
From: Haywood, Ben
Sent: 13 December 2023 17:56
To: Planning Comments (SMDC)
Subject: FW: REPRESENTATIONS IN THE MATTER OF MONEYSTONE QUARRY AND PLANNING APPLICATION SMD/2023/0532

Categories:

From: Stokes, Andrew
Sent: Wednesday, December 13, 2023 5:16 PM
To: Customer Complaints ; Haywood, Ben

Subject: FW: REPRESENTATIONS IN THE MATTER OF MONEYSTONE QUARRY AND PLANNING APPLICATION SMD/2023/0532

Beth

For logging please.

Ben – for the planning files.

Thanks

Jenny Atherton Executive Support Team Leader

Democratic Services

High Peak Borough Council and Staffordshire Moorlands District Council

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High Peak Borough Council
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From: Paul Housiaux

Sent: Thursday, December 7, 2023 5:15 PM

To: Stokes, Andrew <

Subject: REPRESENTATIONS IN THE MATTER OF MONEYSTONE QUARRY AND PLANNING APPLICATION SMD/2023/0532

Dear Sir,

Please acknowledge receipt of these representations in the above cited application.

REPRESENTATIONS IN THE MATTER OF MONEYSTONE QUARRY AND PLANNING APPLICATION SMD/2023/0532.

I make these representations in respect of a purported planning application bearing the Reference SMD/2023/0532. For the avoidance of doubt I **object** to the application for the reasons set out below. As I believe it is important to be accurate I felt it was important to examine the details of the application and make and keep notes.

Introduction.

I was alerted to the presence of 'an invalid' planning application on the 10/11/2023 by a contact at SCC MPA. On the 10/11/2023 no documentation in support of the application SMD/2023/0532 was attached and/or available for me to view. I was left to speculate that the absence of supporting documentation may have related to the decision to mark it as 'invalid'

On the 13/11/23 I wrote to Mr.A.Stokes Chief Executive Officer setting my concerns about the presence of SMD/2023/0532 on the LPA Planning website, noting what the record disclosed and seeking a response from him on various points of detail. At the date of these representations I have received neither acknowledgment nor detailed response to my letter.

Once I had established the Planning Reference I immediately accessed the Application on line and examined the only detail then available and made notes which I retain.

The relevant details of what I discovered are as follows:-

(a) The Application is shown as having been received by SMDC LPA on the 24/10/23.

I cannot at this stage challenge the veracity of the date of receipt shown for 0532 but have my concerns for reasons I set out below.

(b) The Application claimed to be 'Phase 2' of the of an Outline Planning Application Reference SMD/2016/0378.

(c) The planning entry for SMD/2023/0532 had not been completed giving the date of 'validation'. This was such an unusual omission that I later commented upon it in my letter to Mr.A. Stokes dated 13/11/2023.

(d) Lower down in the left hand column of the SMD/2023/0532 I found the word '**Invalid**' which puzzled me and triggered my decision to attempt to unearth the planning reason why the Application had been rejected as 'invalid'. It was necessary for me to research my own records to be able to compile an accurate record of details of information I retained and that I felt needed to be supplied by the LPA.

For at least 12+ months I have checked the SMDC LPA Planning website each morning and evening to allow me to keep abreast of any entries and/ or changes of the SMDC LPA Planning website that related to Moneystone Quarry. I checked the planning record by referencing the name of Moneystone Quarry and also by using known planning file numbers.

I thereafter complied a FOIA request to Mr.A.Stokes dated 27/11/2023 and have received an acknowledgement but as yet no information that I have requested.

I therefore reserve my right, in accordance with the provisions and rights set out in the 2016 version of the SMDC Statement of Community Involvement and other Statutory and planning law to make further representations on the basis of information and responses yet to be provided by SMDC LPA.

(e) I was to learn later that the Case Officer had, Ex post facto, and without any explanation 'validated' the SMD/2023/0532.

(f) As I prepared these representations I can find no evidence of a valid resubmission of the SMD/2023/0532 which had been declared 'invalid' on the 24/10/23.

I submit that this is a clear breach the SMDC LPA SCI and thus renders any claimed 'validation' of the 0532 application null and void.

On that basis I submit that any indicated dates upon which the Public's right to Legitimate Expectation, both Procedural and Substantive to be properly consulted in compliance with the LPA's SCI, renders the latest attempt to validate an invalid application none effective and thus claimed consultation dates equally invalid.

Further Planning Considerations.

Contained within the (now) claimed basis upon which to place the foundations of the SMD/2024/0532 Application is to be found a reliance upon the 'foundation' of an Outlined Planning Permission Reference SMD/2016/0378.

There is no such valid Outline Planning Permission.

It is trite but well established law that any phased application must have a valid 'Outline Permission'. upon which to base itself.

To avoid a long recital of the reasons why SMDC LPA have been wrongly and repeatedly maintaining the fiction that SMD/2016/0378 was a valid 'Outline Planning Permission can be found in,

(i) My detailed and legally reasoned grounds dated 06/10/2023 sent to and acknowledged by Mr. A.Stokes CEO of SMDC LPA that show since 15/09/2016 the Planning Authority has been acting Ultra Vires of its powers. I have received no rebuttal of my representations of this aspect of Moneystone Quarry Planning Applications and the processing of them.

(ii) A full on careful reading of the purported ' Notice of Outline Planning Permission' bearing the Reference SMD/2016/0378 and signed and dated by Mr.B. Heywood on the 26/10/2016 shows the description of the development and which is cited as being **from SMD/2014/0682**.

The planning record shows that the Application SMD/2014/0682 was refused by the SMDC LPA PAC in 2015. The Applicants appealed the refusal of that Outline Phased Application to the Planning Inspectorate (PINS) The consequence of that Appeal was to vest in PINS the rights and duty to determine the Appeal. SMDC LPA thereafter had no control over the Appeal.

Despite a prolonged period of various attempts by Officers of SMDC LPA to compromise the basis of the Appeal of SMD/2014/0682 the PINS appointed Inspector **ruled** that the Appeal would be determined on the basis the original grounds of refusal by the SMDC LPA PAC that met and refused the Application.

That being so the Appeal commenced on the 07/12/2017 and on the 08/11/2017 the Appellants invited the Inspector to mark the Appeal as withdrawn which was done. Thereafter neither the Appellants nor Officers had any right or power to take into account any of the documents or contents of the Outline Phased Application SMD/2014/0682. This further reinforces the claim that there is no valid ' Outline Planning Permission ' upon which to be the foundation upon which to build either SMD/2016/0378 or SMD/2023/0532.

(iii)The misdescription included by Mr. B.Heywood in the purported grant of SMD/2016/0378 - [**namely SMD/2014/0682**]- which was exactly the same description as the 2014 Outline Application, was invalid and rendered the SMD/2016/0378 Notice of Outline Planning Permission Invalid.

(iv) in addition a detailed reading of that notice also invalidated many of the contents of the notice because the Applicants had provided no evidence in support of anything save access.

(v) The purported Notice of Outline Permission bearing the Reference SMD/2016/0378 required that it must comply with the Town & Country Planning(Development Management Procedure)(England) Order of 2015. In many and varying ways it did not.

I ask that I received an acknowledgement of the receipt of these representations.

I also ask that these representations be filed on the purported planning application SMD/2023/0532 and for the sake of completeness SMD/2016/0378, SMD/2019/0646, SMD/2019/0716, SMD/2022/0014

Yours faithfully,
Paul Housiaux
Whiston Resident.
07/12/2023

Sent from my iPad

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