



# Newsletter

## Words from The Chair

It is a truth, universally acknowledged, that natural monopolies are not susceptible to market forces. And, were further evidence required as to why the transfer of the provision of water and wastewater services in England and Wales from the state to the private sector in 1989 has proven to be such a disaster you need only turn to pages 3 and 19 of this Newsletter.

Although the Conservative government of the day netted £1.1 billion from the companies, those companies have since collectively returned many billions more to their investors, an average of £2 billion a year for the past thirty years. In addition, their executives have enjoyed many millions in bonuses. Over the same period the health of our rivers, estuaries and beaches has got noticeably poorer. And, lacking any competition, the water companies are under no real pressure to do any better. Certainly the government seems disinclined to demand any significant improvements.

Conversely, had the water companies remained in state ownership, those dividends could have been better reinvested in improved infrastructure, and reducing and eliminating pollution. Instead we are condemned to swim in sewage for the foreseeable future. And, without infrastructure improvements, building more houses is only going to add to the problem.

On page 1 of this Newsletter we examine the discrepancies between what the government told authorities bidding to become Freeports they needed to do and what the Plymouth and South Devon Freeport tells us it is going to do. But all that could change yet again, and almost certainly for the worse as a consequence of the changes the government propose making to the planning system in their desperate dash for growth.

In the words of SHDC Leader Cllr Judy Pearce, a primary benefit of the Freeport is that it 'is going to provide some really well-paid jobs'. That claim that is worth examining. The average weekly number of hours currently

worked by full-time workers in the United Kingdom is 36.4 hours. The jobs created by the Freeport are supposedly going to offer an average minimum hourly wage level of £13.92 – in other words providing an annual income of less than £26.5K. Describing this as 'really well-paid', when a three bedroom house in Sherford, close to one of the Freeport sites, costs more than 11 times that amount, stretches credulity.

Similarly, the suggestion that the Freeport promoters will be able to borrow from the government at an interest rate of 2.5% might also be thought somewhat optimistic.

But enough of Freeports and pollution. There is also much else to be found in this Newsletter. Thanks largely to the efforts of our Events lead Cathy Koo, and the support of some very sunny weather, our presence at local shows this summer has helped increase total membership numbers by nearly 15%. And as you will discover on page 2 we have an event of an entirely different nature planned for this October. We really hope you will be able to join us.

On page 8 the saga of the track at Butterford rolls on. We first featured this tale of a development for which prior approval should have been required in our April issue. Six months on the Council has yet to establish its legal position.

Similarly, and as the case on page 10 of Hendham View illustrates, it is sometimes difficult to discover whether Enforcement Officers have actually even started to take any action.

Thankfully the outstanding efforts of our Planning team, led by Les Pengelly, has produced some excellent results, and it is a pleasure to be able to commend them for all their hard work.

To our new members, welcome, and as you will find on page 5, the Freeport is not the first instance of the South Hams being threatened by government plans for economic development in the past half century!

## Freeport free for all?



*Bidding team Councillors John Hart, Nick Kelly and Judy Pearce*

'Add to that the frankly scurrilous article in The Guardian and you can see where the doubt is coming from', declared SHDC Leader Judy Pearce, as she addressed a meeting of the Council on 22 September.

The cause of her disdain had appeared some weeks earlier on 17 August. "What these boundaries mean," George Monbiot had written, "is, as always, clear as mud."

He was referring to Freeports, and in the case of the Plymouth and South Devon Freeport, much of both Dartmoor National Park and the Tamar Valley AONB, as well as almost the entire South Devon AONB, falls within its boundaries.

Monbiot was concerned because, within that boundary, the Government's Freeports bidding prospectus makes it clear existing development constraints need no longer apply.

Nor was he reassured by a statement offered him by a spokesperson for the Department for Leveling Up, Housing & Communities, who said: 'It is categorically not the case that the entire area has been earmarked for development or has special planning status.' Cllr Hilary Bastone repeated that statement word for word at the meeting of the Council.

But as Monbiot advised: 'if there is one thing we've learned in recent years, it's to attend to what the written policy says, not to what the government says

it says.' A warning that could equally be applied to statements made by many public and private bodies.

For example the Plymouth City Council website appears to suggest that 'as part of the Government's Freeports bidding prospectus an outer boundary of 45kms must be defined'. However the Government's bidding prospectus actually only states that 'Bidders must define an Outer Boundary in their bids' (3.1.4) and that 'the limit for the Outer Boundary is set at 45km' (3.1.6).

More pertinently the bidding prospectus then goes on to state (3.1.7): 'Bidders will need to provide clear economic rationale for why the Freeport Outer Boundary is defined as it is. Bids judged to be designed simply to maximise the area contained within the Outer Boundary without clear economic rationale will fail the bidding process at the pass/fail stage.'

This apparent contradiction would be easily explained away were the public to be allowed to have sight of the submitted bid. But, citing reasons of commercial confidentiality, the Government says we cannot. Consequently we can have no idea of what the consequences of that clear economic rationale might be.

What we do know from what the government tells us in its bidding prospectus (3.6.1) is that 'bidders will be able to take advantage of

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# Newsletter / 2

## ...Freeports

the planning reforms set out in the Consultation Response related to permitted development rights and simpler, area-based planning – in particular Local Development Orders (LDOs).'

Local development orders enable local authorities to give permitted development rights for specific types of development in defined locations, while permitted development rights allow certain building works and changes of use to be carried out without the need for a full planning application.

Critically the government has actively encouraged bidders to provide evidence as to how their plans could be supported by an LDO (3.6.7), emphasising in paragraph 3.6.8: 'To support this process, the government is committed to providing further assistance to successful bidders to implement LDOs in their areas and will work in partnership with local authorities to ensure successful delivery. Details of this further assistance will be provided to successful bidders.'

'Such cooperation', according to paragraph 3.6.12, 'will be vital for ensuring development plans are able to progress smoothly through the planning system. The



*The public have not been allowed to see the submitted Bid*

government expects bids to demonstrate local authority support for commercial property development within tax and customs zones, to support their growth, which could be set out in an LDO. Bidders should also account for where Freeports development affects the local housing market and demonstrate proposals to address those impacts.'

As the bidding prospectus elsewhere explains (3.6.2): 'The government recognises the advantages that wider planning reform can bring to Freeports development. Therefore, as part of a longer-term programme of reform to England's planning system, the government is exploring the potential to go further in these areas, as well as

the potential to test ambitious planning proposals in Freeports, taking advantage of the controlled spaces that they offer.'

To satisfy the requirements of the bidding process it would be surprising were the Plymouth and South Devon Freeport not to boast at least one Local Development Order. Yet Councillors at the meeting were told by Cllr Peter Smerdon: 'I understand via South Hams and West Devon officers that there are no implications for our planning powers. The Plymouth Freeport proposal does not seek to use Local Development Orders or any extension of Permitted Development Rights. Their proposal is focused on the potential tax advantages of the Freeport status for specified sites such as South Yard, Langage and Sherford.'

It is to be hoped this proves to be the case as the bidding prospectus (3.6.13d) also encourages bidders to 'show how the existing local planning environment can respond or propose an approach to mitigating any adverse impacts (for example, by revising the relevant Local Plan).'

And while a spokesperson for the Department for Levelling Up, Housing and Communities has gone on record to say that there are currently no plans to further relax permitted development rights within the freeport outer boundaries, and that as the NPPF stands, it directs that permission should be refused for major development in designated landscapes like national parks, not only did he use the word 'currently' but he also added the caveat 'other than in exceptional circumstances'.

