

Mr. B. Haywood,
Head of Development Services,
SMDC,
Moorlands House,
Stockwell Street,
Leek,
ST13 6HQ.

27th. March 2022.

Dear Mr Haywood,

Moneystone Quarry- Your letter of 23rd.March 2022 in response to my FOIA request.

Whilst I reserve my right to make further and additional comments on the contents of your letter concerning the Abbeydale Report of April 2021 when I am able to access my paper file records in mid May 2022, I have been doing what I can whilst on holiday, on line researching SMDC LPA planning files arising from all planning applications that relate to Moneystone Quarry.

It has been surprising and enlightening. What I have been able to uncover, albeit as yet an incomplete record, I now set out below some of my findings.

I have found evidence that contradict some of the claims made in your letter of 23/03/2022 with regard to the claimed earlier none disclosure of the Abbeydale Report of April 2021 submitted by the Applicants planning agents to SMDC LPA. These findings now demonstrate conclusively that the claims made in your letter are factually incorrect in much of the detail which I set out below.

My findings lead me to conclude that SMDC LPA at this late stage in the planning process cannot correct the errors made on the record by both the Applicants and your Authority and the Case Officer.

I respectfully submit that SMDC LPA now have little option but to refuse all

outstanding planning applications in respect of Moneystone Quarry. These are SMD/2019/0646, SMD/2019/0716, SMD/2019/0725 (now withdrawn) and SMD/ 2022/0014 and the facts now established that SMDC LPA Officers should never have validated the applications.(see below).

It is of course open to SMDC LPA to refuse all outstanding applications as having been void ab initio and leave the Applicants to pursue any remedies they feel that they might have with the Secretary of State.

My researches in the SMDC LPA planning records have proved that,

*Contrary to the claims made by the various planning advisers as disclosed in your letter, the Applicant's planning agents on the 13/01/2022 submitted a welter of plans and documentation in support of SMD/2019/0646 and what is now SMD/2022/0014 and In the process and as a consequence of the LPA validating that latter application the ' Outfall' application SMD/2019/0725 was withdrawn and replaced by the application SMD/2022/0014.

It logically follows that the 0725 application is no longer extant and neither SMDC LPA, it's Officers nor the Applicants can any longer rely upon any of the documentation or the detail of the former 0725 ' Outfall' application.

*As a LPA your authority is governed by all the statutory requirements that regulate planning applications.

*Turning to the application SMD/2022/0014.

Within the documents and plans filed with SMDC LPA on the 13/01/2022 in what was allotted the planning application number SMD/2022/0014 there was the Abbeydale Report of April 2021. The action of the LPA in validating the 0014 application resulted in the withdrawal of the 0725 ' Outfall ' application. There have been a number of consequences that arise from the creation and validation by the LPA of the 0014 application.

The first is that the governing statutory framework regulating the processing of planning applications means that no documentation, plans or maps forming a part of the 0725 application can now be relied upon by either the applicants or the LPA in determining the 0014 ' Outfall' application.

*The Abbeydale Report dated 08/04/2021 contains detailed references to known instability issues at Moneystone Quarry and in particular Q3. The report is self-evidently not intended to be used in, what was at the time that

it was written, the 0725 Outfall application.

On that basis it is not now open to the LPA or the Applicants to rely upon it in respect of the 0014 ' Outfall' application.

*Neither was the Abbeydale Report dated 08/04/2021 intended to be used as nor can it ever be considered to be ' a method statement' as it claims to be. Any attempt to use it as such by the Applicants or the LPA in discharging its statutory obligations would be entirely invalid.

*It is further noted that the Abbeydale Report carried the nomenclature of the application SMD/2019/0646 which amounts to clear evidence that was not prepared for the (former 0725 application) nor the current (0014 application). A further finding is that although the Abbeydale Report was submitted as part of a large tranche of documents, plans and maps in support of the 0014 application of the 13/01/2022, it has in fact been filed and can now be found within the phased planning application SMD/2019/0646.

The assertion made in Mr. B. Haywood's letter to me on the 23/03/2022 that SMDC LPA had not received the report is obviously unsustainable. Neither is the remark by the Case Officer Mrs. J. Curly that " applicants can put in documents when ever they want" supportable.

The Abbeydale Report of 08/04/2021 was submitted as part of the 0014 new Outfall documentation and not as part of the phased application SMD/2019/0646. I submit therefore that the Case Officers comments in this aspect of the 0014 application is illogical and irrational.

Mr. Haywood's letter in which the assertion is made that SMDC LPA were never sent the Abbeydale Report is also plainly wrong and misleading. The Applicant's former planning agents in their attempt to explain away matters have simply demonstrated that those previous and/or current agents representing the Applicants do not have a grasp of the planning detail required.

