
From: Curley, Jane
Sent: 02 May 2023 11:13
To: Planning Comments (SMDC)
Subject: FW: Moneystone Quarry 3 lagoon levels and the SSSIs/ SMD/2019/0646 and SMD/2022/0014

Categories:

Jane Curley (Mrs)
Senior Planning Officer (Majors & Commercial)

From: SheilaWalters
Sent: 28 April 2023 12:44
To: Curley, Jane
Subject: Moneystone Quarry 3 lagoon levels and the SSSIs/ SMD/2019/0646 and SMD/2022/0014



Dear Mrs Curley,

Moneystone Quarry 3 lagoon levels and the SSSIs/ SMD/2019/0646 and SMD/2022/0014

I refer to my emailed letter of the 3rd April amongst which issues over the outfall and levels in the quarry 3 lagoon were raised and also to the recent response from Natural England dated the 31st March but which has only appeared on the webpage on the 11th April, and where similar concerns were expressed.

The levels in the quarry 3 lagoon are one of the crucial and contentious issues in the applications and you still have not resolved the historic discrepancy of a 10 metre difference between the predicted overflow levels given by Sibelco in the data used by Abbeydale BEC and How Planning, but then also contradicted in the application documents you have received.

You will appreciate that Sibelco were responsible for the construction of the original bund and overflow system in quarry 3 and Abbeydale were responsible for the illegal destruction of that arrangement when without the consent of the Environment Agency and yourselves as LPA, they drove a trench through the system in June 2021 in order to avoid having to pay for a backdated licence for a reservoir and by such an unauthorised act to reduce the levels of the lagoon as fast as they could.

It is important therefore to establish which historical measurement is correct.

Until that issue is clearly resolved, you cannot rely upon these aspects of the evidence that the applicant is using.

It is vital to resolve that problem because that is the sole purpose of the application SMD/2022/0014 and the correctness of the levels is essential for the future security of the SSSIs which depend upon the water table serving them.

However from past experience in the matter of water levels we know already that Abbeydale have been guilty of knowingly breaching the law.

As explained to you before, although the EA are regulators of reservoirs, they did not have the authority to permit works undertaken by Abbeydale in June 2021 except in an emergency situation. This was clearly not the case then.

The file record shows that the EA's enforcement officer Mr Cooper Bradley gave Laver/ Abbeydale clear and unambiguous directions on the 17th June, 2021 in an email dated at 16.55

'How this is done is the responsibility of the landowner, I certainly made no mention of trenches. Permissions that may also have needed to be sought were also the responsibility of the landowner, this again is not for us to advise as we are the regulator of the Reservoirs Act 1975. '

Prior to this in an email on the 14th June the EA had expressed an unequivocal complaint at Laver's dilatory behaviour given the EA's lenient decision not prosecute after 10 years without a licence having recognised its classification as a large raised reservoir under the Act.

"Failure to register a reservoir is an offence under the Section 2 of the Reservoirs Act 1975 – A period of grace was only given on understanding that a minimal amount of work was needed to return the quarry to only hold a capacity below the natural ground level (therefore not requiring registration). An alternative to removing height from the man made works was to register the quarry as a large raised reservoir.

We believe that the generous 3 months given to complete these minor works or register the reservoir were sufficient and a period of grace was extraordinary as an offence had already been committed, this period of grace was only given on the understanding that the amount of work needed was minimal to reduce the capacity below the natural ground level. In proceeding communications we were not made aware that there would have been an issue in reducing the height of the manmade works or registering the quarry, despite requests, this information has only been passed to us 4 days before the deadline. "

This is plainly no longer a matter upon which the EA need to be consulted as the EA made its position abundantly clear but despite the warnings, Laver's agents Abbeydale deliberately breached the LPA's planning regulations in June 2021 and in October 2021 and carried on regardless.

The onus therefore is on SMDC to regulate any disturbance to the quarry lagoon that needed planning permission as the EA directed. The fact that the Council have failed to do so has further ramifications on the matter of trust as you will see below.

Likewise statements now being made in support of the application SMD/2022/0014 about site conditions etc. clearly are no longer true because the applicant has claimed in December 2021 in the documents submitted to you which you are still considering, that no alterations have been carried out on site.

