

## **7. Correspondence – Jack and Brigette Mann**

### **PA19/10712 Trevethan Meadow Request that you object to this application**

**From:** Jack and Brigette Mann

**Sent:** 01 January 2020 22:45

**Subject:** PA19/10712 Trevethan Meadow Request that you object to this application

#### **Correspondence to Planning Committee**

Dear Planning Committee

#### **Request for Town Council to formally object to PA19/10712**

**"Submission of details to discharge condition nos. 3 and 4 in respect of decision notice no. PA16/07313 under PA19/10712" Trevethan Meadow**

We will not be attending the next meeting of the Planning Committee on 6 January 2020.

**The purpose of this correspondence is to formally ask you, the Planning Committee,** on behalf of us and our neighbours, **to write and formally object to PA19/10712 by Friday 10 January 2020.** We hope that you will be prepared to do this and that two of you will propose and second our request. The details are below; we apologise the length of the email below but these matters have been going on far too long and the blame lies with the developer, not us. Essentially the developer has altered the drainage system for the rainwater run-off from the St Cleer Road without obtaining the relevant permissions set out in the planning permission. This was *contrary* to condition 4 of PA16/07313 (phase 3 reserved matters application) and contrary to Policy 26 of the Cornwall Local Plan which seeks to prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal. The alteration is causing problems - see photographs including the highway to Welltown. The developer is essentially seeking retrospective planning permission for what it has already done and its application is factually incorrect.

The Town Council will need to email its response to [stephen.kirby@cornwall.gov.uk](mailto:stephen.kirby@cornwall.gov.uk). As this is a Discharge of Conditions application apparently, despite the implications and ramifications, the LPA is not obliged to consult with anyone. And indeed they have disabled the Commenting function on the planning portal. However Mr Kirby has agreed to accept representations sent to him by 10 January 2020. He has also agreed to consult with the Lead Drainage Officer and with Highways. His emails are attached. Our response to Mr Kirby is set out below. My neighbours are also commenting. For your information, the Lead Drainage Officer cannot support the application - her email of 18 December 2019 confirming this is attached.

Thank you in advance for objecting to this application.

Jack & Brigitte Mann

**From:** Jack and Brigitte Mann  
**Sent:** 30 December 2019 17:24  
**To:** [stephen.kirby@cornwall.gov.uk](mailto:stephen.kirby@cornwall.gov.uk)  
**Cc:** 'Hocking, Holly' <[holly.hocking@environment-agency.gov.uk](mailto:holly.hocking@environment-agency.gov.uk)>; 'German Julian CC' <[julian.german@cornwallcouncillors.org.uk](mailto:julian.german@cornwallcouncillors.org.uk)>; 'Craker Nick CC' <[nick.craker@cornwallcouncillors.org.uk](mailto:nick.craker@cornwallcouncillors.org.uk)>; 'Smith Jackie' <[Jackie.Smith@cornwall.gov.uk](mailto:Jackie.Smith@cornwall.gov.uk)>  
**Subject:** Representation relating to "Submission of details to discharge condition nos. 3 and 4 in respect of decision notice no. PA16/07313 under PA19/10712" Trevethan Meadow

Dear Mr Kirby

**Representation/comments relating to "Submission of details to discharge condition nos. 3 and 4 in respect of decision notice no. PA16/07313 under PA19/10712":  
Objection**

Further to your emails of 17 December 2019 relating to the submission of Comments on PA19/10712 please record that we OBJECT to this application which appear to seek retrospective planning permission for the works the developer has already undertaken prior to June 2019. Our reasons are listed below although we reserve the right to add further reasons if they come to light. We require that these matters are taken into account when the planning decision is reached. We appreciate you permitting us and our neighbours to make submissions although Discharge of Condition applications are not subject to formal consultation, although we do not agree that this is equitable.