A shortage of housing, for example, might well be considered an 'exceptional circumstance', and the bidding prospectus itself gives a shortage of housing as an example of an adverse impact. The Plymouth and South Devon Freeport is predicted by its promoters to generate an additional

3,584 jobs, of which only 10% are to be filled by by inactive claimants and registered unemployed. As a result, accommodation might need to be found for more than 3,200 workers and, were that to be the case, it appears there would be nothing to stop South Hams District Council revising the Local Plan or issuing a Local Development Order to enable any necessary additional housing to be built within the AONB.

It is clearly a concern that very little is known as to what the submitted bid actually contains. AONB Manager Roger English has told the Society that 'early requests for clarification of potential impacts upon the South Devon AONB did not produce any documentation'. Nor has he 'had sight of the recently approved full business case'. Kevin Bishop, the chief executive of Dartmoor National Park has also confirmed 'We have had no engagement with the Freeport proposal'.

Since then Roger English has told a recent meeting of the AONB Partnership Committee: 'A commercially sensitive business case is being used as a justification for not having that information in the public domain and, as a consequence, there's a difficulty for us to understand what's actually involved and how that might impact on our area.'

So, given the apparent contradictions between what we are being told is or isn't in the Plymouth & South Devon Freeport bid, and what the government's bidding prospectus tells us what is required, it's perhaps not surprising that Cllr Denise O'Callaghan should have told the meeting of the Council: 'I'm not reassured. I know that part of the Freeport, part of its essence is that not only are there tax advantages but there are relaxed planning rules. The question that springs to mind is, if Dartmoor is within the outer boundary, then why is it within the outer boundary? And have we asked as a Council, because obviously it's a protected area and we would all like it to stay that way? I'm extremely concerned about what's happening', she added.

Cllr Julian Brazil then went on to make the point: 'You may have seen there will be announcements in the press today about Investment Zones. Investment Zones seem to me to be Freeports apart from the duties, ie they give you tax benefits. Tax breaks to businesses. But they've now also announced they will

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## Writers & Writing

An evening hosted by the South Hams Society  
Thursday 27 October, Totnes Civic Hall  
Featuring

**Andrew Wilson**  
Author of 7 Novels & 5 Biographies

**Minette Marrin**  
Author, Journalist & Sunday Times Columnist

**Marcus Field**  
Journalist & Former Arts Editor, Evening Standard

The evening will include presentations, Q&A,  
a discussion on writing, journalism & the media

Members Free, Non-Members £3

Charity No 263985, Registered Address 20 Highfield Drive, Kingsbridge, TQ7 1JR



# Newsletter / 3

At the start of September Totnes Town councillor Sarah Collinson informed her colleagues she had witnessed 'huge fat bergs drifting down the river and raw sewage – you could see it in the water – because of the rain yesterday,' as she walked along the banks of the Dart.

A few days earlier Sandra Laville told readers of *The Guardian* the Avon 'suffers from pollution, high phosphate levels, low flows, high temperatures, flash floods, drought and obstructions to its natural movement.'

Her concerns were echoed by Dr Stuart Watts, the chair of Aune Conservation Association, who wrote on the Association's website that releases of raw sewage into the river are 'an intolerable public health situation because the upper estuary is used ever more frequently by wild swimmers, SUP users, canoeists and the like.'

Similarly the owner of the Oyster Shack can no longer source oysters from the Avon, as the levels of E coli in the river have led to its classification being downgraded to the lowest rating of C for much of the year.

Responsibility largely rests with South West Water, whose wastewater treatment works at South Brent, Loddiswell and Aveton Gifford discharge their treated sewage into the Avon, but supposedly only after testing and monitoring carried out by the water company itself.

While within the Dart catchment area wastewater treatment works

## When pollution pays



*The River Avon, downstream from Bickham Bridge*

are to be found at Ashprington, Broadhempston, Buckfastleigh, Dartmouth, Denbury, Dittisham, Hareberton, Harbertonford, Ipplepen, Staverton and Totnes. In 2021 South West Water acknowledged the Totnes works was already approaching its design capacity for dry weather flow.

However the real problems arise when it rains. Then all too often it's not just treated but raw sewage that gets dumped straight in to our rivers. During 2021 for example, according to the Top of the Poops website, there were no fewer than there were 4,001 sewage dumps of 27,465 hours duration in Totnes constituency alone – that's an average 11 dumps a day, each lasting for the best part of seven hours! That's an awful lot of sewage.

So it's perhaps not surprising that last year the Environment Agency

gave South West Water the lowest environmental rating of the nine large privatised sewage and water companies in England and Wales, describing its performance as "consistently unacceptable" for the tenth year in a row.

There has to be an explanation, and one reason could be the fact that the company has almost halved its real-terms capital investment in infrastructure according to a Financial Times analysis of Ofwat data and company annual reports, with annual spending falling from a 1990s average of £320 million to £169 million in the 2020s. Cuts to investment in its waste water system since privatisation have been even sharper, according to Ofwat, falling 60% from £185 million a year in the 1990s to £74 million in the past decade.

Yet water bills for South West

Water residents remain the most expensive in the country, in part to pay to service the company's borrowings, which in September 2021 stood at £2.2 billion. When the company was first privatised 31 years ago it was debt free. It is also the only water company in England and Wales to have raised dividends in each decade since privatisation.

In other words the company's 'consistently unacceptable' performance has not come at the expense of shareholders. Nor has the chief executive of South West Water's parent company Pennon, Susan Davy, had to pay the price. Last year her £456,000 salary was boosted by more than £1 million in bonuses, incentives and benefits.

Pollution clearly pays, but for how much longer? Ofwat's chief executive David Black recently went on record to say: 'As we gather and analyse more information, including data on storm overflow spills, our concerns have grown further about South West Water's operation of its wastewater assets and environmental performance.'

'As a result,' he added, 'we have opened an additional enforcement case into South West Water.'

But, regardless of the outcome of that case, it is unlikely to make any significant reduction to the volumes of sewage polluting our rivers within the foreseeable future.

Nor, with the new government's  
...Continued page 4

## ...Freeports

take away powers in respect of environmental protection, in respect of affordable housing and infrastructure obligations on the developer, and it's all very well us saying 'don't worry, it's not there now,' but it only takes the flick of a switch from a minister to say actually we've changed the rules now and everything within that zone will now be up for grabs for developers without the controls that we have as a planning authority at the moment. So what kind of reassurance can you give us that the Freeport won't just turn in to an Investment Zone or be part of the Investment Zone legislation that is coming down the tracks from this new government?'

Needless to say, no such reassurance was forthcoming. The next day a Government investment zones factsheet was published. To accelerate development within

such zones 'there will be designated development sites to both release more land for housing and commercial development, and to support accelerated development. The need for planning applications will be minimised and where planning applications remain necessary, they will be radically streamlined. Development sites may be co-located with, or separate to, tax sites, depending on what makes most sense for the local economy.'

Plymouth City Council is one of the 38 local authorities that have already been selected. The investment zones factsheet then went on to promise: 'We will set out further detail on the liberalised planning offer for Investment Zones in due course.'

Given that in her leadership campaign bid Prime Minister Liz Truss promised 'full-fat freeports' and on the day following our Council meeting a Treasury spokesperson

confirmed it 'remains committed' to the eight freeports already announced, which would have many of the same tax and planning perks as investment zones, but would examine how they will work with investment zones, it is hardly likely that a 'full-fat freeport' will be constrained by a more restrictive planning environment than that offered by an investment zone. So, despite the reassurances our councillors were offered, and on which we hope we can rely, the 'rules' could be changed and worse could yet happen.

Our councillors have already voted to guarantee £4.625 million of council tax payers' money to help finance the development of the Freeport. Needless to say, it is to be hoped that the Freeport will bring many benefits to the South Hams and its residents. But those benefits will almost certainly come at a cost. And we should know what that cost will be.

