



Botus Fleming Parish Council

www.botusfleming.org.uk

PUBLIC MEETING OF THE PARISH COUNCIL

Wednesday 24th August 2022

Present: Councillor Edwards (Chairman)
Councillors Ellis, Fletcher, Oakes, Robinson, Solomon, White & Willey (Vice Chairman)

Also in attendance:

Christopher Cook - Parish Clerk & Responsible Financial Officer;

Members of the public: **26**

Members of the public were permitted to speak on each Agenda item for a period of 3 minutes. This meeting was advertised as a public meeting and as such could be filmed or recorded by broadcasters, the media and members of the public. The public were advised that whilst every effort is taken to ensure that members of the public would not be filmed, it could not be guaranteed.

Minutes 24th August 2022

1013/2022 Chair's Welcome & Announcements

Cllr Edwards welcomed residents to the Public Meeting of the Parish Council and delivered Health and Safety housekeeping rules.

Social distancing and Covid-19 measures were observed, such as ventilation.

1014 Public participation

Mr Peter Broyd (resident) mentioned that it was good to see that 'No Parking Notices' had been put up at the entrance to the Recreation Field but that some residents were still ignoring the Notice; ironically those parking in the area were often dog walkers.

Both Cllrs Edwards (Chairman) & Ellis suggested that a polite reminder to the motorists parking in the area to observe the Notice would not be unreasonable, as the Parish Council did not have the resources for issuing Fixed Penalty Notices or continual monitoring.

Councillors **Resolved** to note this report

1015 To receive Apologies for Absence and approve the reasons given

No apologies.

Councillors **Resolved** to note.

1016 Declarations of Interest

Councillor Oakes expressed a non-pecuniary interest in Item 1021
Councillors **Resolved** that no other Councillors declared pecuniary or non-pecuniary interests.

Councillors **Resolved** that no Councillors were liable for written Dispensations or Gifts.

1017 Minutes of the Public Meeting held on 27th July 2022 Minutes of the Extraordinary Meeting held on 8th August 2022

The draft Minutes were a true record of the Meeting.

Minutes 27th July 2022 Proposed Cllr Fletcher, seconded Cllr Ellis. All agreed.

Minutes 8th August 2022 Proposed Cllr Willey (Vice Chairman), seconded Cllr Solomon.
7 Councillors agreed, 1 abstained.

Councillors **Resolved** to approve the Minutes. 7 Councillors agreed with 1 abstention relating to the Extraordinary Minutes only.

1018 Matters arising from the draft Minutes for report purposes only.

No matters arising.

Councillors **Resolved** to note that there were no amendments.

1019 A Report from Cornwall Councillor Martin Worth

Cllr. Martin Worth updated the meeting as follows-

- Cornwall Council continue to focus on the Housing & Social Care crisis.
- Landulph & Botus Fleming Parish Councils had jointly agreed the content of the Housing Needs Survey, which would be run by Cornwall Council at no additional expense to either Council.
- Cornwall Council would also be seeking Electors views on Hospitals as well as the Housing needs survey and feedback can be given on the Cornwall Council 'Let's Talk' platform.
- Cllr Worth was working closely with the Cornwall Portfolio holder responsible for managing the Concessionary Rides scheme. Several residents at the meeting expressed their concerns that no decision would be made before the new school term starts.
- Cllr Fletcher requested that pressure be put on the Portfolio holder and to expedite results of the survey under way.
- The information supplied by James Crocker (co-ordinator for parents) and at the Agenda item 1027 (iii) has been forwarded to Cllr Worth and redacted version will be used to express the concerns listed.
- Cllr Edwards (Chairman) suggested some publicity for a suggested Private Hire bus service along with other local publicity/television to strengthen the case for a concessionary service.

- Cllr Worth stated that the Saltash Leisure Centre was saved from closure due to such Community action.
- Cllr Fletcher stated that until the concessionary rides topic is concluded, it should be mentioned as an Agenda item at each Public Meeting.
- Mr John Invest (resident) requested that Cllr Worth find out how many of the 400 new-builds on the Treledan site were actually 'affordable housing' and available for locals.
- Under the levelling up process, Cornwall Council were looking at local rural transport links and how links could be improved between Saltash and outlying areas.

