

**Milly Southworth**

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**From:** Steve Corbidge <stevecorbidge512@icloud.com>  
**Sent:** 04 March 2024 06:49  
**To:** Milly Southworth  
**Subject:** Re: SBSLtd/QA Coatings - Trevol Business Park Enforcement Investigation Updates

Hi Milly,

I am currently in New Zealand visiting family and escaping the relentless wet weather the West Country has been subjected to since my departure. Yes, I am very fortunate to be enjoying the beauty of New Zealand in the best of weather.

Anyway enough of me and onto answering your request for an update on the planning enforcement investigation into the long and ongoing situation at Trevol Business Park.

On the 1st of February 2024, having received no update from the Principal Planning Officer (PPO) conducting the enforcement investigation, I emailed the PPO to report ongoing activity on the SBS Ltd site requesting an update on progress and reiterating my concerns with regards to continued lack of compliance with the planning conditions, particularly Condition 10 Landscaping.

I received a response from the PPO on 2nd February 2024, confirming he had conducted a site visit on 28th December 2023. Following the site visit he proceeded on annual leave (30 December 2023 - 24 January 2024). As such no progress was made during this period. However, in response to my landscaping concerns he informed me of the following:

To date the LPA have not received a contaminated land risk assessment (Condition 2), which essentially prevents compliance with the requirement of Condition 10. In his view compliance with Condition 2 should have been included in the Breach of Condition Notice (BCN). In this regard he has some concerns with the efficacy of the BCN issued by the LPA (Cornwall Council!). As such he will now request a case conference with his line management and legal to discuss the BCN. He could not provide a projected timeline of this investigation.

On receipt of his update, I immediately emailed the PPO informing him, I had raised and informed Cornwall Council (the LPA!) of the non-compliance of Conditions 2 and 10 on 24th October 2022. I also attached copies of the Breach of Conditions Notice, I received in response to my enforcement complaint for non-compliance with plans form submission. It is, once again, essential to note these conditions were placed on the retrospective planning permission PA20/02211 granted on 7th August 2021.

On the 3rd February 2024, I received a further update from the PPO stating:

He had prepared a working document for discussion for his meeting with his line manager and one of their lawyers. He is now awaiting the considered legal advice, once he has this he will provide a further update.

Some of this just could not be made up and true to the wheels of bureaucracy turning very slowly, I am still patiently awaiting a further update as promised. Fortunately, I have become accustomed to the glacial pace of progress and hardened to the mind numbing use of bureaucratic language. As such, I am still very much

on the case and will not rest until justice is delivered. I would also suggest an update on the situation is requested from Councillor Tivnan, as he may have more current information than myself.

I hope this helps and will call you on my return at the end of this month.

Kind regards,

Steve

At 6:48 am on 29 Feb 2024, Milly Southworth <clerk@torpointtowncouncil.gov.uk> wrote:

Hello Steve

Thought I would touch base with you as it has several months since you forwarded this update to the town council, members' would like to be kept informed of any progress. Do keep the council updated, as you are fully aware any correspondence will be considered at the next scheduled meeting following receipt.

With kind regards

Milly

**Milly Southworth Cert(HE), BA(Hons), FSLCC**

Town Clerk & RFO Torpoint Town Council

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**From:** [stevecorbidge512@icloud.com](mailto:stevecorbidge512@icloud.com) [mailto:stevecorbidge512@icloud.com]  
**Sent:** 12 December 2023 18:33  
**To:** 'Milly Southworth' <clerk@torpointtowncouncil.gov.uk>  
**Cc:** [kabeats@btinternet.com](mailto:kabeats@btinternet.com)  
**Subject:** SBSLtd/QA Coatings - Trevol Business Park Enforcement Investigation Updates

Hi Milly,

As previously discussed please find below a short précised update on the ongoing Cornwall Council enforcement investigations into the SBS Ltd/QA Coatings site at the Old Parade Square at Trevol Business Park:

On the 25<sup>th</sup> October 2023 residents were informed by Mr John Butterwick, that the Community Protection Team had completed their investigation concerning noise complaints in respect of blasting operations from the SBS Ltd/QA Coatings site.