The lack of democratic accountability and scrutiny, as illustrated by the concerns expressed by our councillors at their meeting, is worrying, particularly given our Council's previous failings in the appointment of FCC to collect our refuse and the misconceived attempt to develop a supermarket for Aldi in Ivybridge, both of which will have cost residents considerable sums.

Indeed, given what we know, or more accurately still don't know, George Monbiot should hardly be accused of being scurrilous. Instead we should be concerned that in the government's dash for growth one cost of our involvement in the Freeport could be the loss of those few protections presently provided by our current planning regime.

That should not be allowed to occur without residents first being allowed to vote on whether they want it to happen.

## ...Pollution pays

focus on growth, are we likely to see Totnes MP Anthony Mangnall's sensible suggestion being adopted. 'Water companies must be included in the planning process. As a key part of the infrastructure network, thousands of new homes are placing untenable levels of pressure on the current system. If it cannot cope then we must review where and how we build.'

Unfortunately the commitment on page 33 of the 2019 Conservative Party manifesto to amend planning rules to ensure that such necessary infrastructure as roads, schools and GP surgeries would be in place before residents could move in to their new homes has long since been abandoned.

So there is little chance of any effluent getting in the way of the dash for affluence any time soon.

## Bridleway House

In our objection we were concerned that the excessive tree work being proposed, and specifically the removal of the four mature trees listed in the application, would detrimentally erode and degrade an area of woodland that had been protected by a recently served TPO, and so would consequently compromise the integrity, purpose and function of that order.

The Tree Officer largely agreed with the Society's assessment, refusing the application, although permitting some lesser works.

The applicants promptly appealed. As far as the inspector was concerned: 'The main issues are the effect of the proposed tree works on the character and appearance of the area, and whether sufficient justification has been demonstrated for those works.'

'The entire site,' he continued, 'comprises part of a densely wooded coastal slope which lines one side of the bay framing North Sands. It therefore makes a significant and positive contribution to the visual amenity of this spectacular landscape.'

In refusing the appeal he concluded: 'the proposed felling of the trees would result in harm to the character and appearance of the area, and, in my judgement, insufficient justification has been demonstrated for the proposed works.'

His ruling may well set a precedent for future applications.

## Look out for the colours of Autumn



*The leaves that were green turn to red, orange and brown above the River Avon*

Policies regarding trees are unlikely to be among our new Prime Minister's most pressing considerations and understandably so. However, trees continue to grow regardless. Or not if unplanted.

Trees play two roles. Nowadays we are very aware of their function in absorbing carbon dioxide from the atmosphere; never more important than now. Also, they play a significant part in our quality of life. There are various reports that show trees and the colour green are soothing and raise the spirits.

Sad to say, Britain has fewer trees per square mile than any other European country and, in our ef-

fort to provide homes, tree density might continue to decline. Just imagine your local landscape, or indeed, townscape without a tree to be seen.

However, the government recently announced the allocation of £44M to support the planting of 2,300 hectares (almost 6,000 acres) with trees by the end of the current parliament which is barely two years away. A valiant effort, and it would take some doing, but, even so, it would add less than one in a thousand to the total tree stock.

A good way to encourage tree awareness is to talk to children about trees and point out their

different shapes, their variety of leaf forms, their flowers, their seeds, and whether they are deciduous or evergreen. At this time of year the leaves of various trees, specially maples, change to a rainbow of colours from dark red to bright yellow.

Trees do nothing but good and we should all play a role, however minor, to increase tree awareness and tree planting. Best of all, buy a tree, any tree, and have children you know plant it and water it and look after it. What better way to celebrate a birth than to plant a special tree? Our children and grandchildren will remember and thank you.

## Forthcoming events and other matters

Apologies are due. You should have been treated to the fascinating recollections of SHS member Val Mercer who, along with her husband, was one of the early founders of the Start Bay Centre after the site was purchased by local philanthropist Herbert Whitley, better known as the founder of Paignton Zoo.

Alas, you cannot get the staff... the notes were lost by yours truly, so the interview will be repeated, Val willing, at a later date.... Fingers crossed for the next newsletter.

Meanwhile, there is an exciting addition to the Events team in the form of Justin Haque, a long time member of the SHS who has also done much work with CPRE.

Thanks to his input, the Society is pleased to invite all members to attend a Writers and Writing

evening to be held on Thursday 27th October at Totnes Civic Hall at 7.00pm. Details can be found on page 2, and we will no doubt end up in a local bar where conversations can continue....

Following a busy summer season which saw the South Hams Society roadshow attending many local shows to network, recruit and generally raise awareness of our aims and objectives we recruited many new members. Bob Harvey's, Rate the Hedge leaflet, co funded by the Society, proved a great conversation starter and there is much debate from farmers, landowners and environmentalists about what exactly constitutes good hedge. Some interesting snippets of local knowledge were turned up for instance, blackthorn faggots burn hottest... - who knew?

Our last and perhaps most

eagerly anticipated event of the summer was sadly cancelled. We received notification from Kingsbridge Natural History Society citing concerns about the spread of Avian Flu and the large number of dead and dying birds to be found on the foreshore. In conjunction with co-sponsors Kingsbridge Estuary Rotary we decided it would be irresponsible to host an event that might spread the disease even further around the area. Kingsbridge Town Square's bandstand, our planned rendezvous, had also been designated a place of remembrance for our late Queen so, all in all, it made sense to cancel. Apologies to all who had signed up and we hope to run it again next year.

Please do try and support Society events and suggestions are always welcome - please send them to [cathykoo@gmail.com](mailto:cathykoo@gmail.com).



## South Hams versus Plymouth

Because its implications for amenity in the widest sense are the most alarming yet published: for environment, for agriculture, for social services and for the general living conditions for all of us, we return in this newsletter to the current struggles over the Plymouth Subregional Study, grandiloquently called "Towards 2001 – the future of the Plymouth Sub-region" with its four alternative 'strategies' for major growth in this area. Briefly, the history is this:-

While the Devon County Council struggles to maintain its dwindling autonomy, the Region, a non-elected body, working closely with Whitehall and now openly supported by the Minister, declares a policy of major growth with an estimated 1 ½ million more people in the South West, a large proportion being encouraged to come from the north.

Government agreed that the Plymouth area including East Cornwall and the South Hams is to take a large part of this artificially induced expansion: perhaps 75,000 extra people in 25 years: maybe five times the growth rate for the last fifteen years. A similar study was made for the Exeter

On September 8 the presiding magistrate at Taunton Deane & West Somerset Magistrates Court adjourned the case against Blakesley Estates (Kingsbridge) Limited for ignoring stop notices to the Crown Court where, if they are found guilty, fines can be significantly higher.

Nor is this the only bad news the developer has received recently. Following a hearing on August 4 at Follaton House planning inspector Hollie Nicholls refused their appeal to add at least 27 additional bedrooms across all the proposed dwellings compared to their original permission. She did so because the revised scheme failed to provide a suitable housing mix to meet identified local needs. Had the appeal succeeded potential profitability would have been considerably enhanced.