*In a recent response to a FOIA request I submitted the Chief Executive Officer, in an on the record response to my request to supply information, inter alia, with regard to the 0725 (now 0014) it has been asserted that this application was a freestanding application to be determined on its own and not as part of the 0646 application.

A careful examination of the three applications, SMD/2019/0716, SMD/2019/0725 (now 0014) and 0646 will show repeated evidence of the Applicants and the SMDC LPA treating the applications as an intrinsic part of the whole of the 0646 application.

The manner and location of the filing of the Abbeydale Report of the 08/04/2021 within the 0646 planning file is clear evidence that the LPA and the Case Officer have treated these applications as a part of a whole and as being interdependent. Whether they were correct to do so is a moot point, having adverse consequences for the continuation of the cited applications.

I remind you that a LPA also has a duty in determining any planning application and especially phased applications to have regard to the 'cumulative effects' of all phases of an application. Not to take account of the cumulative effects of its decisions in all applications at MQ would amount to a failure to properly discharge its statutory obligations.

This duty also affects the duty of the SMDC LPA and its Officers to comply with the Environmental Impact Regulations and case law which establishes the time and circumstance when environmental impacts must be assessed if the Regulations are to be complied with.

The filing on the 13th. January 2022 of application 0014 again has consequences for the need for consultation on **all** outstanding applications. However until such time as the SMDC LPA has established that it has properly received **all** the documentation, plans, maps, reports etc that the Applicants have submitted to support the 0014 application and thereafter have moved on to carry out a proper validation of 0014, the rights and entitlements of all parties, including the public are left in a position where they cannot be certain that the evidence upon which 0014 is submitted is valid and have been validated by the necessary statutory process.

Until that position of certainty and clarity has been reached the 'consultation clock' cannot have begun to run. Consultation is on the basis of proper and not misleading (ie informed) information.

I invite SMDC LPA to confirm that it will, once it has conducted a full enquiry and carried out a valid variation process on 0014, notify all parties who have made representations at an earlier stage that the consultation clock has been reset and invite comments.

*The introduction of the welter of new documents, plans, maps etc., on the 13/01/2022 in the 0646 application demonstrates the Applicants intention to try to introduce substantial changes to the detail of the placement of lodges at a higher level within Q3 than was their intention in November 2019 when the 0646 application was validated.

Additionally the placement of a bridge over the reservoir at Q3 has required further changes in the plans.

This demonstrates the ongoing inability of the Applicants to meet the required

conditions set out in the Outline planning permission SMD/2016/0378, dated the 26/10/2016 and prepared and signed by Mr. B. Haywood.

At page 1 and condition 1 of the Outline permission is to be found requirements as to Layout, Scale, Appearance and Landscaping. Additionally and as a clearly intended requirement there forms part of the heading of the Outline permission a reference to the Town & Country Planning (Development Management Procedures) (England) Order 2015.

There is therefore the need to comply with the statutory requirements of the Town and Country Planning (Development Management Procedures) (England) Order 2015 which contains an express obligation to demonstrate **levels** so as to ensure how the internal layout etc. of the proposed development will link to the external levels of roads, footpaths etc. (See T&P Order 2015 for full details). The new documentation lodged as part of the new 0014 Outfall application fails to demonstrate how it can comply with the provisions of the 'Outline' permission and in particular condition 1 and obligation to set levels etc.

*As the new 0014 documentation has demonstrated a change of the Applicant's intentions within Q3 as to Layout, Levels Landscaping and Appearance and as the SMDC LPA has stated that they did not receive the Abbeydale Report dated 08/04/2021 it must logically be the case that full consultation on all matters has to be undertaken and on the basis of full and informed disclosure. (see above).

*There is now also an increased risk, as a result of the intention to place lodges within Q3 at a higher level than previously intended, of a potential impact upon the Listed Buildings and Curtilage of Little Eaves farm which must now be reconsidered and properly assessed and a new report filed for public consideration.

*Consultation must also take full account of the changed requirements and environmental principles to be found in the Environmental Act 2021, the report of the scientific findings of the Intergovernmental Panel on Climate Change (IPCC) issued in March 2022 and the Core policies adopted by SMDC LPA aimed to prevent global warming.

Please may I have a detailed response to the issues I have raised above so that I might make an informed decision on how I to make representations on the application SMD/2022/0014 and its impact upon the applications SMD/2019/0716; SMD/2019/0646 and its compliance with the conditions set out in the Outline permission SMD/2016/0378, and also the still extant Restoration and

After Care Plan conditions for Moneystone Quarry settled and restated on the 06 /03/2014 by SCC MPA.

Yours sincerely,
Paul Housiaux
Whiston Resident.
27/03/2022