



**PLANNING REF: 0258/22/FUL**

**Address: Land North of Beadon Road, Salcombe. TQ8 8LU**

**Description: Temporary storage area to enable building materials and operatives vehicles to be stored / parked close to the site during construction of the replacement house (Retrospective).**

28<sup>th</sup> April 2022

## **LETTER OF REPRESENTATION FROM THE SOUTH HAMS SOCIETY**

### **The South Hams Society interest**

For nearly sixty years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the protection of the South Devon Area of Outstanding Natural Beauty (AONB) very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development, as we strongly believe to be the case with this application.

### **Introduction**

The South Hams Society previously wrote to the District Council with a letter titled *'REQUEST FOR LOCAL AUTHORITY INTERVENTION TO INVESTIGATE POTENTIAL ENVIRONMENTAL HARM AT BEADON LANE, SALCOMBE FROM THE SOUTH HAMS SOCIETY'* back in January 2022.

We observed a dumper truck carrying the remnants of the Sandnes building from that site and tipping the material into a field. In essence, fly tipping because the CMP had stated the demolition material would be dealt with onsite and therefore this removal of demolition material to a nearby field was unauthorised.

It now appears to be the case that the LPA has recommended that a planning application is submitted to the council to authorise that fly tipping?

The Society is writing to object to this request.

To remind you of this unacceptable conduct, on the next two pages are images that we sent to the District Council in January.

W: <https://southhamssociety.org/> FB: <https://www.facebook.com/South.Hams.Society/>

Charity number: 263985

Registered address: Higher Norris Farm, North Huish, South Brent, TQ10 9NL



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## **The Application.**

It is apparent to the Society that the District Councils answer to this is to formalise the previous actions of the owners of Sandnes.

The Construction Management Plan (CMP) that was submitted by the owners of Sandnes confirmed that there was no longer any intention to widen the Lane to 3.0m, and that the Lane was of a sufficient width to allow the tractor and trailer to gain access to the site. It further confirmed there to be very limited overhanging vegetation and that no pruning is to be required or was to be undertaken.

Both these commitments were again reiterated at the Development Management Committee meeting in December 2020 where the Sandnes owners' appointed agent gave assurances that the Lane could be accessed by the required large construction vehicles at a width of 2.55m.

The construction process commenced in the latter part of 2021. Neither of these assurances have been adhered to.

Banks and verges have been degraded in order to widen the Lane, hedges have been severely cut back with one section being removed completely, and demolition spoil has been used to compact and flatten the Lane surface.

These actions have caused immense consternation and upset to very many Salcombe residents who appreciate the enclosed sylvan nature and tranquil character of the Lane in its former unaltered state.

The visual amenity and environmental quality of the area has been further degraded by the dumping of demolition rubble into a field some 200 yards from the development site of Sandnes.

This course of action does not comply with the CMP (updated 04/05/21)

### ***WASTE, RECYCLING and CONTAMINATED MATERIALS***

***'During the demolition of the existing structures the materials as far as possible, will be appropriately segregated on site. As outlined in the sections above and also where possible, waste materials will be reused and repurposed on-site.'***

***Waste certificates will be collated for all waste leaving site and it will be deposited at a designated and approved Environmentally Controlled Waste Reception Centre.'***

*and*

***'With regards to the level of waste that would be generated during enabling and construction works full records will be kept in respect of the types of waste and volumes***



***produced, which will be separated into categories and quantities going to landfill or to be recycled.'***

South Hams District Council Notes to accompany Decision Notices makes clear the requirement to adhere to approved plans/conditions:

***'Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.'***

The dumping of demolition rubble in a field without the required planning permission fails substantively to comply with the conditions that are set out in Construction Management Plan (Eclipse Construction) Rev K, dated 8 April 2021.

The steep sided field in question is a prominent feature within the scenically beautiful North Sands Valley, which is part of the South Devon AONB.

The dumping of demolition rubble in this location imposes a detrimentally ugly and incongruous feature on the landscape which severely compromises the protection objectives of the statutory AONB and Heritage Coast Designations.

South Devon AONB Planning Guidance clearly sets out the implications of the duties towards AONB's for the Planning process (2.6)

The High Court succinctly set out the obligations towards AONB's under Section 84 (the permissive power) and 85 (the duty) as:

*'a Planning authority must take steps to accomplish the purpose of conserving and enhancing the natural beauty of the AONB; and must have regard to that purpose in exercising any functions in relation to, or affecting land in, an AONB.'*

This guidance is reflected within Section 85 of the Countryside and Rights of Way Act 2000 which requires the Local Authority to adhere to the purpose of conserving and enhancing the landscape and natural beauty of AONBs.

Section 32 of the CMP contains a Compliance Statement:

*'The agreed contents of the Construction Management Plan will be complied with unless otherwise agreed with the Council. The project manager will work with the Council to review their Construction Management Plan if problems arise in relation to the construction of the development. Any future revised plan will be approved by the Council and complied with thereafter.'*

No revised plan was submitted for Council consideration with regard to the disposal of demolition waste/rubble in a nearby field.



The conditions in the CMP relating to the responsible disposal of this waste have been flagrantly disregarded and, as a consequence, the protected AONB landscape has been degraded and scarred.

The South Hams Society do not accept the suggestion that, as the damage to the field has already been done, it is therefore acceptable for it to remain in that state for the duration of the construction process because it is convenient for the applicant and the contractors.

Quite simply all of the waste/hardcore must be removed from the field with immediate effect, and the field fully restored to its previous state.

**The South Hams Society respectfully request that this application is refused.**

For and on behalf of the South Hams Society

Richard Howell

Chairman