Only days before, after much of the hillside had been cut away, a series of landslips had occurred on the site. As a result the stability of High House Lane, the only vehicular route to Kingsbridge Rugby Football Club and the Air Ambulance Landing Zone was in

<https://www.facebook.com/SouthHamsSociety>

## Everybody needs good Neighbours

*The geographical situation of the South Hams means that it is sandwiched between the urban centres of Plymouth and Torbay, two settlements which have rather different needs and priorities to our largely rural area. Both have their own problems in providing for housing, employment and growth, but there has been a creeping tendency over the years from both west and east to view the South Hams as an opportunity for expansion. This particular balancing act between conservation and necessary development continues today, but it has a long history as can be seen from this excerpt from the Society's newsletter of March 1976.*

*This newsletter was written at a time when the local government reorganisation of 1974 with its creation of district councils was still settling down. However there were already concerns about lack of representation and consultation, the change in some responsibilities from county to regional bodies, and imposition of targets by central government. The Devon-wide plans for expansion of which the Plymouth study was a part were decided by the Minister for Planning and Local Government at the time, John Silkin. His letter confirming these plans states that he did not believe that a million extra people in Devon, together with industrialisation and economic growth 'need have an adverse effect on the quality of life'.*

*Following substantial opposition to its 'assumptions, projections, figures and inadequate survey' the Sub-Regional Study appears to have been revised but Plymouth's expansion is still a trend, sometimes to the advantage of its neighbours, sometimes not. Nearly fifty years on and several local plans later, the South Hams is now included in the Joint Local Plan with Plymouth and West Devon which was adopted in 2019. The next new initiative on the horizon is the proposed Plymouth and South Devon Freeport (see page 1) which has the potential for major changes in the South Hams – who knows where that will leave us in another fifty years?!*

sub-region.

Immediate opposition came from East Cornwall, from the South Hams and from many societies, parishes and individuals on the grounds that the Regional Council's assumptions about population, employment and growth rates were totally adrift (at one moment two departments of Devon County Council were giving mutually conflicting figures).

Perhaps the most extraordinary fact is that these studies have been made without any regard to capital investment, running cost, impact on social services that are already weak, ability to obtain loan sanction from government, study of industrial needs or even what benefit there might be to the community as a whole. All this at a time when the country's puffball economy indicates a serious decline for years to come in every form of growth, including social services and general standards of living.

The East Cornwall Liberals (Paul Tyler) quickly produced an alternative Strategy 5 and the South Hams Society a Strategy 6 linked to the Cornish proposals. Both urged lower population totals and slower growth and a policy to provide jobs and houses for locals already in need before encouraging further migration into the area."

## Slip sliding away...



One of the landslips at Lock's Hill

serious doubt. The underpinning and other works that will now be required to make the site stable will inevitably add to the costs of development.

More recently Blakesley applied for a Certificate of lawfulness to establish whether there has been a lawful commencement of their

development. According to their application development on the site only began on 27 May this year. This was more than twelve months after equipment began to arrive on site on 10 May 2021 and the Council issuing a Stop Notice four days after that.

Section 56(4) of the Town &

Country Planning Act 1990 says that 'development is taken to be begun on the earliest date on which a material operation is carried out'.

As we pointed out in our submission, much of the development to date was initially carried out without all the pre-commencement conditions having been adequately satisfied. Given that is the case, it must follow that the development was unlawfully implemented.

For a Certificate of Lawfulness for Lawful Commencement of Development to be granted following failure to comply with planning laws, coupled with the continual breach of a planning condition and enforcement notice would, we argued, be unacceptable.

The application has a target determination date of 10 October but meanwhile work goes on. Trees are being felled. Earth is being moved. Hedgerows are being cleared and a new site entrance is being created.

What was once a biodiverse site rich in wildlife is sadly and criminally no more.

<https://SouthHamsSociety.org>



# Newsletter / 6

Regular readers of this newsletter who have had the misfortune to follow the sorry saga of the track at Butterford Mill will recall the Local Planning Authority giving permitted development consent to the construction of an agricultural storage building in the north-west corner of the site, the furthest possible distance from the public highway.

But that decision, as the Society was able to demonstrate, was only arrived at because the applicants had provided officers with incorrect information.

To quote the agent, 'the site for the building has been chosen to serve this 22 acre block of land as it is in a level corner of the field with an access track leading directly to it.' Yet Google Earth aerial photographs of the site, dating back to 1999, and Ordnance Survey maps from 1886 showed no evidence of any such track.

However, before the LPA could consider this and other evidence, the applicants went ahead and started constructing a track some 800 metres long, 3.5 metres wide and 150mm deep across their property, towards where they wished to erect their agricultural storage building.

Alerted to what was happening and following a site visit, the Council issued a temporary stop notice. As the Enforcement Officer informed the applicant: 'The council, without further evidence provided, cannot agree with your assessment that the works are simply resurfacing existing tracks. It is for these reasons the council believes that these works would need planning permission, and therefore unauthorised.'

'A part retrospective application to regularise and retain an agricultural access track' was subsequently submitted, only for it to be withdrawn some weeks later once the applicants had been informed it would be refused. The Society was told the case officer 'was going to recommend refusal, as it was considered that the application did not deal with the impact on the AONB, and Ecology'.

In response we wrote again to the Head of Development Management. We were concerned the case officer appeared to believe the track to be acceptable, subject to those two caveats, pointing out yet again that were it not for consent being erroneously given for the agricultural storage building as

## Butterford saga rolls on



*The track, cut in damagingly close to the hedgerow*

a consequence of the applicants misinforming the LPA both that there was already a track across the land and that the site could not be seen from any public viewpoints, it was difficult to see how the need for any track could be justified.

We argued that if the integrity of the planning system was to be maintained the LPA should revoke or quash the consent for the agricultural storage building, and refuse any subsequent retrospective application for the track. Replying on behalf of the LPA the case officer wrote: 'the prior notification has been granted and the LPA cannot revoke it'.

Replying to that we wrote: 'I find this difficult to accept. Surely, if anyone submits false information in an application

and a public official makes a decision believing the information supplied to be correct, then that must mean the planning decision was obtained by false representation and, if that is the case, it can only be construed as fraud?

'Consequently, were the LPA to now accept that there was never a track to the barn site, and given the agent has failed to produce the historic maps showing the track the agent said existed that must be the case, then the LPA must acknowledge that the agent knowingly submitted false information to obtain the decision.

'And, should that be the case, the District Council is currently supporting a fraudulent claim, which in turn brings the District

Council into disrepute.

'I can only repeat what I wrote previously, if the integrity of the planning system is to be maintained the LPA should revoke or quash the consent for the agricultural storage building, and refuse any subsequent retrospective application for the track.'

Eight days later the Council's Planning Business Manager responded to say she had discussed the matter with both the case officer and the enforcement officer:

'and we have reviewed the additional information which has been brought to our attention particularly information which contradicts the assertion in the Planning Statement saying that the site of the proposed building had an existing access track leading to it. The prior notification application was determined in accordance with the information submitted and provided to Officers at the time. In reviewing the information provided and historic aerial photographs the Council now considers that the proposed building no longer has a lawful access track leading to it.

'Given these concerns we are seeking the opinion of the Council's Lawyers regarding the validity of the application and decision reached by the Council.

'We will update you once we have received a response from our Legal Team'.

That, as we go to press, was more than eight weeks ago, and we are now told the requested legal advice has still to be received.

It does not inspire confidence.



*The track as it runs from east to west along the bottom of the site before turning up the slope*



# Newsletter / 7

## Four developments, one application



*The construction compound that should have been removed remains visible to the right*

Confusingly, this application is for four developments, none dependent upon the other.

As we noted in our objection the proposed new residents/moor-ing holder’s car park includes an extension area that has been a construction compound since 2018 and which is controlled by planning conditions that require its removal and provide biodi-versity gain to help offset the Harbour Office development.

We made the point that it was unacceptable practice to submit a planning proposal with an area included for biodiversity gain, only to then propose that this area is turned into a car park less than twelve months later.