Avison Young's Environment Statement Addendum of Dec 2021 states

1. **Current Moneystone Site Conditions**
2. 3.5 With the exception of the ongoing restoration works on site, there haven't been any further demolition or construction activities at Moneystone Quarry since planning permission was granted for the 2016 outline application.

This statement was submitted to you 6 months after the destruction of the original weir for which they had no permission.

It is therefore blatantly untrue.

CVCS had informed you of this unauthorised breach back in July 2021.

Also in October 2021 further work upon the trench was carried out.

Not only that but that action also breached a number of conditions imposed upon the outline permission SMD/2016/0378 to which the applicant was tied, such as for example:-

Condition 29. Prior to any works taking place within 5 metres of any open watercourse crossing or adjacent to the site, details of such works shall be submitted to the Local Planning Authority for its written approval. The development shall thereafter be carried out in accordance with the approved details.

No plans or details were submitted for the 2021 excavation through the existing safety system and no written approval exists.

Please explain therefore for what purpose have the Council imposed such conditions in the outline permission SMD/2016/0378 if the LPA is not going to enforce them?

The fact that you, as the LPA responsible for enforcing the breaches, have chosen not to act according to Mr Haywood, does not excuse the unacceptability of this current statement within the 0014 application. It should be resubmitted and amended alongside the other errors found in the documents that have also been pointed out to you.

I'm sure you'll agree that accuracy of detail is vital in this matter and emphasised by the numerous details of the mitigation conditions attached to the Natural England's latest response of the 31st March.

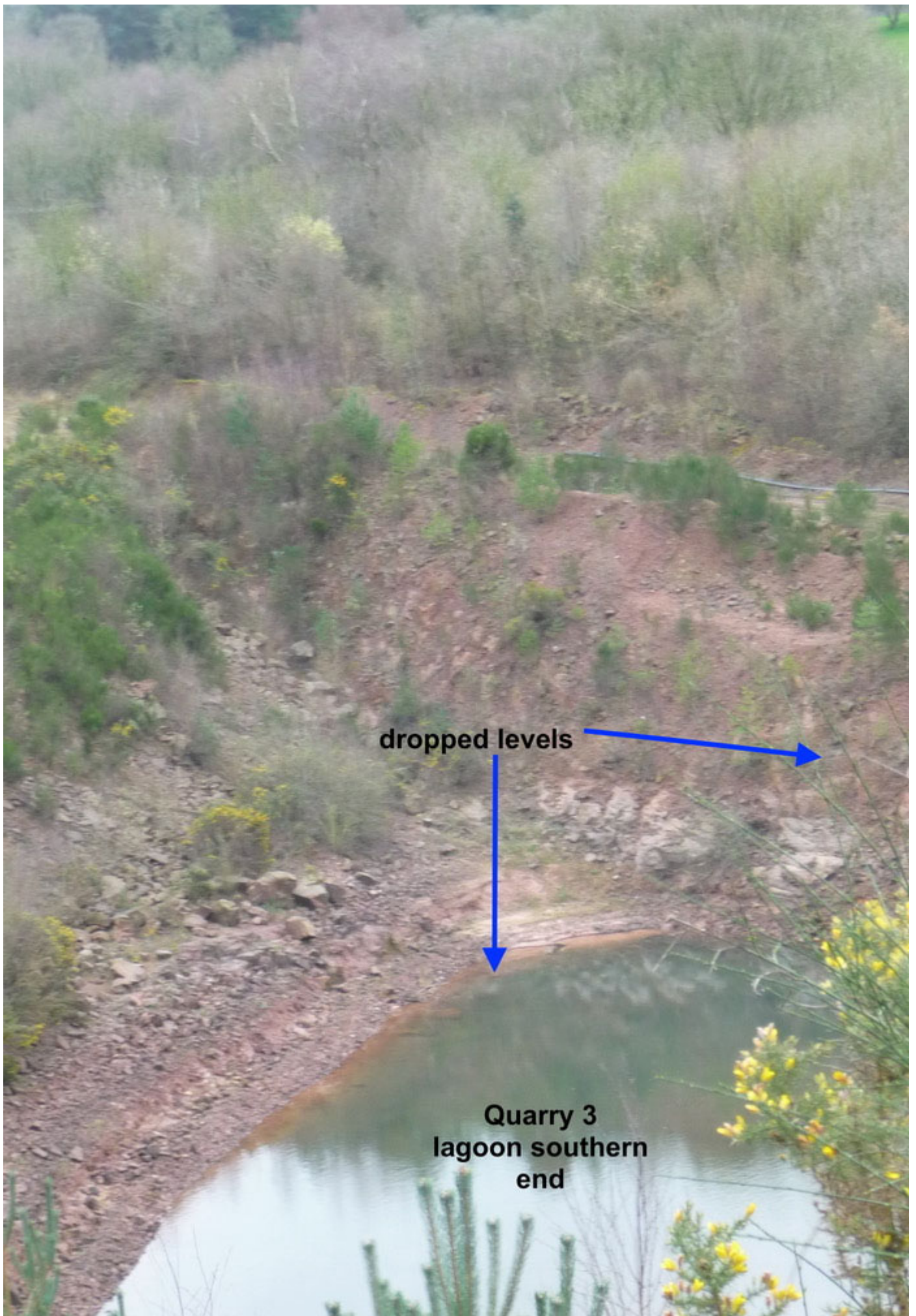
One of these requires the control and maintenance of surface and ground water flows, as well as the avoidance of contamination of aquifers and local watercourses, land stability and the risk of remobilisation of particles and sediments from former industrial tips and production processes that took place on site, many of whose locations were not properly recorded.