Councillors **Resolved** to note this report.

ACTION Cllr Oakes appointed, as the Communications Officer would post details of the Housing Survey onto the Council's website/Facebook when the survey was finalised at the end of September 2022.

1020 Finance

A Accounts for Payment August 2022

Cllr Ellis proposed, and Cllr Oakes seconded the approval of the Accounts for payment.

Councillors **Resolved** to approve the accounts for payment.

MOTION – That two defibrillators @£1,800 (+VAT) be purchased (The electrical installation of the defibrillator may incur another £200 expenditure – this would be dealt with as a separate issue at the time).

Proposed Cllr Fletcher, seconded Cllr Edwards (Chairman). All agreed.

MOTION – That one First Aid kit @£34.05 + Eyewash kit @£7.00 be purchased for Community Action Team (CAT) use.

Proposed Cllr Fletcher, seconded Cllr Edwards (Chairman). All agreed.

MOTION – That the play equipment inspection on the recreation field contract @£510 (incl. VAT) be approved.

Proposed Cllr Edwards (Chairman), seconded Cllr Fletcher. All agreed.

Councillors **Resolved** to Support the Motions and Approve expenditure.

B Direct bank Payments & Receipts for information

Bank Receipts were reported as **£13,085.52** Total receipts Account1 2022/2023 **£13,085.52**

Bank Receipts were reported as **£ 0.00** Total receipts Account2 2022/2023 **£ 3,808.74**

Councillors **Resolved** to note.

C Bank reconciliation and Earmarked Funds (EMF)

The General Account balance was reported as **£13,902.86** and the Earmarked Funds as **£37,192.43**

Councillors **Resolved** to note.

D Monthly budget monitoring balances report

Councillors **Resolved** to note the report.

E Public Works Loan Board Statement August 2022

Councillors **Resolved** to note.

F Annual Governance & Accountability Return year ended 31st March 2022

Notice of conclusion of Audit & External Auditor Report and Certificate 2021/22

The Responsible Financial Officer reported that external Auditors had concluded the annual Audit. The Audit Notices along with the Governance Returns Sections 1 & 2 were advertised on the Council's notice boards and website under 'Notices' at www.botusfleming.org.uk

PKF Littlejohn external Auditors concluded that sections 1 & 2 of the AGAR had been completed in accordance with proper practices and that no matters had come to their attention which would give them cause for concern, and that all relevant legislation and regulatory requirements had been met.

Councillors **Resolved** to note.

Councillor Oakes left the room.

1021 Planning <http://planning.cornwall.gov.uk/online-applications>

New Planning Applications – One received

Reference: PA22 / 07108
Address: Land Pt OS 0001 Hatt Cornwall
Proposal: Change of use of agricultural land/yard to B8 in part retrospective on land at Site 1
Applicant: Mr G Deacon Kivells Ltd
Grid ref: 239941 / 61993

Executive Summary of BFPC Response to PA22/01708

1. Application Form

- BFPC considers this application to be as a **whole** retrospective, not “**in part**” as stated in the application. The change of use and groundworks evident on Sites 1 **and** 2 were evident long before the current application was submitted.
- BFPC is also especially dismayed that the applicant appears to have tried to avoid using the accepted processes for change of use by applying to the Traffic Commissioner in Leeds for permission for change of use. We would question the lawfulness of this approach. It would appear underhand and disrespectful to our community.

- The entire application form is full of errors and inaccuracies (far more wrong than are actually correct. This reflects badly on the applicant and his agent who seems to think that our residents, their Parish Council and Cornwall Council can be easily duped. We beg to differ!

2. Applicant's Planning, Design and Access Statement

- The applicant rightly maintains that in the National Planning Policy Framework (NPPF) there is a presumption in favour of sustainable development. However, the applicant conveniently omits to mention the caveat "unless material considerations indicate otherwise."
- In its detailed response to this application submitted to Cornwall Council's planning portal, BFPC has demonstrated that there are numerous reasons why this change of use would be neither sustainable nor appropriate for this location.
- In short:
 - The siting of warehousing and storage facilities for recovered motor vehicles can best be done on industrial estates, of which there are numerous in the Cornwall Gateway. Establishing in a rural location such as this, has been, and is, totally inappropriate.
 - The noise, dust, traffic hazards and light pollution has and will continue to materially affect the social development, and physical and mental health of the village and its residents, especially those unfortunate enough to live near to the site.
 - The previous point is well supported by the NPPF's contention that plans should foster "*well designed, beautiful and safe places that support places health, social and cultural well-being.*" The current situation and the proposed change of use renders this completely impossible.
 - The NPPF further sets an objective to "*protect and enhance our natural, built and historic environment while improving biodiversity*". Even the most cursory glance at the current state of the site would demonstrate that it has and would nullify those objectives at a stroke.

