
From: Curley, Jane
Sent: 30 May 2023 12:47
To: Planning Comments (SMDC)
Subject: FW: SMD/2022/0014 further problems
Attachments: approved 2014 restoration plan by scc copy.pdf

Categories:

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

From: SheilaWalters **Sent:** Monday, April 3, 2023 9:45 PM
To: Curley, Jane **Subject:** SMD/2022/0014 further problems

Dear Mrs Curley,

SMD/2022/0014 further unresolved problems

Your correspondence with Mark Acford of the EA last November appears to have established that the lagoon at Quarry 3 is not considered a reservoir any longer thanks to the unauthorised action of Abbeydale who lowered the levels of the lagoon without permission and in doing so damaged the safety overflow system established by the former quarry owners Sibelco to protect the adjacent SSIs.

Despite this, your council has deemed it acceptable according to Mr Haywood to leave the situation as it stands until it hopes that by granting permission to the owners and their agents Abbeydale according to the provisions of application SMD/2022/0014, the damaged bund and excavation trench will be filled in as part of that process of establishing the new overflow spillway further south east of the old site.

This decision by the LPA implies a bias in favour of the developers prior to your eventual report which I understand should be properly balanced and not prejudiced.

By permitting the application per se it conveniently avoids any enforcement action by SMDC. If so, what evidence is there on the file record that the local planning authority should keep, of any informal action taken ie a decision not to take further action in this instance. If there is no record, then please ensure that a document explaining the reasoning is there for future reference.

A few other points I should like to make in this case which you seem to have disregarded despite my earlier requests.

Why is there a discrepancy of 10 metres between the overflow levels provided historically by Sibelco and those of Abbeydale ?

(please see email of the 25th March 2022)

What has happened with regard to the breach of the protective buffer zone that was established by the Staffordshire County Council as part of the original permit for the extraction pit in quarry 3 and which still exists in law?

In both cases you reported that you were either making inquiries of the applicant for an explanation or the County Council, but as that was some time ago and these factors do seem important and very relevant to this application, I feel that it is somewhat tardy not to have received an answer

and that for clarity the facts need to be established for all to see.

The intention of the County Council's plan, setting out as it does clear buffer zone requirements, and backed by enumerated conditions listed in the text of the document that was agreed with owners of the quarry, is to protect the SSSIs, by forming a clearly defined boundary or exclusion zone between the area of the quarry excavations that now form the lagoon and the SSSIs themselves.

On the face of it, unless you can produce evidence to the contrary by way of explanation, this would appear as yet another breach of conditions and has legal consequences as by comparison of the plans it appears therefore that the new 0014 plans are now intended to ride rough shod over the boundary areas and in doing so will breach the entire buffer zones shown in the original plan and the extant conditions bound to it.

What measures have you taken into consideration as a result of this contravention that the application SMD/2022/0014 will, if processed as planned, facilitate?

Have you received any comments from SCC on this question?

I have already pointed out several discrepancies in the documentation submitted to accompany the application which you seem to have validated without question and here is a further example.

The applicant has made an assertion in its covering letter in the application documentation regarding an assumption on its part with regard to the restoration plan
ie

"Restoration

A Restoration Masterplan for the wider quarry site was submitted to Staffordshire County Council ('SCC') by Laver Leisure and was approved at SCC's Planning Committee on 6 March 2014 (LPA ref. SM.96/935/122 M D4). The approved Restoration Masterplan includes a requirement to outfall the lake water from Quarry 3 into an established adjacent stream recorded by the quarry as Stream A. "

Having checked the record of the agreement proceedings in the interests of accuracy and veracity of this statement, I would suggest you might like to seek out the records for yourself

to find it as the requirement appears not to exist both in the correspondence or documentation.

