Ms. Michaela Boulton,
Green Acres,
High Street,
Dilhorne,
Stoke-on-Trent,
Staffordshire,
ST10 2PE

Mr. Chris Johnston,
Staffordshire Moorlands District Council,
Moorlands House,
Stockwell Street,
Leek,
Staffordshire,
ST13 6HG

Dear Mr. Johnston,

We are writing to formally object to the planning application under the reference SMD/2022/0658, with the Reserved Matters application SMD/2024/0304 currently going through the planning system. The same content for this letter can also be applied to the consent for the application for the 5 number glamping pods by the same applicant under reference SMD/2023/0326.

There are some fundamental errors made in providing a planning consent under this application. Namely, there is a lack of sufficient information to make an informed judgement, ultimately ensuring that the consent and any subsequent development does not follow the guidance stipulated by the National Planning Policy Framework (NPPF), the adopted Staffordshire Moorlands District Council Local Plan, as well as the relevant legislative framework devised to protect the country's assets.

The application and delegated consents appear to be missing material considerations, and as such is in contravention of relevant Planning Law. Some examples are a lack of assessment for ecology, arboriculture and noise.

No consideration in relation to ecology and any biodiversity impacts has been applied to the decisions. The site is situated on the edge of a rural settlement, with habitats that are suitable for a variety of legally protected species. I can see no ecology information submitted or requested as part of the documentation. This would contravene the legislative framework in place to protect our natural assets, which have seen drastic population declines. Given we are currently in a biodiversity crisis, this is highly concerning.

Finally, the nearest elevation containing a window is located only 19m away from the nearest property, and there will be a window directly over the adjacent property. This will not only affect their privacy, but is also closer than is acceptable for new dwellings (29m).

Planning and Policies

I am sure you do not need us to remind you of the relevant policies, however there are some important issues not addressed or adequately assessed as part of the planning approvals.

As per the National Planning Policy Framework, “Planning law requires that applications for planning permission be determined in accordance with the development plan”, and as such the approval of this application contravenes measures stipulated within the Staffordshire Moorlands Local Plan, meaning the approval is unlawful.

The site has been identified as being within the Green Belt, and as per the National Planning Policy Framework “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” The proposed developments of both the bungalow and glamping pods is in contradiction to the NPPF, and there is a risk of urban sprawl affecting a rural community. The application for the glamping pods does state that “very special circumstances” are justifying the approval, although there is no documented evidence as to what these circumstances are, nor is there any transparency for the local residents in the area.

The National Planning Policy Framework states that, in relation to biodiversity, an application should “Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

There is no documentation that these applications have covered this principle, and as such is in contravention of the NPPF.

As per policy DC1 in the Staffordshire Moorlands Local Plan, new developments should “promote the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate;” This has not been assessed as part of these applications, and thus does not align with the relevant Local Planning Policies.

Policy NE1 requires developments to:

“Policy NE 1 Biodiversity and Geological Resources The biodiversity and geological resources of the District and neighbouring areas will be conserved and enhanced by positive management and strict control of development (and having regard to relevant ecological evidence) by:

1. By ensuring all development schemes have regard to the surveys and actions recommended by the Council’s Extended Phase 1 Habitat Surveys and Local Wildlife Assessment, and include measures for protection and enhancement of site biodiversity and protection of any geodiversity as appropriate.

2. Resisting any proposed development that could have an adverse effect on the integrity of an International site (or successor designation) alone or in combination with other plans or projects unless it can be demonstrated that the legislative provisions to protect such sites can be fully met. Any development with a potential to adversely affect a European site/s through construction activities should ensure that Ciria construction guidelines are followed including environmental good practice on control of dust and water pollution.

3. The Council will not normally permit any development proposal which would directly or indirectly (either individually or in combination with other developments) have an adverse effect on a Site of Special Scientific Interest. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.

4. Conserving, and enhancing regional and locally designated sites. The Council will not permit any development proposal which would directly or indirectly result in significant harm to geological and biodiversity conservation interests, unless it can be demonstrated that:

> a) there is no appropriate alternative site available; and
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> b) all statutory and regulatory requirements relating to any such proposal have been satisfied; and
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> c) appropriate conservation and mitigation measures are provided; or if it is demonstrated that this is not possible d) the need for, and benefit of, the development is demonstrated to clearly outweigh the need to safeguard the intrinsic nature conservation value of the site and compensatory measures are implemented.

