

From: [Whittaker, Roberta \(EXT\)](#)
To: [Jane Curley](#)
Cc: [Planning \(SMDC\)](#)
Subject: RE: DOC/2024/0020 - Fole Dairy
Date: 31 July 2024 14:02:27
Attachments: [image011.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[DOC20240020 - Fole Dairy - LLFA Response.msg](#)

Afternoon Jane,

Thank you for your email regarding DOC/2024/0020 – Fole Dairy.

In response to the email from Paul:

- **Condition 8** is a highways condition so we will not provide comments on this.
- **Condition 16** is linked to Condition 15 whereby Condition 16 asks for the model outputs required to be produced in Condition 15 so these will need to be discharged at the same time.
- **Condition 13** – The flood risk drainage conditions need to be discharged simultaneously as there are overlapping measures and changes that may need to be made in response to each other e.g. an FRA will also comment on surface water flood risk and; safe access and egress will be required both from fluvial and surface water flooding. Therefore, if Condition 15/16 cannot be discharged if there are changes that may be required in response to the discharge of Condition 13.
- **Change to Above Slab Level Condition**
- We do not accept that the development should commence without an approved surface water drainage scheme. For example, it may be the case that STW do not approve the diversion design, the layout in its current form will have to be amended as will the flood risk hydraulic modelling and the surface water drainage design. The developer is asking for a no development above slab level condition, but this will mean that drainage measures will already need to be installed and the planning layout fixed and hence for the reasons stated previously, this is not acceptable to the LLFA.

In relation to the STW diversion point:

It may be the case that STW do not approve the diversion design which is why we are asking for it to be approved at this stage; if approval is not granted for the current proposals, the layout in its current form will have to be amended as will the flood risk hydraulic modelling and the surface water drainage design. We are not asking for the diversion works to be completed on site prior to commencement, just for the design to be approved, which according to the timescales presented by the developer is 3-4 weeks.

In response to the specific comments from Riaz (word document):

The responses in the word document explain that updates/work has been done/ will be done but in order to make an assessment of the flood risk and drainage we need to see this information. As this is a discharge of conditions application we need to see the information we have asked for at this stage, otherwise there is not another point in the

planning process that we can make an assessment of this. I have attached our previous comments for reference.

Advice to LPA

Please get in touch if anything is unclear or you wish to discuss this with us.

Please re-consult us at flood.team@staffordshire.gov.uk when amended details are received. If you are minded to approve the application contrary to this advice, we request that you contact us again to allow further discussion.

Kind Regards

Roberta

Please note my working days are Monday to Wednesday.



Flood Risk Management | Economy, Infrastructure and Skills
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From: Jane Curley <jane.curley@staffsmoorlands.gov.uk>

Sent: Monday, July 22, 2024 2:55 PM

To: Flood Risk Management Team <flood.team@staffordshire.gov.uk>

Subject: DOC/2024/0020 - Fole Dairy

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Hi

We have received the response below from the applicant. Please can you pass to the Case Officer for her comments?

Thank you

Jane Curley Senior Planning Officer (Majors and Commercial)

Planning

High Peak Borough Council and Staffordshire Moorlands District Council

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From: Paul Barton <paul.barton@harrislamb.com>

Sent: Friday, July 19, 2024 9:52 AM

To: Jane Curley <jane.curley@staffsmoorlands.gov.uk>

Cc: Edward Taylor <edwardtaylor@cbcollier.co.uk>; charlescollier@cbcollier.co.uk; Riaz ALAM <r.alam@mucklowandharris.co.uk>; James Hollyman <james.hollyman@harrislamb.com>; Alex Moorcroft <a.moorcroft@mucklowandharris.co.uk>; roberta.whittaker1@staffordshire.gov.uk

Subject: 21047 - DOC/2024/0020 - Fole Dairy - LLFA Response - P1415

Morning Jane,

Please see attached note from our flood risk consultant Riaz Alam of Mucklow Harris, with regard to the recent comments from the LLFA.

Importantly Riaz considers the information the LLFA has, is sufficient to discharge C8 (Surface water and SUDS) and C16 (FRA) of the OP. I have ccd Roberta Whittaker into this mail. Hopefully these can be discharged.

This leaves C13 and C15, in relation to drainage. Neither seem to go to the 'heart of the permission', and I consider it would be preferable to delay their discharge for the below reasons.

With regard to C13, you will see STW will ned c 20 weeks, from application to approval for the diversion design, and a further 9- 12 months for commencement. This will take the commencement date well beyond the December 2024 start on stie date, and my

client, and your authority, will lose a permission.

CB Collier are happy to start the application process to demonstrate an intent, however they will be unable to complete the process within the remaining time. I cannot see any other way of addressing this, and suggest that we move this work further down the development timetable as we have with C18 for example. The work the LLFA require will still be completed, but without an impossible commencement of development deadline.

You will also see Mucklow also provide commentary with regard to water quality and suggest a solution which may be achievable and/ or acceptable to the LLFA- this will need further investigation and will require any solution to be worked through with Offices at the LLFA which will take time. Rather than try and agree this now, given the above timescales for the diversion work, and the uncertainty of any proposed solution to address water quality, I suggest this is also determined at a later date, as a housebuilder may have a different solution to the water quality issue. One last point to make on water quality, is that the quality of water entering the watercourse will be significantly improved from the original use, I don't suggest we bottom this out now, but it is clearly another good reason, to push the issue further down the development timeline to enable a lawful start on site.

With regard to C15, the original Overflow Interception Ditch has been reduced to 45m. This was the length approved in the RM application and agreed by the LLFA. We have approached JBA for their assistance with the LLFA's modelling, and they cannot turn the required initial modelling around before 3 weeks. The modelling will only inform what next steps are required.

Mucklow Harris also point out that the CEMP will address many of the LLFA's queries. In order to get the most appropriate solution, rather than a solution to meet the commencement of development deadline, it would be better to push both C13 and C15 further down the development timeline. There will be no disadvantages to this, indeed it will result in appropriately considered solutions, by a developer who is intending to develop out the scheme.

In summary, we suggest the LLFA have sufficient information to discharge C8 and C16, and suggest C13 and C15 be amended via NMA to "No development above slab level shall commence ..." or something similar.

We can discuss the remaining outstanding obligations/ conditions separately, however the above conditions are those which are causing problems at present.

Should you have any queries please let me know.

Paul Barton

Director

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