Their investigation found incidents of non-compliance with the requirements of the noise abatement notice, and the subsequent enforcement proceedings concluded with an Out of Court Disposal (O OCD).

Whilst initially the residents reaction to this resolution was positive, following further research which identified O OCDs are primarily used by the police, allowing them to deal quickly with low-level offending (in terms of a low level of seriousness and frequency) without recourse to the courts. There is also a key element of an O OCD that should allow the victim's voice to be heard and to be part of the decision-making process where appropriate.

Given the duration of the noise disturbance incidents from this site have blighted our lives over a period of 6 years and the frequency of incidents was regularly sustained throughout this period. This coupled with the Community Protection Team not including our (victims') voice in the decision-making process, we now consider an OOCN to be a lamentably weak punishment; essentially nothing more than a slap on the wrist. It provides little or no deterrent from future incidents of noise disturbance and other associated antisocial behaviour. As such we be robustly challenging this decision and would welcome Torpoint Town Council's (TTC) support in this.

Moving onto the planning enforcement investigation, Mr Chris Cooper-Young (a principal development officer) is leading on the case and has confirmed the investigation **EN23/00336** dated 21.03.2023 remains 'live' and he will be revisiting the site in the near future to assess whether or not compliance with the requirements of the Breach of Condition Notices (BCNs) has been forthcoming. Previously he provided the following update:

*I note that a new case, reference **EN23/00336** has been set up and allocated to an officer to pursue compliance with the requirements of the BCN. However, I also note from reading your email trail and checking the decision notice and enforcement history, that condition 7 is being breached also, condition 7 states: 7 Operation of an Ultra High Pressure (UHP) Plant, as described in the application supporting documentation or equivalent, is restricted to **maintenance and service use only** and prohibited on Saturdays, Sundays and Bank Holidays. Its use is otherwise restricted to the following hours: Monday Friday 08:00 18:00 (excluding Bank Holidays). Reason: In the interests of protecting the amenities of neighbouring residents in accordance with Policies 12, 13 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030.*

*As a consequence planning enforcement can and will look into the use of the Ultra High Pressure plant at Trevol Business Park allegedly in breach of condition 7 notwithstanding the advice from Mrs Martyn below (provided on my instruction and before I had read the case history in any detail). Apologies for any confusion (both) I wrongly assumed that it would fall to our Community/Public Protection given that they have issued a noise abatement notice (NAN). At the time of my discussion with Mrs Martyn, I had only read the BCN requirements which do not include condition 7 and the use of the Ultra High Pressure plant at Trevol Business Park.*

Mr Cooper-Young also confirmed failure to comply with the requirements of the BCNs is a criminal offence, should it be found that non-compliance continues, he will gather the necessary evidence, and the case will then be considered in accordance with the Code for Crown Prosecutors.

As such, his approach provides greater reassurance however, it is important to remember that the previous planning enforcement investigation **EN22/01149** dated 17.08.2022 was created to investigate compliance with the serving of the Breach of Conditions Notice **EN21/01553** dated 11.05.2022 – Alleged breach of conditions, 6,8,10 and 11 of **PA20/02211** dated 09.08.21. As TTC are aware the officer responsible for investigating **EN21/01553** closed the investigation in October 2022 stating there were no apparent breach of conditions. This was despite of the investigation being established following documented evidence stating “in this instance following trying to work with the land owner the Council consider that breaches of planning conditions have/are occurring on the land covered by planning permission **PA20/02211**.”

Only after extensive lobbying by residents did Cornwall Council instigate **EN23/00336**. So given the repeated failures of previous enforcement investigations, I am sure TTC will understand that whilst we remain hopeful of justice finally being served, there is genuine concern that Cornwall Council will, yet again, fundamentally fail to deliver a meaningful and lasting resolution. Ultimately it is bewildering how so much valuable resource has been expended by Cornwall Council over the past six years and all to little or no effect.

I trust this short brief provides councillors with an understanding of the current situation.

Kind regards,

Steve