The second proposed develop-ment is for the erection of a replacement beach shower/toi-let block. We considered the effective increase of 60% in the footprint size to be excessive,

impacting upon what already is a prominent building in the landscape. Similarly Save Bantham noted in their objection that the proposed design shows internal shower cubicles, while other local beaches with shower facilities for bathers are to be found externally to the toilet blocks. As a consequence Save Bantham suspect the new toilets and inside showers are almost certainly intended to serve D2 Zealands Field, for which they seek to develop “..a high-quality ‘glamping’ style facility...”, and not merely those who visit to go swimming in the sea.

Another separate development included as part of this applica-tion is for the installation of an ANPR system and associated signage in a number of locations on the beach road and car park. However, as all visitors’ vehicles have only one way in and out of the site, we argued there could

be no justification for install-ing Paystations and associated signage into the open parking site area to the further visual detriment of this sensitive loca-tion. Any necessary infrastructure should be retained at the current ticket office entrance area where car park customers have histori-cally paid.

Finally the fourth development is for a replacement village sewage treatment plant. There is little contentious about this, although the Society believes it should be possible to retain the access road in its current location once the existing sewage infrastructure is removed, even if there need to be some temporary changes while installation is taking place.

Asking that the application as it stands should be refused, we also expressed concern that it was now nearly two years since the land owner positioned a 12 tonne excavator above the Coronation Boathouse to clear the bank of the vegetation. Yet access to the shore remains via steps, plat-forms and a steep wooden ramp across a building. This, we said, was completely unsatisfactory when compared to the Public Right of Way road slope that should be in use.

Although the application origi-nally had a target determination date of 12 July, no decision has as yet been reached.



*Vegetation cleared above the Coronation Boathouse*

## GIFT AID

The Society is able to claim back 25% of the value of your membership subscription or donation from the govern-ment if we hold a Gift Aid declaration for you. For exam-ple, a subscription of £10 generates a Gift Aid claim of £2.50. Currently we make a claim once a year. Our claim for 2021 resulted in a payment from HMRC of £344.79, a sum which goes straight to our funds.

If you are a UK taxpayer and pay an amount of income tax at least equal to the amount that the Society can reclaim (25% of your subscription or donation), then you can sign a declaration.

Many members are already recorded as having signed a Gift Aid declaration. This information is held by our membership secretary. If you think you may not be signed up and would like to be, please complete the declaration below and send a scanned copy to membership@south-hamsociety.org, or send it by post to South Hams Society, c/o Shepherd’s Corner, Galampton, Kingsbridge, Devon TQ7 3EU.

If you would like to know if you are already signed up, just ask our membership secretary on the same email address. You can cancel the declaration at any time.

Name .....

Signed: ..... Date: .....

## Fairhaven set fair

In our July Newsletter we reported that the outline application for the erection of a single dwelling on land adjacent to Fairhaven, Sandhills Road, Salcombe had not been determined by Council.

The applicant thought the delay unsatisfactory and subsequently submitted the application for adjudication before the Planning Inspector at appeal.

The Inspector's Decision was issued on 9th September: 'The Appeal is dismissed and planning permission for erection of a single dwelling is refused'.

Our objection was largely based on the harm the proposed development would inflict on this aesthetically pleasing, low density, wooded area of Salcombe.

In order to facilitate the dwelling within the wooded location, the applicant proposed the removal of several protected trees.

The Society felt that this was completely unacceptable, and that this course of action conflicted with the provisions and objectives of the Tree Preservation Orders that deservedly afford protection to trees of all ages and species across the site.

We were also concerned that once dwelling occupancy was established in the woodland location, there would be ongoing requests to fell or undertake extensive pruning to trees adjacent to the site, due to worries about damage from seasonal debris fall and from storms.

Our concerns were reiterated by the Inspector who, in his assessment of the development proposal, wrote: 'From my site visit, I find that the trees and planting on and around the site make a significant positive contribution to the visual amenity and character of the area from both close and long-distance viewpoints due to their prominent position on the hillside contributing to a wider wooded vista.

'I find that a building on this site, even if this were of high quality design, would harmfully impinge on the overall character of the area by introducing additional built form in close proximity to surrounding development within this low density area, together with impacts on existing mature trees and planting. Consequently, the proposal would erode the sense of openness and character of this wooded hillside which I find contributes to the natural beauty of this part of the AONB'.

## Proposals exceed Plan recommendation



*The sites already agreed and being brought forward in East Allington*

The Society objected to this application for Permission in Principle for the erection of five new dwellings and associated works because the cumulative effect of development in the village of East Allington was failing to come forward in a way that conformed with the promises made by South Hams District Council to the Planning Inspectorate in the Joint Local Plan.

The local planning authority had stated in the JLP that 30 new dwellings would be the appropriate number for this small village. Consent had already been given for two of that number. This application would add another five, while a further application was seeking consent for an additional 35, taking the total to 42.

We were also concerned that this was an employment site and its loss, coupled with the lack of other employment opportunities in the village, would inevitably lead to an increase in commuter car journeys.

In her report the case officer acknowledged our concern. 'The technical details consent application', she wrote, 'will need to show justification for the loss of employment land. A change of use of an existing employment site will need to demonstrate that there is no reasonable

prospect of the site being used as employment land in the future. Clear and robust evidence will be required in the form of a market-impact report, to show there is no demand for the employment space, as per the requirements of Policy Dev 14.'

In recommending permission in principle she acknowledged 'The application site is located on the edge of the sustainable village of East Allington. East Allington is a sustainable village as set out in Policy TTV1. In sustainable villages, 'development to meet locally identified needs and to sustain limited services and amenities will be supported'. The development site is not considered to be disjointed from the main core of the village, or that the use of this site for residential development would lead to remote development outside of the built environment of the village.'

She continued: 'because the proposal relates to development in a sustainable village where development is only allowed where there is a tangible local benefit, the technical details consent application would be likely to be subject to a S106 agreement for a local connection clause to be applied to the dwellings, or for the dwellings to be of a suitable size and design to meet the housing mix of the parish.'

However, she concluded, 'For this type of application the applicant will need both a granted Permission in Principle and granted approval of Technical Details Consent before a development can take place. Granting consent for the principle of development under this application does not necessarily mean that the applicant will be able to demonstrate at Technical Details Consent stage that they can accord with policy requirements for the details, if this is the case then the Technical Details Consent application would be refused. Only if the applicant gains consent for both the Planning in Principle and Technical Details Consent can development commence on site.'

It is questionable whether the separate application that has come forward, for a further 35 dwellings (2412/22/OPA), will be able to demonstrate it is meeting a local housing need and so satisfy the requirement of Paragraph 11.12 of the adopted SPD document 'Plymouth and South West Devon SPD'. Additionally Highways have also said that as the application stands they are likely to recommend refusal, the Parish Council has objected, and the Affordable Housing Officer finds the affordable housing offer unacceptable.

**Be sure to be at Totnes Civic Hall at  
7:00pm on Thursday 27 October**

**See page 2 to find out why**



## No to Sand Pebbles

In all, the Society submitted two letters of objection against this application to redevelop the existing hotel with owners accommodation to create seven holiday lets and five residential units.

Initially the applicant proposed to simply redevelop the existing hotel building and convert it in to five holiday lets with owners accommodation. That application was given consent on 10 December 2020.

However a year later, in December 2021, a new application was submitted to demolish the existing hotel and replace it with four new buildings. This we felt would be over development of the site, causing harm to the AONB and inconsiderate to neighbouring properties to the north.

Then in May this year revised plans were submitted. Some changes had been made to the position of the buildings in an attempt to both comply with the JLP Supplementary Planning Document and address the unneighbourly attributes of the proposal. But despite these changes, the northern buildings were still up to four metres closer to their neighbours.

Our second objection followed.