Botus Fleming is and has always been a quiet, peaceful village characterised by sunken lanes topped by high hedges and trees threading through a patchwork of green fields.

- 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 first roads that leads into the Tamar Valley Area of Outstanding Natural Beauty (TVAONB) as one enters Cornwall from the east. The boundary of the TVAONB lays a mere 250m from the site, thus placing it firmly in the setting of the valley. Were the application to be approved, this dusty, haphazard collection of casualties from the local road network would be the first thing the unwary visitor would see. It is and would be a dreadful welcome to the Tamar Valley!
- In 2018 when BFPC commented on the previous application for this site (PA17/11798), councillors expressed their concerns about the increase in traffic accessing the site. Sadly, these concerns have been fully realised. Car transporters, recovery vehicles and contractors' vehicles exiting and entering the site have led to unacceptable traffic hazard, noise and pollution made worse by its location on a "blind" bend.

3. Conclusion

BFPC considers this application to be seriously flawed, selective in its references to accepted good planning policy and insensitive to the needs and wishes of local residents. To ensure continued confidence in the planning process, BFPC submits that this application should be refused, and that Cornwall Council Planning Enforcement should order immediate cessation of current activities on the site.

Mr Simon Tonkin (Keltek Motors) stated that the works at Hatt Barn employed 20 people and that he had been unsuccessful in finding alternative sites for Keltek Motors. A resident at the meeting advised that the Treledan site was offering an alternative site for such operations.

Mr Tonkin stated that he wished to engage with the local Community in a positive fashion. Cllr Edwards (Chairman) advised that there were at least 17 comments on the Planning Portal that did not reflect the proposed development in a good light. Cllr Edwards (Chairman) also supported the comments made by a resident in that large vehicles were often seen parked or turning into the site entrance which was positioned immediately as any motorists would emerge from the Hatt roundabout travelling towards Botus Fleming village.

The Parish Council noted that after some negotiation with the Planning Department, Yellow Planning Notices advertising the proposed development were now in situ. Mr Deacon explained that he had an interest in the land and owned an area where he intended to build a bungalow. This intention would not materialise for some years yet and Keltek Motors would still be operating in the area for the time. Mr Deacon provided the Meeting with an interesting historical explanation of the Hatt Barns site which was in his family for many years and made mention of previous Planning Applications in 1994 and 1997.

Councillors concluded and agreed that the Planning Application could not be supported bearing in mind the wholly retrospective nature of the application and the detrimental effect it would have on the neighbourhood.

Cllr Edwards (Chairman) proposed, Cllr Fletcher seconded that Planning Application **PA22/07108** be opposed

Parish Councillors voted as follows-
SUPPORTED 0 votes
OPPOSED 7 votes
ABSTAINED 1 vote (Interest expressed)

Councillors **Resolved to oppose** Planning Application **PA22/07108**

Botus Fleming Parish Council had prepared a full report to support the opposition to PA22/07108, which would be submitted to Cornwall Council's Planning Department.

A copy of the report is attached as an appendix to these minutes and is also available on BFPC's website -

<https://www.botusfleming.org.uk/data/uploads/1344.pdf>

Councillor Oakes returned to the room.

Planning Application Decisions – One received

Reference: PA22 / 03240

Address: Ziggerson Hill Farm Road from junction South of West Kingsmill to Cherry Cottage Botus Fleming Cornwall
Proposal: Agricultural building
Applicant: Mrs Marion Holmes MM & MW Holmes
Grid ref: 240942 / 61939

Approved with conditions 20th July 2022

Councillors **Resolved** to note the Planning decision.

