

Appendix A

Submission of Questions, Representations and Evidence Form

Questions, **representations and evidence** must be submitted in writing using the form provided **three working days before the meeting** either by email to enquiries@saltash.gov.uk or sent to The Guildhall, 12 Lower Fore Street, Saltash PL12 6JX.

Save Saltash Green Spaces	Date of submission: 25/10/2026
Do you give consent for your personal details to be published and made available in the public domain, please circle below: Yes/No – Only the name of our organisation. Not the individual.	
Are you attending the meeting in person to ask your question, please circle below: Yes	
If your question relates to a Planning or Licensing Application, please confirm the application number, name, address and whether you support or object:	
Question, Representations and Evidence: <u>Question 1</u> A solicitor has twice advised Cornwall Council that the address on its Notice of Disposal is incorrect, rendering the notice invalid. Consequently, the existing Statutory Trust on the recreational ground remains in force. Given the 2023 Supreme Court ruling in Day v Shropshire, if Aldi exercises its Option to Buy, the Statutory Trust will be enforced against Aldi to maintain the site as a recreational ground. Can you confirm that your legal teams have received copies of these formal warnings? Given that you risk buying a site you may be legally barred from developing, are you prepared to pause this application until the lawfulness of the council's disposal notice is fully resolved? <u>Question 2</u> You claim Saltash has an “overall surplus” of green space, but a town-wide average does not mean there is adequate green space in this specific area. In fact, the national Fields in Trust Green Space Index confirms that the community surrounding Burraton Field already faces a deficit. This field is a vital natural buffer between industry and residential areas and is essential for local health and wellbeing, pollution and noise control and biodiversity, yet you have targeted it anyway. At the previous consultation, your representative stated that Aldi has been seeking a suitable site in Saltash for 10 years.	

During those ten years what exhaustive efforts did you actually make to secure a brownfield or industrial location instead of a community green space?

Can you name the specific alternative sites you considered, and tell us why you think building a supermarket on a vital neighbourhood field is a justifiable alternative to using brownfield land?

Question 3

Your consultation shows that out of 1,500 respondents, only 33% support this proposal and the clear majority oppose it. The high number of 'unsure' responses proves you failed to communicate the project's impacts clearly.

Did you track how many supportive comments came from actual Saltash residents who want a store on this specific site rather than the wider area of the town?

Your own report states that loss of green space and increased traffic are the community's top concerns. Given that the majority rejected your plans based on these issues, why have you made no changes to your proposals and are therefore ignoring the community you claim to want to serve?

Question 4

Your presentation claims your store at this location COULD (not will) reduce traffic in the area, proving your model is based on guesswork. You assume shoppers will bypass existing local supermarkets to shop only at Aldi. This ignores the massive influx of traffic from Treledan and outlying areas, which will actually increase pressure on Carkeel, Callington Road, Burraton Cross and Pillmere junctions.

What evidence does your traffic survey provide to prove this store will not negatively impact these already highly pressured roads and junctions?

What data and monitoring evidence can you provide to substantiate your claims and how have you concluded that an additional major supermarket will reduce overall traffic?

Over what specific period was your traffic survey conducted and did it account for holiday traffic, seasonal peaks and routine tunnel and bypass closures?

Question 5

You claim this site is easily accessible by foot, yet pavements are too narrow to safely accommodate pushchairs, wheelchairs, and mobility scooters, and pedestrians are forced into the road just to pass each other. By building over Burraton Field, you are destroying a safe, traffic-free walking route residents have to existing sites. Under Cornwall's Healthy Streets principles, walking must feel safe.

How can you claim this site is easily accessible by foot when the existing infrastructure is dangerously inadequate even before you add parking for 100+ cars and multiple HGV deliveries?

Appendices: Solicitor Letters to Cornwall Council dated 5/6/2026 and 18/8/2026

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Our ref:
Your ref:

05 June 2026

For the attention of: Planning Department; Legal Department

BY FIRST CLASS POST AND EMAIL: planning@cornwall.gov.uk

Dear Cornwall Council,

Re Burraton Sports Field, Saltash PL12 4HJ ('the Site')

1. We are instructed by
2. We are writing in relation to the proposed disposal by Cornwall Council of Land on the Westside of Callington Road, Saltash (identified under LR Title number CL233242). The Site is currently open space used for recreation. Our client's understanding is that Cornwall Council have granted an option to Aldi to purchase the Site and that the option will be exercised once Aldi obtain planning permission for a supermarket on the Site.
3. Although Aldi has started pre-application consultations, no application has yet been submitted. However, according to a Council's Officer Report to Corporate Finance & Performance Cabinet dated 29 August 2024, the Council has indicated the loss in recreation space will be made up elsewhere via s106 obligation payments.