Refusing the application the case officer wrote: 'The proposal for the replacement of the hotel with four buildings for part holiday let and part permanent residential development is an overdevelopment of the site, with the scale and massing failing to reflect the context of the site and being visually intrusive and out of character both in terms of design and scale with the surrounding area'.

## Hope for the Cove

The Society had objected to this proposal to build 10 new dwellings, six of which were to be affordable, on a site in open countryside and outside the settlement boundary. Were it to proceed, we said, it would effectively merge the view of the built landscape of Outer Hope with the hamlet of Galmpton.

Agreeing with our assessment, the case officer concluded: 'The development represents new development in the countryside, in a poorly connected location outside of the defined settlement boundary, and is without adequate justification, contrary to the adopted spatial strategy of an up-to-date development plan.'

On 22 July the decision notice refusing the application was issued.

<https://www.facebook.com/SouthHamsSociety>

## Development would be detrimental



*The Gara Rock Resort sits prominently within the AONB and Heritage Coast*

We first objected to this application to erect five additional holiday units within the grounds of the Resort, together with additional landscaping, reconfiguration of parking and associated works, in March 2020. The applicant then submitted revised plans in January of this year and revised those plans again in August.

East Portlemouth Parish Council have objected strongly concluding, as the Society had previously noted, that the proposed development would have a detrimental visual effect in what is an extremely and highly visible part

of the AONB and the Heritage Coast. They were also concerned about the serious problems of inadequate sewage provision for the existing accommodation units. This has resulted in a very strong, unpleasant smell at the site. Further accommodation, they added, can only exacerbate the problem.

Again, more accommodation would only add to the existing parking problems, and a previous commitment requiring staff accommodation to remain on site had not been met.

The Society has also submitted

a further objection, arguing that the proposal damages and unbalances the existing building with development planned to extend out towards the east along the heritage coast, in the process removing much of the mitigating landscaping conditioned when previous applications were approved. As a result, we said, the proposal fails to protect, maintain and enhance the unique landscape and seascape character and special qualities of the area and therefore fails to comply with JLP policy DEV24.

The target determination date is now 7 October.

## Gerston Point: money talks

The owners of Gerston Point have won their appeal against an enforcement notice issued by South Hams District Council.

Of the three grounds the owners cited, only one succeeded. The other two, that the enforcement notices were not properly served and that the notice was issued at too late a date, both failed.

To quote the inspector, Andy Harwood: 'At the start of the inquiry, I set out what I saw the main issues to be in relation to this ground of appeal. It was agreed that the first main issue is the effect of the development upon the character and appearance of the countryside having particular regard to the natural beauty of South Devon Area of Outstanding Natural Beauty.'

He then went on to say that having looked at the site from a number of viewpoints, and subject to a requirement to remove the solar panels, the re-colouring of the roof of the outbuilding and

landscaping details, he was of the opinion that the development would not have a harmful effect upon the character and appearance of the countryside and would conserve the landscape and scenic beauty of AONB.

This means the owners of Gerston point will be able to keep their skate bowl, tennis court, car port, storage building and adjacent hardstanding, all of which were originally constructed some seven years ago without planning permission.

It remains a matter of no little concern that the requirement to obtain planning consent before commencing development can simply be ignored and that those with sufficient funds can, after a series of retrospective applications have been refused, then employ the expensive professional advice necessary because they are able to afford to spend their way to achieve the outcome they desire on appeal.

## Saving Beadon Lane

The owners of Sandnes, Beadon Road, Salcombe are rumoured to have appealed the Council's refusal to allow the field further up Beadon Lane to be used for storing building materials and parking machinery and vehicles associated with the Sandnes development.

The situation is now further complicated by the appearance of a document within the Sandnes application (0258/22/FUL). Under the title - Site Location Plan - there appears to be a proposal for the erection of three stables and ancillary storage on the same area of field that the Council have instructed must be restored to its natural state.

As we go to press no further application has appeared on the Council's website.

However, before any further application is considered, the Council should insist that the field is first restored to its natural state.

<https://SouthHamsSociety.org>

## Taking a View on Enforcement at Hendham

Initially, the question was, would prior approval be needed to construct some new access tracks at Hendham View Farm? According to the applicant's agent the tracks, some five metres wide and in total 3,355 metres in length, were needed to move both livestock and machinery. The application itself, she claimed, should be subject to the General Permitted Development Rights Order, Part 6, Class B relating to the provision of a private way.

According to Clause (d) of Class B makes the LPA is not required to approve any development consisting of 'the provision, rearrangement or replacement of a private way... where the development is reasonably necessary for the purposes of agriculture within the unit.'

The only problem with this argument, as we said in our objection, is that Part 6 Class B only applies to agricultural developments on units of less than five hectares. The farm in question is more than 40 times that size and, as a consequence, the application needed to be considered against Class A, which states 'Development is not permitted by Class A if – (e) the ground area which would be covered by – (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square metres, calculated as described in Paragraph D.1(2)(a) of this Part'.

And Paragraph D.1(2)(a) states 'for the purposes of Classes A, B and C – an area "calculated as described in paragraph D.1(2)(a)" comprises the ground area which would be covered by the proposed development...'

So, because the ground area to be covered by the tracks amounted to 16,775 square metres it was again the case the application was not permitted development and would therefore require prior approval.



*The scarring of the landscape suggests construction of the track has already begun*

However the Head of Development Management Practice at the LPA disagreed. He wrote to the Society to say:

I have re-read through Part 6 and it is my opinion that the limitation of 1000 Sqm does not apply to proposed new private way.

Paragraph A.1 e, which you have provided below sets out that the limitation of 1000 sqm relates firstly to any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations. These limitations would not apply to a new private right of way. The limitation then secondly relates to any building erected or extended by Class A. The question therefore is whether the formation of a private way is the erection of a building and this point is covered by the definitions with paragraph D1 which states that 'building' does not include anything resulting from engineering operations. The formation of a new private way(s) are engineering operations and not therefore buildings under Part 6 and as such the 1000sqm limitation does not apply to the provision of new private way(s).

I do therefore consider that the

proposal is permitted development under class A provided that the development is reasonably necessary for the purposes of agriculture within the agricultural unit which is a requirement for all development under Part 6.

To which the Society responded:

As you note, Paragraph A.1 e(i) sets out that the limitation of 1000 sqm relates firstly to any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations. This, you suggest, would not apply to a new private right of way. However, that surely depends on your definition of 'accommodating'?

To quote the New Oxford Dictionary of English, OUP, 1998:

'accommodate > verb (with obj.)  
1. (of physical space, especially a building) provide lodging or sufficient space for'

In other words, 'accommodate' does not exclusively limit the physical space in question to a building, but also to any works or structure (other than a fence) providing sufficient space, and that surely is what the 5 metre wide track is intended to do, to accommodate the applicant's 500 cows as they travel to and from his milking parlour?

It is also worth noting that a revised application (2385/22/AGR) has now been submitted, reducing the overall length of the tracks from 3,355m to 1,940m. However that will still entail the loss of 9,700m<sup>2</sup> of pasture located around 2.3km from High Marks Barn, a loss equivalent of almost one hectare of foraging habitat. Similarly the fact that some 1,415m of the originally proposed tracks are no longer considered

necessary raises the question as to whether any or all of the remaining tracks are required, or will a further application simply follow in the future?

Finally, even if it is accepted the remaining tracks are reasonably necessary, why are they only necessary until they reach a point 25 metres from a classified road, yet are necessary up to the points where they reach the unclassified roads? It is hard to believe that this can only be to ensure the application continues to meet with the permitted development rights in Part 6, Class B of the General Permitted Development Order. Clearly no applicant or there agent would be that cynical.

