

Mr J Hesketh
Parish Clerk
Lambest Cottage
Menheniot
Cornwall
PL14 3RE

My ref: PA25/02746
Date: 2 June 2025

Dear Sir/Madam

Application number: PA25/02746
Proposal: Retrospective application for the alteration, conversion and extension to form a dwelling and integral garage (as approved via application PA24/02518).
Location: Land South West Of Minefield Cottages Menheniot Cornwall PL14 3RY
Applicant: Mr & Mrs Elliot

Thank you for the Parish Council response to the above proposal which I have set out below:

Menheniot Parish Council (27 May 2025)

“At their public meeting held on 19 May 2025, councillors agreed to support this application, but expressed serious concerns about the level of contamination remaining in the stone material being used on site. Accordingly, councillors asked to have sight of the current CDM report had been produced for this new application. The applicant agreed to supply a copy of that report to the Clerk's Office by Wednesday 21 May 2025. This was received as promised and a separate offline discussion was held by the councillors to agree their response in the light of this Construction Phase Plan.

Councillors agreed in discussion at the public meeting that the CDM (Construction and Design Regulations 2015) that management documentation to the point when work had stopped would be submitted as being indicative of how matters such as contamination were to be addressed but a new plan was being prepared for the remaining work in the current application.

Councillors were not advised that the work had substantially progressed from the point that work had stopped pending clearance of the pre commencement contamination surveys and remediation plans.

At the time of the meeting the building had in fact been constructed, roofed and windows installed. The contaminated stone materials to be removed were still on site.

Therefore the CDM documentation submitted is not appropriate or sufficient for Councillors to have confidence that on site contamination has or will be properly dealt with and therefore are not able to support this application as submitted.

Back ground to comments

To deal with the concerns regarding contamination the work must stop and not be re commenced until a full contamination survey is carried out of the site to the satisfaction of the Planning Authority and Environmental Health, to identify the precise location now of any contamination and an appropriate remediation plan implemented to avoid further distribution of or offsite risks from the contaminants on site.

For the record before work recommences a copy of the updated CDM document be submitted to give assurance that adequate management is being provided to further avoid the matters that have occurred to date.

There were a number of issues noted by Councillors on the detail of the documentation and the following comments are made to assist in making the documentation more specific;

a The risk assessments are generic and operative focussed and therefore little mitigation of risks to the public. Particularly as regards noise, dust, and lorry movements

b The welfare facilities are described as " located within the existing property at No. 4 Minefield Cottages using the existing facilities. It will have all the facilities as required and in accordance with HISE recommendations to include: Hot/Cold running water, drying area and eating / refreshment area' . The property is a dwelling and outside the site. The risk of contamination to occupiers is not addressed.

c Waste transfer notes of contaminated off site material are not referred to as part of risk assessments or mitigation of risk.

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d There is lack of clarity of the roles or responsibilities of consultants for example the clearance to commence on excavation of foundations given by a consultant whose CDM role is stated as drainage. This lack of clarity probably led to the need to cease work.

The Parish Council fully additionally endorses the consultee comments lodged by Environmental Health and also the public comments made by an adjoining resident.

In response to the above:

During the course of the application, the applicant has submitted a revised Remediation Method Statement, which has been reviewed by the Council's contaminated land officer. The investigation identified elevated levels of arsenic, lead and beryllium. A series of mitigation measures have been put forward and it is recommended that the stockpiled material is removed from site. Two conditions have been suggested by the contaminated land officer to make the proposal acceptable. These include the submission of a verification report and the reporting of unexpected contamination. With the addition of these conditions, the officer has supported the proposal. As planning officer, I have not seen the CDM report and will be guided by my colleague in environmental health.

In light of the above, I intend to recommend the application for approval.

I would respectfully request that your Council consider the following options as set out within the Protocol for Local Councils:

1. Agree with my recommendation
2. Agree to disagree
3. It is requested the LPA consider referring the matter to planning committee

Please tell me which option you wish to choose within 5 working days from the date of this communication.

If I do not hear from you within 5 working days, a delegated decision may be issued in accordance with my recommendation following discussion with the Divisional Member. If our recommendation changes for any reason we will notify you so that you may reconsider your own position.

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