Background

4. In 1938, land described as the "Field at Burraton" was bought by Saltash Borough Council. A later lease of part of this land refers to a conveyance dated 13 September 1938 between William Smith and Others and The Mayor Alderman and Burgesses of the Borough of Saltash.
5. The Saltash Borough Council minutes of 8th March 1938 state:

"the Town Clerk reported the receipt of the following sum from the Minister of Health....£1150 repayable in 60 years for the purchase of Field at Burraton. £400 repayable in 7 years for works of Private Street Improvement".
6. The Saltash Borough Council minutes of 9th August 1938 state:

".....loan of £1550 for the purpose of Private Street Improvement and the purchase of land for the purpose of the Physical Training and Recreation Act, 1937"

7. The loan amount is exactly equivalent to that minuted on 8 March 1938. Both clearly relate to the Field at Burraton.
8. In 1997 (and possibly earlier) half of the Field at Burraton was leased to the local rugby club. This lease was renewed in 2024 for a further 50 years.
9. In 2007 the Field at Burraton was registered:
 - a) The part leased to the rugby club was registered (leasehold) under LR title CL383880. The title is referred to as "The Leasehold land demised by the lease referred to below which lies within the area shown edged with red on the plan of the above Title filed at the Registry and being Clubhouse and Burraton Field Moorlands Lane, Saltash
 - b) The remaining was registered under LR title CL233242 and is described as "Land on the west of Callington Road, Saltash." The only authorised entrance to this land is from Callington Road.
10. The Site is the land registered under LR title CL233242.
11. In 2020, Cornwall Council sold an old lavatory block which had been part of title CL233242. It was registered under a separate title number of CL358754. The description was Land on the west side of Callington Road (Saltash).
12. In 2021 a planning application PA21 02703 was submitted for the redundant toilet block. The address on that application was "Cornwall Council Public Conveniences, Callington Road, Saltash, Cornwall, PL12 6LW",
13. Aldi are seeking to deliver a new food store in Saltash. The site is located on land to the west of Callington Road in Saltash according to Aldi's own Community Consultation document.
14. As noted above, on 29 August 2024, a Council's Officer Report to Corporate Finance & Performance Cabinet indicated that the loss in recreation space will be made up elsewhere via s106 obligation payments.
15. On 9 and 16 July 2025 Cornwall Council published notices of the proposed disposal referring to the Aldi Option to buy site. The Notice contains the address "Burraton Sports Field, Burraton, Saltash, PL12 4HJ".

Submissions

16. The available documents from 1938 indicate a clear intention to provide land for recreational purposes and the Site is therefore held by Cornwall Council as a Statutory Trust.
17. The Council can only dispose of land held under a statutory trust by following certain statutory requirements as well as its own decision making rules. In particular, sections 123(2A) and (2B) of the Local Government Act 1972 provide that before disposing of land which is subject to a statutory trust, the relevant council must advertise their intention to do so in the local newspaper for two consecutive weeks. They must then consider any objections to the proposed disposal that they receive. If the council disposes of land having complied with that procedure, then the land is freed from any public trust.
18. The Supreme Court has ruled on what happens when a local authority disposes of land which is subject to a statutory trust but fails to comply with the statutory requirements- R (oao Peter Day) v Shropshire Council and others [2023] UKSC 8. The Supreme Court held that the rights enjoyed by the public under the statutory trust are only extinguished if the local authority complies with the consultation requirements set out in s. 123 LGA 1972. Furthermore, in so far as the public's rights in the land continue to exist, these rights remain enforceable against the purchaser.
19. Cornwall Council has attempted to follow the notification process set out in s123(2)A of LGA. However the land referred to in the section 123 Notice of Disposal is not the Site.
20. Although the Site is part of what was originally the "Field at Burraton", the Site is only part of that larger area which has been divided up as set out above. The Site itself is not referred to as Burraton Sports Field (the description in the s123(2)A Notice). It is believed that it has not been known as Burraton Sports Field since at least 2007 (when the Site was registered) and possibly since when the Rugby Club first took its lease.
21. The address used in the notice is wrong. The postcode applies to other addresses in Moorlands Lane, including the rugby clubhouse, but it does not apply to the plot on which Aldi have an Option to buy.
22. Our client has requested a copy of the Option to Buy as agreed between Cornwall Council and Aldi to check the description/address of the site used in that Option to buy but is yet to be provided with one. That request is now repeated.
23. The use of the incorrect address vitiates the notification such that s123(2)A has not been complied. In accordance with Day v Shropshire the rights enjoyed by the public

under the statutory continue to exist and remain enforceable against the proposed purchaser Aldi.

24. We should also point out that to date, we have found no Council minutes of a resolution authorising the proposed disposal, There appears to be no further resolution in committee in relation to the option to purchase as anticipated by the Officer's Report in August 2024. There appears to have been no declaration that the land is surplus to requirements. We note that concerns have been raised by Saltash Town Council about the process and the lack of consultation. If there is documentation relating to the declaration and proposed disposal, please could you provide copies by return.