We also submitted a further letter of objection, this time to the revised application, raising our concern that, given the proximity of the proposed development to High Marks Barn, a Habitat Regulations Assessment should be required.

Ten days later the LPA concluded Prior Approval was required and that, should the applicant wish to continue with the proposal, they would not only have to explain 'why alternative routes were discounted and why the proposed siting is the optimum location' but also provide a 'Landscape Appraisal of the proposed development with particular reference to the siting of part of the road/private way within the South Devon AONB', and 'an ecological assessment undertaken from a suitably qualified and experienced ecologist. The site lies within the sustenance zone for Greater

...Continued page 11



*Further evidence that construction work has already begun*



## ...Hendham

Horseshoe bats associated with the High Marks Barn SSSI roost. This roost forms part of the South Hams SAC and as such the local authority will need to undertake a HRA screening. Given the scale of development (approx. 0.97ha), in order to undertake this screening we will need to understand the ecological value of the habitat being removed to facilitate the track and the impact this track will have on foraging and commuting Greater Horseshoe Bats.'

However this story does not end there. One week later the Society submitted a request for an enforcement investigation. We illustrated that request with photographs showing the heavily scarred landscape, evidence we believed that ground works had already begun for the formation of the track that had been removed from the second planning application. We also offered evidence suggesting further track construction work had commenced elsewhere.

'The tracks themselves', we noted, 'appear very basic in construction,' and asked 'could it be they have been built primarily to exploit the substantial subsidies to be had from the scheme RP4: Livestock and machinery hardcore tracks?', pointing out that at £33 per metre, the sums to be had from that scheme are considerable.

The following day the Society was informed there was to be an investigation by Planning Enforcement. The next day we in turn informed the Enforcement Team 'that there are now numerous 15/20ft holes in hedges created to accommodate tracks and that digging is and has taken place close to established trees, such as the oak tree west of Little Wotton, where root damage is inevitable.' In response we were told the information would be added to file. And, as far as we know, it may still be sitting there.

Seven weeks later, and despite requesting an update, we have heard no more. It hardly inspires confidence in the Enforcement process.

## Spirowell withdrawn

The application to construct a new single storey three bedroom dwelling in open countryside and away from any cohesive settlement was withdrawn on 27 June, shortly after the July issue of our Newsletter had gone to press.

## No change of use to residential



*The agricultural buildings at Higher Pasture Farm are to remain agricultural buildings*

Twenty-five years ago, the location in question was undeveloped countryside. Then, on 4 August 1997, two separate applications were approved to permit the construction of some agricultural buildings. No further development then took place until 2007 when the current owners submitted an application for the 'Erection of livestock building and agricultural storage building', which was also approved. In the same year planning permission was given for a 'Change of use of land for siting of mobile home for agricultural worker', subject to it being 'removed and the land restored to its former condition on or before 3rd July 2010'.

A later planning application for a second mobile home was subsequently received in June 2008, a 'Retrospective application for the retention of two mobile homes to house agricultural worker & family and retention of portable cabin for storage'. That too was

required to be 'removed and the land restored to its former condition on or before 3rd July 2010'.

Consequently, in May 2010, an application was made seeking 'Outline application for provision of agricultural dwelling'. Significantly this was conditioned to require its occupant to be 'a person solely or mainly working, or last working, in the locality in agriculture', 'as the site is located where residential development would not normally be permitted'.

Then, earlier this year, a further application (2331/22/PDM) was received, this time 'to determine if prior approval is required for proposed change of use of agricultural buildings to 5No. dwellinghouses (Class C3) and for associated operational development (Class Q (a+b))'.

In our objection we not only stressed that historically the LPA had been consistently clear the

location was unsuitable for housing development but that one of the barns was obstructing a public footpath and that permitted development rights had been removed, either because the construction of the barn obstructing the footpath was unlawful, or as a consequence of a condition on the planning permission for two of the units on the development.

Refusing the application the Case Officer concluded 'condition 10 of the planning permission restricting the use of the building for agricultural purposes still applies', citing a number of recent appeal decisions in support, and as a result 'the LPA does not consider the proposed change of use would be permitted development under Class Q of the GDPO'.

The issue of the obstructed footpath was not addressed, but it is a matter to which the Society may yet return should the applicants decide to try again.

## No material change to siting caravans

In submitting their application for a Certificate of Lawfulness the site owners were arguing they should be able to increase the number of static caravans being housed on the site from 34 to 52, without having to apply for planning permission.

The use of the site for that purpose was already established, they said, and the proposed addition of 18 units would not result in a change to the character of the use of the site.

However, in our objection we pointed out that just over two years ago, on 26 June 2020, Planning Inspector David Wyborn dismissed an appeal by the applicants against the refusal of their application 4015/18/FUL to add a further 23 static caravans to the 34 already on the site.

The only apparent difference between that application and this is that the number of additional caravans has been reduced to 18. In all other material respects, the applications would appear identical.

Quoting some of the conclusions reached by Inspector Wyborn we decided it was not unreasonable to assume "the proposed increase in scale would change the character of the land and its use sufficiently for it to be concluded there is a material difference between the existing use and the proposed use." And, because there would be a material change, the application did represent 'development' and planning permission would be required.

The application for a Certificate of Lawfulness should be refused.

## Greystones

In his report the Tree Officer quoted from our objection to this application proposing extensive work to a significant number of protected trees.

The trees themselves were already afforded protection by TPO 86 as they provide significant public visual amenity benefits to the wider sylvan setting of Salcombe.

In a split decision permission was given to fell two of the trees for safety reasons, but subject to replacements being planted as close as practically possible to where those trees were removed.

The struggle to prevent the inappropriate felling of trees in Salcombe, often for no other reason than to improve someone's view, is never ending.



# Newsletter / 12

## Visually breaking the landscape



*The highly reflective and visible fencing on the fields at Bantham*

It sometimes seems like a month seldom passes without there being another application for a development of some description somewhere on the Bantham Estate. This latest application sought approval for the temporary installation of two rows of Paraweb fencing to protect windbreaks being planted on the vineyard to the north of Lower Aunemouth.

As we pointed out in our objection the fencing on the two fields is highly reflective in the sunlight when seen from the SW Coast Path, noticeably impacting on the highly protected landscape of the South Devon Area of Outstanding Natural Beauty and the Heritage Coast

The choice of the two fields to house the vineyard is question-

able. The fields are on rising ground close to the shore, and so severely affected by the prevailing south westerly winds.

Consequently, we argued, the landscape changes being imposed on this highly visible location were only necessary because the applicant had failed to select a more suitable location on the estate, where rolling hills would provide natural protection from the prevailing winds.

The application will come before the Development Management Committee on 5 October for approval subject to the upper section of the fencing and fence posts being completely removed no later than five years from that date and, following the removal, the height of any remaining fencing is no higher than 2 metres.

## Impacting a sensitive waterside location



*Proposed additions will represent significant overdevelopment*

According to Luscombe Maye, 'Waterside is an iconic period house found in one of the most beautiful and exclusive waterside settings in the UK. Located on the East Portlemouth side of the Salcombe Estuary, this glorious position gives the property truly outstanding views across the water and towards Salcombe'.

The owners now wish to add a single storey side extension to replace an existing lean to, a two-storey rear extension, an additional parking space and extension to the guest annexe, alterations to the fenestration, some solar panels to the roof, undertake some landscaping and construct a new swimming pool.

All of which, we argued in our objection, represented significant overdevelopment of the site, adversely impacting the sensitive waterfront location lying within

the AONB, Undeveloped Coast and Heritage Coast.

The proposed removal of so many trees and the encroachment of a new built form on to the adjacent undeveloped green space was unacceptable and contrary to the provisions and objectives of policy within both the NPPF and JLP.