Unfortunately the current state of the lagoon levels in quarry 3 is somewhat perilous already in terms of sustaining seepages and maintaining the water table serving the SSSIs as you will observe in the following images and notes from surveys taken in the past fortnight.

The water levels in the lagoon have suddenly dropped well below the expected heights at which it is normally kept and this is disturbing at a time when the prevailing amounts of rainwater and ground water flows of winter and spring should have ensured it reached and has been maintained at its maximum.

On the images below you can see how much the levels have dropped to the extent that the old tailings dams are appearing below the surface. You can also see the old watermarks around the lagoon perimeter and of course now exposed are the ledges and cliff faces that have tumbles of rocks that have been previously hidden beneath the surface.





dropped levels

**Quarry 3
lagoon southern
end**



SSSIs

bund and old overflow system

Drone view of east end of quarry 3 showing exposed sediments



Two causes for concern arise therefore; one is the lack of water to feed into the SSSIs as outlined by Natural England in their response to you and the other concern is the exposure of the silts and sediments from the tailings which will contain pollutants and likely to be disturbed by sudden deluges from storms whereas they have been embedded by the weight of the water since the quarry was flooded in 2010-11.

It may be opportune for you to investigate as either the seepage referred to by NE and visible on the outer faces of the dam on the southern flank of the lagoon via the boggy vegetation and soft ground, is increasing, or there is too much water being lost by the continuing over use of siphons by Laver /Abbeydale in order to try to control the levels, or maybe both.

Also as the exposures continue to be revealed with the reduction of the water levels, it may be timely too for Dr McCorry to investigate further as he suggested in his report from several years ago in which he acknowledged that toxicity is likely to gather in Q3 and intensify over time. However he has not carried proper tests to verify the levels of pollution or the types to date.

It appears outwardly that Abbeydale have applied to build an overflow whose purpose is supposed to maintain the water levels at a prescribed height as agreed with Natural England, yet somehow it has already achieved a reduction in the height of the water and the volume of the lagoon without it.

Something seems awry and given the track record of non restoration and neglect that has operated at the quarry since Laver took ownership, we feel that this state of affairs needs investigation and as you are supposedly dealing with the outflow and levels in the application, we would appreciate your views on what should be done.

I will write further on the evidence for the sediment exposures but for now I should be grateful for responses to the main points raised in this email and as this is not a complaint but a statement of fact and inquiry, we would expect to hear from you as soon as possible as the applications are once again scheduled to come before the PAC next month.

You might also include this email from CVCS on both the 0646 and 0014 application websites as a further objection to each. Thank you .

David Walters
Secretary
Churnet Valley Conservation Society
CVCS

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