Planning Application for Information – None applicable

1022 Planning Applications received after the Agenda published – None received Neighbourhood Development Plan (NDP) www.botusflemingandhattndp.com

Cllr Marc Solomon stated the Housing Needs Survey when completed for circulation at the end of September 2022 will prove a useful document to add to the (NDP) updated plan.

Councillors **Resolved** to note the (NDP) report.

1023 Parish Plan

No report. Refer to Item 1022

Councillors **Resolved** to defer until 28th September 2022.

1024 Recreation Field

Cllr Edwards (Chairman) stated the inspection of the Play Equipment had been completed in accordance with the 'Let's Play' Contract valued at £425. The new contract expenditure would be offset in part by the Engineering Inspections programme carried out by Zurich Insurance.

Richard Taylor (resident) had confirmed that the estimated electrical installation costs would be addressed again nearer to the end of the financial year 2022/2023.

Councillors agreed to defer a discussion on the electrical works until early 2023

Councillors **Resolved** to note this report.

1025 Councillors Reports

A Cllr Sally White - Maintenance

Cllr White stated that the Kompan Maintenance & Handover Plan would need to be reviewed and discussed. The old play equipment (Three Towers) would need to have some remedial work carried out.

Councillors **Resolved** to note this report.

B Cllr Malcolm Fletcher – Climate and Ecological Emergency

Cllr Fletcher reported as follows-

- The trees in the plantation on the A388 verge north of Hatt roundabout all, with one or two exceptions, seemed to have survived the recent drought pretty much unscathed. Several are now bearing berries (dogwood and rowan) for the first time since planting, which is an encouraging sign of health.
- Following the complaint from a resident that the left hand verge on the lane to Botus Fleming, between Cross Farm and Tor View, was overgrown to such an extent that visibility was dangerously obscured, a report was submitted to CORMAC. Their response was that, following inspection, the matter required no action.
- It was also reported to CORMAC that a tree on the bend of the Botus Fleming lane opposite the entrance to Rumbullion Farm was overhanging the highway by much less than the recommended 5.2m. This caused high-sided vehicles to move over to the opposite carriageway. Their response was that an inspection had been carried out, and that remedial work would be carried out subject to availability of funding.

Councillors **Resolved** to note this report.

C Cllr Mervyn Ellis – BOTHER

Cllr Ellis reported as follows –

There have been no recent meetings with the members of the BOTHER Group. Margaret Matthews did email James Hatton of Cornwall Council asking if he had any information on Sustrans' cost estimate for the HATT to Roods segment and/or details of the technical specifications, which we need to obtain?

James replied that he had asked CORMAC to undertake a piece of work reviewing the HATT to Roods section in terms of the Sustrans recommendations from the CORMAC report and an update of costs. This work should be completed by the end of October at which point it may be useful to meet again.

Councillors **Resolved** to note this report.

D Cllr Dave Edwards (Chairman) – Play equipment funding

Sarah Edwards (on behalf of the fundraising team – Bex Escott, Jeanette Taylor, Becky Trembath and Reb Law) reported-

- No additional cost as security matting not required
- Kompan safety inspection document identified some low profile risks to be addressed
- Fund-raising to take place for Fencing around the Play Equipment area.

Councillors **Resolved** to note this report.

E Cllr Dave Edwards (Chairman) – Big Event/Platinum Jubilee Event

Sarah Edwards reported that the Big Event budget would increase by £500 following the securing of grant money from Tesco.

Councillors **Resolved** to note this report.

F Cllr Malcolm Fletcher – Defibrillator s

See Item 1020 (A) above.

Councillors **Resolved** to note.

1026 Clerk's items

1026 (i) Sub-Committee Meeting 8th August 2022

Parish Councillors noted the recommendation as made in the Sub-Committee Minutes dated 8th August 2022 and approved the decision at Item 58.

Councillors **Resolved** to note and recommend persistent and vexatious status to the complainant concerned. All agreed.

1026 (ii) Mayor of Cornwall

Councillors were requested to vote on the following **Motion**.