**Reasons:**

1. Such matters as alteration/diversion of highways run-off affecting 3<sup>rd</sup> party property should not be dealt with as 'Discharge of Condition' applications which are not subject to formal consultation with a Town or Parish Council, and neighbours are not notified. To expect members of the public to deal with such issues without the assistance of local councillors is grossly unfair, as is inflicting such matters upon persons who might be affected without notice or consultation. This is coupled with the fact that the Cornwall Council Planning Portal states, in relation to this application "*Thank you for your interest. This facility does not accept comments on this type of application.*"
2. The diversion and/or alteration of the Highway surface water drainage system serving St Cleer Road and upper catchment was undertaken by the developer without submitting the details in advance to the Local Planning Authority and the Local Highway Authority prior to such alteration and/or diversion taking place was *contrary* to condition 4 of PA16/07313 (phase 3 reserved matters application).
3. The diversion/alteration is contrary to Policy 26 of the Cornwall Local Plan which seeks to prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal.
4. We understand that best practice is that the system must be designed not to flood any part of the highway (or 3<sup>rd</sup> party land adjacent) in a 1:30 year return period. Also that any alteration must not mean that rainwater run-off enters the system more quickly that it did so before the alteration. The diversion/alteration of IS already causing flash flooding and pollution of 3<sup>rd</sup> party land, including floodwater running across a highway.
5. The violence of the water gushing out when there is heavy rain is undercutting the Cornish hedge that forms the mutual boundary between phase 3 of the development and Trembraze Farm.
6. No filter drains/oil separators/SUDs/attenuation features have been installed, nor a grill to collect litter.
7. The planning permission application PA19/10712 drawing 16518-303 REV C PROPOSED DRAINAGE LAYOUT - SHEET 3 is factually incorrect in that it refers to "Highways diversion discharge to existing outfall". There was no *existing outfall* on land

controlled by the developer until one was constructed by the developer in early 2019. Indeed the bank in which the new outfall is situated was also made by the developer in 2019 (see reference to 'level change' in drawing sk121 to PA16/07313 to accommodate the sewerage pumping station).

8. Even if the existing underground pipe was leaky, as the developer claimed at a site meeting in September 2019, it was attenuating the dispersal of the runoff without causing any flooding or damage. The developer's changes are a retrograde step.
9. The planning permission application PA19/10712 does not meet the criteria laid down at the site meeting on 3 September 2019 including the provision of a CCTV survey, condition report and an "as constructed" drawing detailing the diverted surface water pipe from St Cleer Road to the drainage authority.
10. Reminder - once this matter has been resolved, the developer still has to construct 'level change between pump station and adjoining land to be screened with Cornish bank with native species planting atop together with 1200mm high barbed wire fence to ensure security of adjoining land owner'(sk121 to PA16/07313).

## Background

This submission relates to highway run-off from the B3254 (the St Cleer Road). Prior to phase 3 of the Trevethan Meadow development, Addington, Liskeard, it was culverted underground - without any problems - along the southern edge of phase 3 of the development, then underground under land belonging to Trembraze Farm and land belonging to Polgray, to finally discharge into a stream feeding into the River Seaton on the west side of the highway leading to Welltown at approximately grid ref SX259656. During phase 3 of the development, sometime prior to June 2019, the developer has altered the drainage so that the highway run-off now discharges through a **new** above-ground outfall at approximately grid ref SX257656, just below the sewerage pumping station. This outlet is around 230m further upstream, at the bottom south-west corner of phase 3 of the development, so that the highways run-off water now enters the stream before it crosses the land belonging to Trembraze Farm and Polgray. The emissions are sporadic but when it rains, they are extremely violent (the drop from the St Cleer road is 164') and can cause flash-flooding of the land adjacent to the stream and the highway to Welltown. In PA19/10712 the developer now appears to seek retrospective approval of the diversion/alteration it has already effected.

## Notes:

- The LPA were well aware that the highways run-off was culverted and were asked to ensure that it was not compromised during the development. On 17 January 2017 we commented in regard to PA16/07313 - Updated Drawing Package to Stephen Kirby *"The points made Cornwall Council Lead Local Flood Authority cause some concern with particular mention of the highway drainage and the possible infiltration into the nearby watercourse; as you know, both of which cross our land ( we showed you the manhole). We would like clear assurances that there will be no risk of flooding or run off onto our property."*
- On 19 January 2017 Jackie Smith, the Sustainable Drainage Lead Officer, wrote to the LPA and stated, amongst other things, that the planning permission should provide: *"No development approved by this permission shall be connected to or receive surface water flows from the Highway surface water drainage system serving St Cleer Road and upper catchment. Any proposals for the diversion or alteration of the surface water drainage system serving St Cleer Road and the upper catchment to facilitate this development must be submitted to and approved in writing by the Local Planning Authority prior to such alteration and/or diversion taking place."*
- Under PA16/07313 Condition 4 of the phase 3 reserved matters application it was provided *"4. No development approved by this permission shall be commenced until further investigations have been undertaken, and the results are submitted to and*

