protection and improvement.

With regard to the economic development of the county, there would likely be some income generated from the site.

However, BFPC maintains that this kind of enterprise is best sited well away from residential or rural areas. There are numerous industrial and commercial estates in the Cornwall Gateway area that would better accommodate the proposed business and are well-served by the A388 or A38.

BFPC maintains that the proposed development would have a serious impact on the social development of the area. As has already been shown, there is a private dwelling less than 25m from the site. The noise, dust, light pollution and traffic hazard caused by the use of the site has already had a significant impact on the quality of life of the resident, making a relaxed afternoon in the garden an impossibility now.

Should this situation continue there are good grounds for fearing the impact on the resident's physical and mental health.

The National Planning Policy Framework (NPPF) states that to achieve its social objective, plans should foster *“well designed, beautiful and safe places ... that support communities' health social and cultural well-being.”* (Section 2 Para 8). This application would make a mockery of such aspirations.

The NPPF environmental objective sets out *“to protect and enhance our natural, built and historic environment... improving biodiversity.”* (Section 2 Para 8). Should it be approved, this application would result in the desecration of the natural environment there, seriously detracting from the beauty of the rural setting and doing nothing to improve biodiversity.

2.4 There is an overarching strategy to improve conditions for business and investment throughout the county to drive an increase in gross value and overall prosperity within the county.

2.5 Policy 2 ‘Spatial Strategy’ and particularly paragraph 3 (m) notes that proposals will be welcome that improved conditions for business and investment in Cornwall and particularly supporting economic development in South East Cornwall that meets the area's own needs and benefits from its relationship with Plymouth. Paragraph (o) goes on to state that there is a ‘requirement for strengthening the role of Launceston and Saltash as gateways to Cornwall’.

An important part of Policy 2 emphasises the need for “*respecting and enhancing quality of place*”. The location of the site is at the start of one of the principal roads that leads into the Tamar Valley Area of Outstanding Natural Beauty (TVAONB).

Should this application be approved, the first thing the unsuspecting visitor in search of natural beauty would behold, would be a yard full of wrecked vehicles, recovery vehicles and car transporters. In short, an environmental and aesthetic eyesore.

Much of Cornwall’s prosperity depends on the tourism brought down here because of the county’s beauty. This development would detract from, rather than enhance Cornwall’s tourist potential.



POLICY 2 – “RESPECTING & ENHANCING QUALITY OF PLACE”

VIEW FROM A388 HATT ROUNDABOUT & ENTRANCE TO BOTUS FLEMING & TAMAR VALLEY AREA OF OUTSTANDING NATIONAL BEAUTY



POLICY 2 – “RESPECTING & ENHANCING QUALITY OF PLACE”

VIEW FROM ROAD INTO BOTUS FLEMING & TAMAR VALLEY AREA OF OUTSTANDING NATIONAL BEAUTY & PLYMOUTH DEPOT OF KELTEK MOTORS RECOVERY

- 2.6 *Noting the application site is located in South East Cornwall and two miles from the town of Saltash and just off the main A388, which links the site to the town of Saltash and Plymouth beyond and to the north Launceston. It can be seen therefore that the reuse of the land for this purpose accords with this policy.*
- 2.7 *Policy 5 ‘Business and Tourism’ paragraph 1 states to ‘ensure a continued supply of appropriate business space, proposals for new employment land and uses should be at paragraph (a) well integrated with towns and villages or, at paragraph (b), within areas that are well served by public transport and communications, infrastructure. As referred to herein, the site is located just off the busy A388, by the Hatt roundabout, with Hatt village beyond. The site is therefore within a sustainable location, extremely well served by public transport and communication infrastructure.*

This site is most certainly not “well-integrated” with the village of Botus Fleming. The haphazard jumble of recovered vehicles, car transporters, portaloo, caged sections of equipment are totally at odds with the sleepy, rural character of the village. The settlement is characterised by narrow, sunken lanes lined by Cornish hedges, green fields and woodland. As pointed out above, there are even better transport links that could be accessed from sites in Saltash and Carkeel. Sited there, the business would not be at all out of keeping with the surroundings.