25. Please also confirm that Aldi Stores Limited has been notified of the matters raised in this letter.

Yours faithfully

RICHARD BUXTON SOLICITORS

Cc:

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environmental planning public law

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Our ref:
Your ref: HJF/079028

18 August 2026

For the attention of: Catriona Smith; Property Services

BY EMAIL: Catriona.smith@cornwall.gov.uk

Dear Cornwall Council,

Re Burraton Sports Field, Saltash PL12 4HJ ('the Site')

1. Thank you for your letter of 16 July. We remain instructed

The Notice of Disposal under Section 123 of the Local Government Act 1972

2. You have responded to the concerns raised by stating that

"the notices were served and were sufficiently clear in specifying the land in question (including the availability of a plan of the land, a description and being transparent that it was an open space field)."

3. The address contained in the Council's Section 123 (2A) Notice of Disposal is "Burraton Sports Field, Burraton, Saltash PL12 4HJ"

4. Although you state that the Council's Section 123 Notice of Disposal accurately identified the site, we disagree for the following reasons:

- a) The description in Aldi's Option to Buy is "land on the west side of Callington Road, Saltash." This is also how the site is described in the Land Registry Title Deeds. This is a completely different description to the site referred to in the Council's Notice of Disposal. The only word both addresses have in common is "Saltash". There is no postcode referred to in the description. No reasonable person would read the Notice of Disposal and wonder whether it applied to the recreation ground. If, as you suggest, the site is accurately identified in the Council's Notice of Disposal, why is there a different address in Aldi's Option to Buy?
- b) A reasonable person might well instead believe that the Council's Notice of Disposal refers to the rugby club ground because:
 - a. The post code for the rugby ground is PL12 4HJ
 - b. The rugby ground is "open space"
- c) The notice refers to the PL12 4HJ post code. This post code applies to Moorlands Lane whereas the site subject to Aldi's Option to Buy is not in Moorlands Lane but

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in Callington Road, some distance away. If the site did have a postcode, it is unlikely to be PL12 4HJ.

5. We have obtained a draft version of the Release of Burraton Fields Saltash Report, (attached) in which it is stated that

"Cornwall Council's legal team will not permit contract exchange without evidence that Section 123 requirements have been fulfilled."

6. We request that the concerns that we have raised be passed to them.

The Declaration that the Site is Surplus.

7. The draft Release of Burraton Fields Saltash Report explains that:

"Ordinarily, a site is formally declared surplus before any disposal activity begins" "In the case of the Burraton site, it had not been declared surplus when Aldi first approached Cornwall Council expressing interest."

8. The report makes it clear that there is interest in the use of the site for recreation and that a further lease to the rugby club had been proposed (indeed a letter of intent confirming an intention to continue renting the whole field had been sent by the Council to the Rugby Club. This was withdrawn after Aldi registered its interest. Nevertheless the rugby club remains interested on taking on the land if the opportunity arises.
9. The Council's position in this document is that the land is not currently considered to be surplus at all. Instead, the site will only become (and be declared) surplus if Aldi obtains planning consent.
10. This point is not made clear in the Release of Burraton Field, Saltash Report which simply recommends that:

"subject to the terms of the Option/Conditional Contract being satisfied, the Property is declared surplus and disposed of in accordance with the terms set out in exempt Appendix 2 to the report."

11. The Release of Burraton Field, Saltash Report also makes it clear that there is no guarantee that approval of the planning application will result in satisfactory replacement recreational provision:

"Sport England is a statutory consultee for planning applications and would need to be satisfied that re-provision of sports facilities in the area was not compromised in order to support the grant of planning consent for development of the site, although it is a consultee only and the requirement around planning conditions or planning obligations via a S106 planning agreement in respect of re-provision or improvement of suitable facilities in the local area is a matter of the planning process."

12. In short, it is possible that the planning application will be approved and Aldi could exercise the Option to Buy the site without adequate alternative provision being provided. In those circumstances, it could not be said that the site is truly surplus.

Nevertheless that is what the Council has decided in its decision dated 10 September 2024.

Conclusion

13. In summary, we have reviewed your response with our client and there is nothing in your response which changes our position. It is not disputed that the site is held under a Statutory Trust and for all of the above reasons, it remains our view that the Notice of Disposal is invalid as it does not adequately identify the land to be disposed of.
14. There are also serious concerns about whether the land is truly surplus (it is not at present) and whether the approach taken by the Council is lawful.
15. As s123(2)A has not been complied with, it remains our position that in accordance with Day v Shropshire the rights enjoyed by the public under the statutory trust continue to exist and will remain enforceable against the proposed purchaser Aldi even if the purchase takes place.
16. We would be grateful if you would acknowledge receipt of this letter and provide your response in due course. When responding please could you also please provide a copy of the Council's procedure for disposal of assets?
17. As before, please also confirm that Aldi Stores Limited has been notified of the matters raised in this letter.

Yours faithfully



RICHARD BUXTON SOLICITORS

cc Aldi

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