The Estuaries Officer at the South Devon AONB Unit also shared our concerns about the drainage proposals, both the proposed Sustainable Drainage Scheme and the waste water proposals and their potential impact upon the Salcombe to Kingsbridge Estuary marine SSSI, its protected features and the amenity value of the beach and local bathing waters.

The target determination date has now slipped back from the end of September to 19 October.

## Retaining Dennings adds to congestion

Having previously obtained outline approval to construct 14 new dwellings on the site, which would also have required the demolition of the historical Denning's House, the developer has now submitted a reserved matters application, once again to construct 14 new dwellings, but this time to also retain Denning's House.

As a result the reserved matters submitted in this application were no longer in line with the previous outline planning permission approval, given that there was an increase in the number of dwellings within the development site plan conditioned and approved from 14 to 15.

We also pointed out that retaining Denning's House would inevitably mean the already narrow serving road could not be widened to help cope with the inevitable increase in traffic volumes and help minimise

congestion.

Elsewhere concerns were raised about the consequences of both scrub and hedgerows being removed from the site, the creation of straight steep tracks leading up to the Applegate Park development in the east, and the removal of the stone wall in Wallingford Road and the earth bank beside that wall.

Despite being alerted to the probability, on Platinum Jubilee weekend 18mm of rain fell over three hours, causing surface water run-off carrying mud from the site flooding the streets below. Not surprisingly there are considerable doubts as to whether the surface water drainage proposals are either sufficient or acceptable.

The application had a target determination date of 19 September, but as we go to press no decision has yet been reached.



*Retaining Dennings House will make the road too narrow to cope*



# Newsletter / 13

## Less than a week to help save our rivers

Earlier this week those attending the Avon Estuary Forum were informed by a representative of the Environment Agency that the consultation period for their South West Water's Drainage and Waste Water Management Plan to 2050 was now over. That meant, and once any feedback had been taken in to account, the Plan could be submitted to Environment Agency as part of their legal obligation under the Environment Act.

The fear of those at the Forum was that without sufficient input from SWW customers what was likely to emerge would simply allow the company to carry on with 'business as usual' for the next 28 years, without having to reduce dividends in order to pay for improved infrastructure and monitoring to ensure our waters are clean.

Fortunately, thanks to the Environment Agency, the deadline for consultation has been extended to 7th October. Should you wish to contribute, and hopefully you will, then all responses need to be sent to [dwp@southwestwater.co.uk](mailto:dwp@southwestwater.co.uk). These can be from individuals, councils, any organisations and companies.

The Summary page for the plan can be found at <https://www.southwestwater.co.uk/about-us/what-we-do/dwmp/>. On this page are links to the regional plan, customer summary and technical summaries, which together describe the overall process and plan.

Comments are invited on the level 2 plans which discuss the proposals contained within this plan at an estuary/more local level. Level 2 plans can be found by clicking on the area within the interactive map or by using these links:

Yealm-Erme: <https://www.southwestwater.co.uk/siteassets/document-repository/business-plan-2020-2025/sww-draft-dwmp-l2-yealm-erme-v1.0.pdf> (southwestwater.co.uk)

Kingsbridge an [Avon] South Devon: <https://www.southwestwater.co.uk/siteassets/document-repository/business-plan-2020-2025/sww-draft-dwmp-l2-kingsbridge-south-devon-v1.0.pdf>

Dart: <https://www.southwestwater.co.uk/siteassets/document-repository/business-plan-2020-2025/sww-draft-dwmp-l2-dart-v1.0.pdf>

However these are not the only questions SWW are inviting feedback on and free text responses

<https://www.facebook.com/SouthHamsSociety>

### SOME COMBINED STORM OVERFLOW DISCHARGES INTO DEVON AVON \*

(2021 DATA - RIVERS TRUST)

SITE	FREQUENCY	TOTAL HOURS
Brent Mill CSO	26	53
South Brent WTW	61	1122
Diptford STW	83	98
Moreleigh STW (Torr brook)	45	352
Loddiswell WTW	60	72
Aveton Gifford STW	7	11
<b>Totals</b>	<b>282</b>	<b>1708**</b>

\* Does not include many other minor inputs and Event Data Monitoring may be <90% accurate due to communications failure/issues

\*\* = sewage overflowed into the river for 10 weeks or 20% of the time!

#### Problems on the Avon, clearly attributable to South West Water

to any and all parts of the plans are welcomed.

Elsewhere, and earlier this year, the network group Sustainable South Hams held a Zoom meeting on 'Water for Life' at which Simon Browning of the Westcountry Rivers Trust highlighted the failure of Government to properly fund the important role of the Environment Agency and the inadequacy of South West Water's efforts to ensure our rivers are kept clean and free from human sewage.

According to Browning their analysis of the Environment Agency's published data revealed alarming facts, while the frequency and scope of the sampling undertaken is scientifically inadequate to measure or even indicate the real impact of pollution. Worse, the Agency's once annual reports on the health of our rivers, as required under the EU Water Framework Directive (WFD), have become intermittent.

The last report in 2019 showed that many of our rivers in the South Hams, such as the River Erme, are 'failing'. Another report is not expected until 2025. Originally it was hoped the monitoring work required by the EA would lead to improvements in water quality by 2027, but that is no longer a realistic outcome.

Many wrongly believe that sewage pollution of our rivers is only a risk after heavy rainfall. And reports from water companies can be easily misinterpreted because of their focus on 'sectors' rather than individual 'activities'. The

companies point to 'Agriculture' as being the most damaging 'sector', but the impact of Agriculture is divided across a number of 'activities'. When the data is reviewed using only the information about individual types of 'activity' (across all 'sectors') the percentage for treated effluent sewage discharge is 48%.

The Environment Agency's own data shows the discharge of treated sewage effluent directly into our rivers is the single 'activity' nationally that causes the highest percentage of water bodies to fail the WFD requirements.

In the South Hams there are 55 sewage treatment plants of various sizes, depending on the nearby populations. But sewage treatment plant size is not necessarily an indicator as to the risk of pollution. For example, the small parish of Holbeton, with tributaries into the Erme, recorded 112 spillages of raw sewage over 961 hours in 2020.

Such spillages have to be recorded by the water companies who are responsible for self-monitoring the impact of their direct discharges into the waterways. This level of monitoring is superficial at best and the data is not effectively publicised.

The West Country Rivers Trust analysis also showed that the effluent from Torbay sewage treatment works, which deals with a population equivalent of 175,000 people, is only monitored 24 times per year, and then only for a very limited number of pollutants.

Similarly, in addition to the specific monitoring of waterways near sewage outlets, some rivers are only monitored four times a year, and the majority are not monitored at all. Adding insult to injury, the water companies have opted to no longer monitor coastal ria estuaries. Nor have they been required to reinstate this survey. The SWW reporting of data does not uniformly cover all our rivers, with disproportionately more samples from the Yealm leading to an unscientific skewing of the averages.

According to Simon Browning it is an unequivocal fact that the number of samples taken by the EA are now too low to even indicate the general health of our waterways. As a result the public are systematically poorly informed and something needs to be done.

To help address this failure, the Westcountry Rivers Trust provides technical support and a reporting platform for citizen scientists to regularly survey the health of our rivers. To date they have undertaken 477 surveys in 33 of the 90 areas in the South Hams catchment. With more citizen scientists they hope to cover 100% of the South Hams Catchment. To help bring our rivers back to life, contact Westcountry Rivers Trust <https://wrt.org.uk/>.

*This article has very kindly been contributed by Louise Wainwright, New Groups Mentor & Communications Officer at Sustainable South Hams, <http://www.sussh.org>*

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