THE “WELL-INTEGRATED” SITE WITHIN BOTUS FLEMING - A “HAPHAZARD JUMBLE OF RECOVERED VEHICLES, CAR TRANSPORTERS, PORTALOO, CAGED SECTIONS OF EQUIPMENT ARE TOTALLY AT ODDS WITH THE SLEEPY, RURAL CHARACTER OF THE VILLAGE”

2.8 Policy 5 also refers to ‘demonstrating an overriding locational and business need such as farm diversification. Notwithstanding the fact that this site is in a rural yet highly accessible location, the proposed use will help underpin the principal farm providing valuable income, particularly in light of the reform of the Common Agricultural Policy and reduction in subsidy support received by the farming community.

As with several of the comments made, this section is very misleading and a step too far. Farm diversification is when a farm branches out from traditional farming by adding new moneymaking activities. This can be an expansion of agricultural activities into new innovations, or moving into non-agricultural business types. Agricultural diversification is a complex situation to assess with different effects regionally and globally. However, turning an agricultural site into a dumping ground for recovered broken down vehicles is not something that policy 5 would agree with or envisage as a success.

3.0 USE

- 3.1 *The application is for change of use from agricultural land/yard to B8 and in part retrospective. Part of the site identified as 'Site 1' on the plans has been utilised for uses falling within Use Class B8 for a number of years and the area identified as 'Site 2', whilst currently in agricultural use, is identified as an additional area for which there is demand for uses falling within Use Class B8.*

Site 1 has indeed been used for a number of years as Class B8, but without the appropriate planning permission. This section seems to celebrate the unilateral decision to have breached the permissions and to have attempted to turn a minus into a plus.

4.0 ACCESS

- 4.1 *There is an existing double gate access (30' width) onto the road, which leads to the A388. There will be no new accesses, either vehicular or pedestrian to the parish road.*

The access to this site has altered exponentially from the original use that permissions were granted. The access gate is just a few metres from a "blind" corner. Recovery vehicles wanting to access the site are often parked outside that gate waiting for access. This means that vehicles rounding the corner from Botus Fleming suddenly find themselves having to brake heavily or overtake long vehicles in an effort to avoid a collision. This is particularly hazardous at night, when recovery vehicles often need to access the site.

In 2017 an application for the construction of an agricultural storage building was granted. On Friday 26th January 2018 when commenting on the planning application (PA17/11798) Botus Fleming Parish Council said "At its public meeting on 24th January 2018, Botus Fleming Parish Council resolved to support this planning application. Councillors understood the need for this new agricultural building and its siting would be incorporated within the existing farm space using existing facilities. However, councillors expressed concerns about the impact that this might have on traffic movements in the immediate area as vehicles enter and leave the property, causing soiling on the road and unsafe passage for pedestrians. The proposal is located within 1km of the boundary of the TVAONB, listed on the portal as an Application Constraint: councillors ask that you consider the potential for impact on the natural environment when making your decision".

BFPC's concerns have unfortunately been realised and believe that granting the application will further aggravate the problems.

PART 3

CONCLUSION

In summary, this application does not reflect the stated wishes of the local population or those that represent them.

The parish of Botus Fleming is defined by its rural location, by the 2 distinctive villages of Botus Fleming and Hatt and the east west division by the A388. Botus Fleming will be defined by its quiet, rural nature by protecting the distinct character of both our villages by maintaining our rustic boundary, by preserving our countryside, and protecting our fauna and flora for recreation

and community wellbeing. It obtains its character from its agricultural setting, its abundance of trees and Cornish hedges, and its sense of isolation from other settlements.

Very little of the 360-degree skyline shows any sign of development, adding to the sense of remoteness. The landscape also reveals the history of the parish with its ancient buildings and structures, its fields, and narrow lanes connecting it to the quay at Moditonham.



This poorly compiled application does nothing to instil any confidence in the planning system for our residents or the Parish Council. As previously highlighted, it is peppered with serious inaccuracies throughout.

If the landowner lived in the parish we would have hoped that their understanding of the love its residents have for the character of their village would have prevented them even considering such a change of use so totally at odds with the character of the village.

BFPC believes that the application should be refused and Cornwall Council Enforcement should force a cessation of the current site activities immediately.

Botus Fleming Parish Council
28TH AUGUST 2022