MOTION WORDING: "Botus Fleming Parish Council believes that the way Cornwall is governed is extremely important to our local residents. We note the emerging proposals for a possible change to a powerful Mayor of Cornwall with their own staff, budget and choice of Cabinet. We believe that such a system should only be implemented if the people of Cornwall support it. We call on Cornwall Council and our local Cornwall Councillors to ensure that there is a referendum of all voters in Cornwall on whether to introduce this significant change, as set out in the relevant legislation."

We stress that this is about **who decides** on the change to a Mayor. Backing this campaign does not mean you need to be for or against a Mayor – just that it should be the people's decision.

Botus Fleming Parish Councillors voted as follows-
6 to support the Motion
2 abstaining

Councillors **Resolved** to note and **support** the **Motion** as set out in the Agenda.

Action: The Parish Council to relay the result.

1027 Correspondence

1027 (i) This correspondence was addressed at Item 1019 above and continues as an Agenda Item. Reference Concessionary Rides.

Councillors **Resolved** to note.

1027 (ii) All correspondence from Mr John Invest was addressed and responses encapsulated under Planning Item 1021 above.

1027 (iii) This correspondence was addressed at Item 1019 above and continues as an Agenda Item. Reference Concessionary Rides (Mr James Crocker report).

Private Session

At this point in the Meeting, and bearing in mind the nature of the content of Item 1027 (iv) both the Chairman Cllr Edwards & the County Cllr Martin Worth stated that it would be suitable to discuss the Item in Private Session.

The Clerk advised that the general rule surrounding exclusion of press and public is that Council & Committee Meetings must be open to the public (and press) *Public Bodies (Admission to Meetings) Act 1960 s.1 (1); LGA1972 s.100*. However the Council has the power to Resolve that the public be excluded for the whole or part of the meeting on the grounds that publicity would be prejudicial to the public interest, either because of the confidential nature of the business to be transacted or for some other stated reason. *Public Bodies (Admission to Meetings) Act 1960 s.1 (2)*.

Whilst not essential, it is helpful for such a Resolution to be included on the Agenda so that members of the press and public have advance warning that they may be excluded for the whole or part of the meeting.

The particular Agenda Item was the last piece of Council business for the evening.

Councillors **Resolved** to move to private session. All Councillors agreed.

The public left the meeting.

1027 (iv) A Meeting would be arranged between Cllr Martin Worth & Cllr Malcolm Fletcher and Ann Williams in order to clarify several misunderstandings concerning the issue of the Orchard Meadow site and Carlton Villas.

Councillors **Resolved** to note.

1028 Date of next meeting

The next Meeting of the Council will be the **Public Meeting** on the 28th September 2022 at 7:30pm The Meeting will take place at the St. Marys Church Hall, (COVID safe), Botus Fleming.

The Parish Council would continue to follow any instructions from CALC concerning the COVID -19 situation in connection with forthcoming Public Meetings. The choice to meet face to face was now an option with safety guidelines applying.

1029 End of meeting 21:45

Signed

Date

CHAIR



APPENDIX

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)

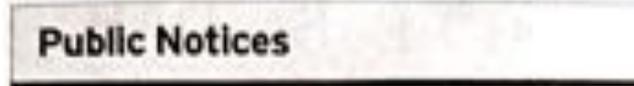
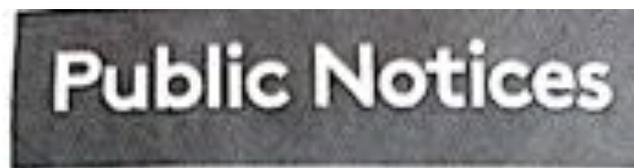
Transport Manager(s): IAIN ASHBY

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.



Goods Vehicle Operator's Licence
WATERWAYS DRAINAGE
SPECIALISTS LTD of 16 DAWS
COURT, OLD FERRY ROAD,
SALTASH, PL12 6JD is applying for a
licence to use THE YARD, HATT
BARN, HATT, SALTASH, PL12 6NH
as an operating centre for 2 goods
vehicle and 0 trailers.
Owners or occupiers of land (including
buildings) near the operating centre(s)
who believe that their use or
enjoyment of that land would be
affected, should make written
representations to the Traffic
Commissioner at Hilcrest House, 385
Harehills Lane, Leeds, LS9 6NF,
stating their reasons, within 21 days of
this notice. Representors must at the
same time send a copy of their
representations to the applicant at the
address given at the top of this notice.
A Guide to Making Representations is
available from the Traffic
Commissioner's office.