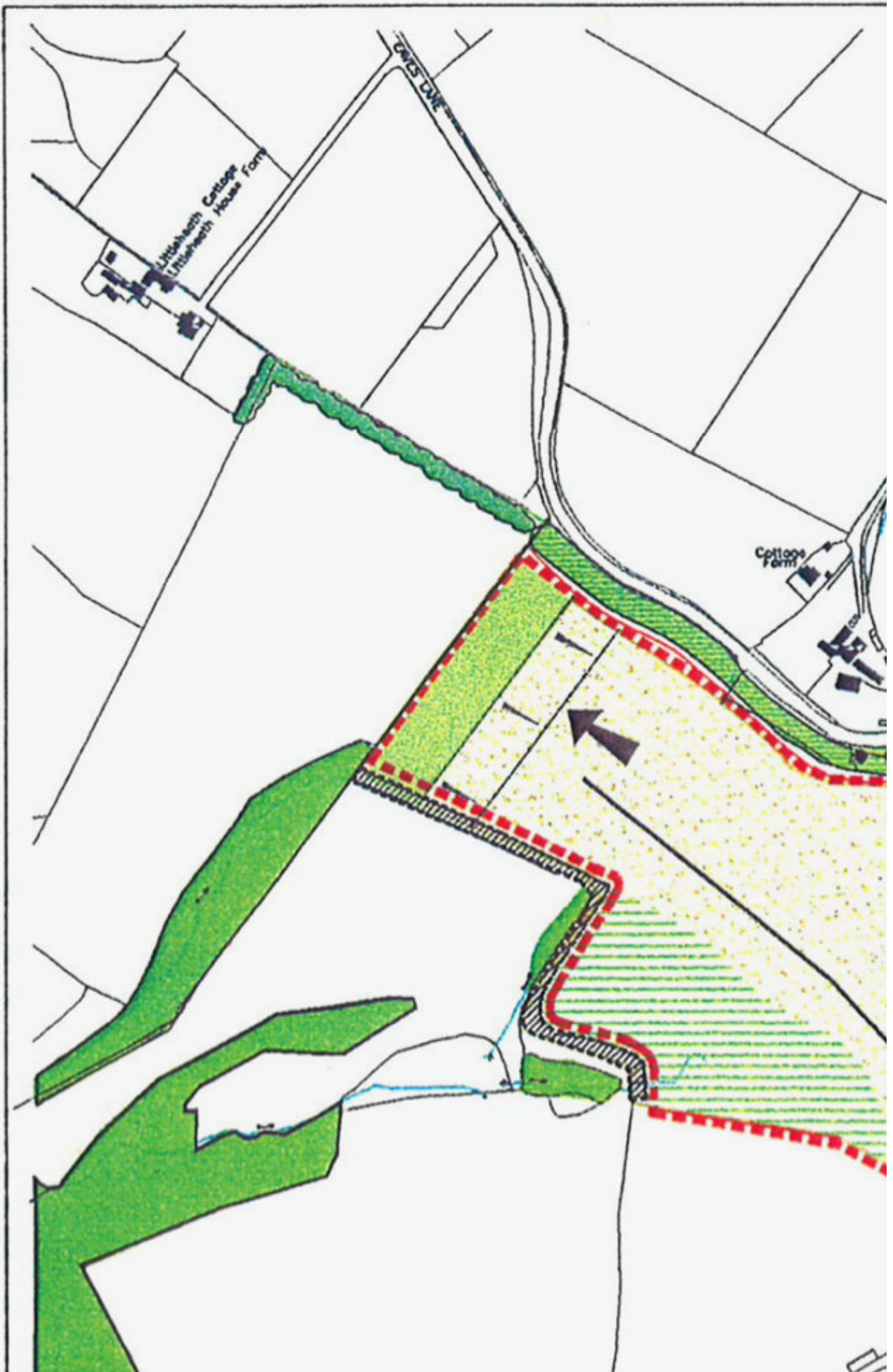
Also here is the approved restoration plan referred to and again there appears to be no such outfall shown.

The error could possibly be due to the fact that at the March hearing in 2014 at Staffordshire County Council to the PAC's dismay, no representative of Laver Leisure or its agents attended.

However you will also observe that on the restoration plan that the area where the outfall development is proposed to take place is demarcated as an 'area to be managed as existing.'

By the description 'as existing' it refers to the earlier agreed iteration of the restoration plan shown below which was withdrawn on the 15th January 2014 when the revised plan was drawn up.

On it the buffer zone is clearly marked protecting the SW corner of the former extraction area in quarry 3 in accordance with the agreed terms of compliance with condition 35 of the original planning permission SM.96 935 122 M D4 .



It would appear therefore that SCC and its committee will be required to agree to the variation of the restoration plan, as that is a county matter, and the file documents accompanying the application should reflect that agreement to vary the plan in this instance.

It would also be something that I'm sure Natural England would also want some input into this matter because of the impact upon the buffer zone and SSSI's and as far as I can tell this has not been discussed with them or raised by you as case officer judging by the file evidence.

This impingement upon the buffer zone again seems to have escaped the notice of the applicant and yourself in validating this application.

I should also like to draw your attention to the fact that this application goes beyond the SMDC's red line boundary for development and despite its presumptive attempts to ride on the coat tails of the 0378 permission as a means of justification, it does remain in that degree a county matter.

In addition to answering / explaining the points raised above and preferably asap as the date for the decision looms once more, I should be grateful if you would enter this letter on the appropriate planning files as a further objection to the application SMD/2016/0646 and SMD/2022/0014.

Yours sincerely,

David Walters

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