5. Expecting all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development. In circumstances where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with suitable compensation measures towards loss of habitat used only as a last resort where there is no alternative. Where any mitigation and compensation measures are required, they should be appropriately scheduled and managed according to the nature, size and scale of the development so as to minimise impacts that may disturb protected or important habitats and species.

6. Supporting opportunities to improve site management and increase public access to wildlife sites including supporting the objectives of the Staffordshire County Council Rights of Way Improvement Plan.

7. Ensuring development promotes the appropriate maintenance, enhancement, restoration and/or re-creation of biodiversity through its proposed nature, scale, location and design. The Staffordshire Moorlands Biodiversity Opportunity Map, in conjunction with the Staffordshire Biodiversity Action Plan, will be used to guide biodiversity enhancement measures to be included in development proposals as appropriate to the nature and scale of development proposed and other environmental interest, in particular supporting opportunities to increase grassland and heathland habitats including supporting targets in the UK and Staffordshire Biodiversity Action Plan.

8. Protecting and enhancing habitats and species of principal importance for the conservation of biodiversity as identified in legislation, and recognising and implementing appropriate measures, including landscape-scale conservation management, to take account of the fact that the distribution of habitats and species will be affected by climate change.

9. Recognising the value of the natural environment for sport and leisure activities and the need to manage such activities to ensure there is no conflict.

10. Ensuring the provision and protection of green infrastructure networks in line with Policy C 3."

None of this has been demonstrated within the applications, and thus the approvals are in contradiction to the Local Plan.

Policy NE2 requires the council to protect the individual trees and species-rich hedgerows in the area. This, once again, has not been evidenced or demonstrated. The Royal Oak has destroyed habitats prior to the applications, with a number of individual trees and bushes being felled, as well as additional disturbance to the surrounding habitats. Pictures can be provided as evidence of this if required.

Ecology

No qualified ecologist has assessed the application, and there is no internal communication with the Council's Wildlife Officer (in which Staffordshire Moorlands outsource this to the Staffordshire Wildlife Trust).

Having sought professional advice, the site should be required to at least submit a Preliminary Ecological Appraisal to assess the detrimental impact such a scheme would have. This would then recommend additional surveys and mitigatory measures to ensure that the site meets the relevant regulations. A site such as this would at least be required to consider amphibians/great crested newts (during their terrestrial phase), hedgehogs, ground nesting breeding birds (such as lapwing/ skylark), foraging and commuting bats and reptiles. These species are protected under the Wildlife and Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2017 (as adapted).

Since February 2024, biodiversity net gain has been mandatory under the Environment Act 2021, and it would be expected that this should be assessed for the site, particularly the approved glamping pod application. There are various case studies that Staffordshire Moorlands District Council have been requesting these prior to this date, and thus there are irregularities in terms of the assessment of planning applications.

Arboriculture

It is apparent that no BS5837 Tree Survey has been undertaken or submitted, with no subsequent Arboricultural Impact Assessment or Arboricultural Method Statement. This is concerning given that the proposed plans illustrate that fencing will be altered within the Root Protection Areas (RPA's) of the existing mature trees on site. Without professional assessment, it is impossible to determine these impacts, which could detrimentally affect the existing trees, affecting their health. If these trees begin to die off, then there is a massive health and safety risk of falling limbs for a relatively large area.

Landscape

It has been raised by Dilhorne Parish Council, that the proposed dwelling will have a massive visual impact upon the local residents. No Landscape and Visual Impact Assessment (LVIA) has been submitted, and as such no appropriate assessment by a landscape professional has been undertaken. This would be necessary to ensure that any detrimental impacts are sufficiently mitigated for, with natural screening a preferred option of the local residents.

Noise

The new dwelling and glamping pods will alter the levels of noise within the area, both during the construction and operational phases. No assessment of the noise impacts has been made by a qualified person, and as such this has not been appropriately considered. Under the Staffordshire Moorlands Local Plan Policy DC1, any developments need to "protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution." None of this has been assessed by relevant professionals.

Summary

Therefore, it is highly concerning that, as a representative of Staffordshire Moorlands District Council, have bypassed the requirements and material considerations required for planning applications, in contravention of the National Planning Policy Framework, the adopted Staffordshire Moorlands Local Plan, the Wildlife and Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2017 (as adapted).

As such, we politely request that you reflect on these points raised, and refuse the reserved matters applications for these sites to ensure further legislative repercussions are not pursued for failure to follow the relevant legislation and regulations.

Yours Sincerely,

Michaela Boulton