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 Keltex 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 Keltex 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.

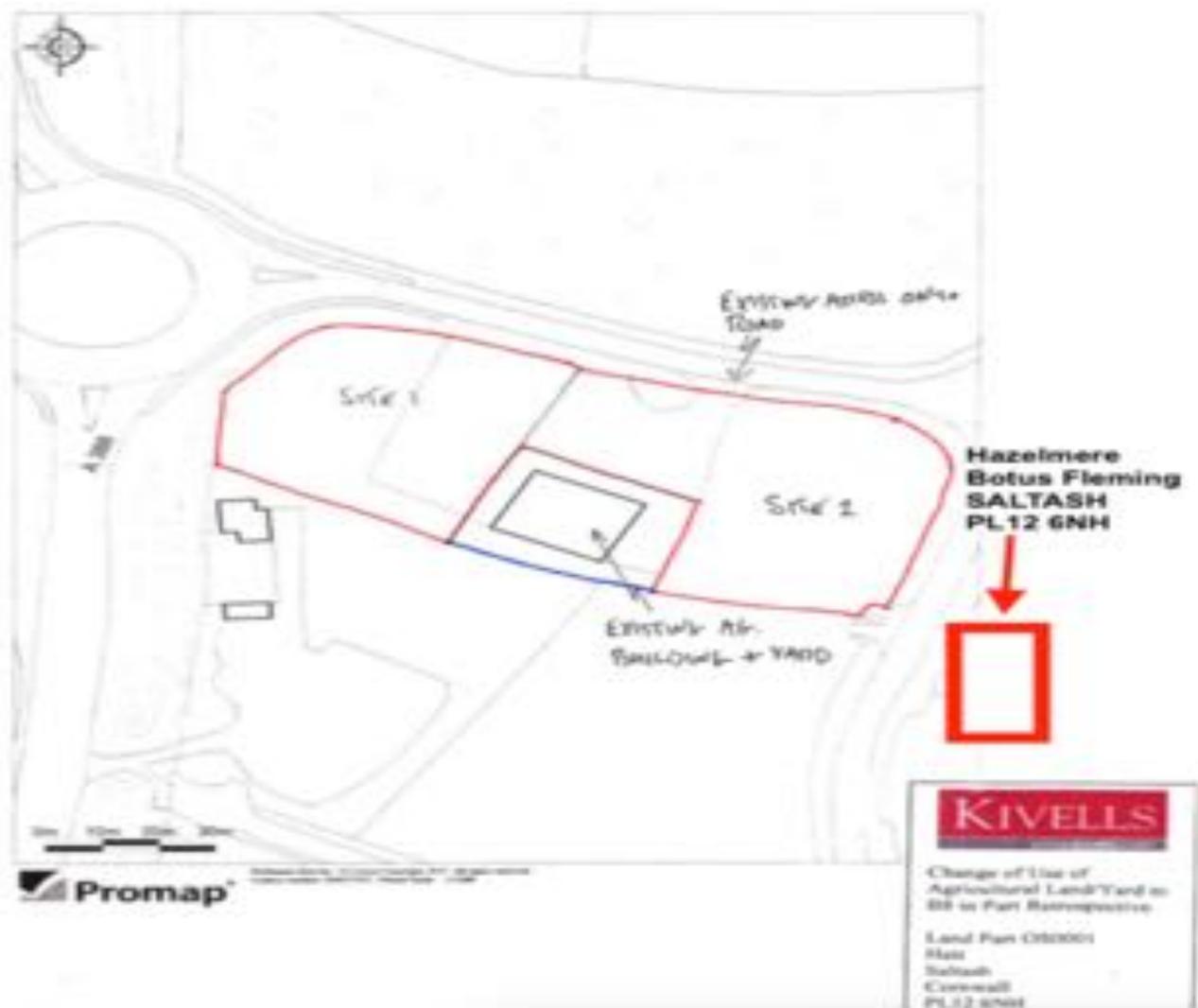
Moving onto page 8 the question posed on the application in connection with residential units was "*does your proposal include the gain, loss or change of use of residential units?*" and the answer was "*no*".

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