*approved in writing by the Local Planning Authority and the Local Highway Authority, to establish the size, position and level of the existing Highway surface water drainage system which is understood to cross the development site and serves St Cleer Road and upper catchment. No development approved by this permission shall be connected to or receive surface water flows from the Highway surface water drainage system serving St Cleer Road and upper catchment. Any proposals for the diversion or alteration of the surface water drainage system serving St Cleer Road and the upper catchment to facilitate this development must be submitted to and approved in writing by the Local Planning Authority and the Local Highway Authority prior to such alteration and/or diversion taking place. Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with Policy 26 of the Cornwall Local Plan.”*

- During phase 3 of the development the diversion and/or alteration of the surface water drainage system serving St Cleer Road was undertaken by the developer without the details being submitted to, and approved in writing by, the Local Planning Authority and/or the Local Highway Authority.
- On raising the issue of the outfall pipe which was causing problems with water egress, on 3 July 2019 the developer stated in writing - incorrectly - that the outlet carried ‘an existing surface water highway drain which we were required to locally divert by Cornwall Council Highways.’
- Around 4 August 2019 there was a sewerage leak from the adjacent sewerage pumping station followed by very heavy rainfall. The highways water runoff mixed with the sewerage and flooded onto 3<sup>rd</sup> party land.
- On 15 August 2019 the developer and the LPA had a site meeting at which they appear to have agreed - without consultation or expert advice - to install a gabion basket in front of the outfall and to throw rocks in the stream to slow down the flow. Once we were aware of these proposals, we strongly objected. They were not carried out.
- A site meeting was held on 3 September 2019 involving amongst others, the developer, the Environment Agency (in view of the sewerage leak), the Sustainable Drainage lead officer and the LPA at which the developer was tasked with producing a CCTV survey, condition report and an “as constructed” drawing detailing the diverted surface water pipe from St Cleer Road, to establish if the diverted pipe is carrying surface water only from St Cleer Road, or if other connections have been made to the pipe within the development site thereby adding to the surface water flow. It did not comply and delayed until 9 December 2019, when it submitted PA19/10712 instead.
- PA19/10712 is factually incorrect. Drawing 16518-303 REV C PROPOSED DRAINAGE LAYOUT - SHEET 3 refers to “Highways diversion discharge to existing outfall’. There was no *existing outfall* on land controlled by the developer until one was constructed by the developer in early 2019. Indeed the bank in which the new outfall is situated was also made by the developer in 2019 to accommodate the sewerage pumping station.

Yours sincerely

Jack & Brigitte Mann

**From:** Smith Jackie <Jackie.Smith@cornwall.gov.uk>  
**Sent:** 18 December 2019 19:37  
**To:** brigitte  
**Cc:** Craker Nick CC <nick.craker@cornwallcouncillors.org.uk>; German Julian CC <julian.german@cornwallcouncillors.org.uk>; Kirby Stephen <Stephen.Kirby@cornwall.gov.uk>  
**Subject:** RE: PA19-10712 - Submission of details to discharge condition nos. 3 and 4 in respect of decision notice no. PA16/07313 under PA19/10712

Information Classification: CONTROLLED

Dear Mrs Mann,

Thank you for your e-mails which I have been copied into.

I can confirm that I have completed an initial review of the information submitted by Persimmon, to address the requirements of Conditions 3 and 4 applied to Planning Application PA16/07313. I have met with the Planning Case Officer, Steve Kirby, today to discuss the details provided by Persimmon to date. It is my opinion that the information provided is not sufficient for the Lead Local Flood Authority (LLFA) to support the discharge of either of conditions.

I have written to the Steve to confirm what the LLFA requires from Persimmon. This includes the provision of a CCTV survey, condition report and an "as constructed" drawing detailing the diverted surface water pipe from St Cleer Road. I initially need to establish if the diverted pipe is carrying surface water only from St Cleer Road, or if other connections have been made to the pipe within the development site thereby adding to the surface water flow. Once this is confirmed, the LLFA and Planning Case Officer should be better informed to negotiate a solution to the issues that you have been experiencing.

Kind regards

Jackie Smith  
Sustainable Drainage Lead Officer  
Transportation and Infrastructure  
West Building  
Central Group Centre  
Castle Canyke Road  
Bodmin  
Cornwall PL31 1DZ

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