



Mr.A. Stokes,  
CEO,  
Staffordshire Moorlands LPA.  
Moorlands House  
Stockwell Street,  
Leek,  
ST10 6HQ.

21/03/2025.

Dear Mr. Stokes.

I attach my representations and objections in the matter of SMD/2023/0532.

**OBJECTIONS TO PLANNING APPLICATION SMD/2023/0532.**

I refer to the grounds of objection to the granting of this application prepared and now filed of the public planning file in the matter of SMD/2023/0532.

1. I adopt in every particular the grounds of objection summarised in Paragraphs 4 to 4.2.4 inclusively as set out in the clear and careful analysis and objections prepared by **The Council for the Preservation of Rural England ( CPRE) and now entered in the Planning File SMD/2023/0532.** The content is clear, relevant and accurate. The document recites the Statutory Planning requirements, the NPPF requirements, the need for compliance with Planning Policy to include the use of land and the need that this use should ***contribute positively to social and Environmental improvements with regard to both direct and indirect cumulative impacts over the longer term.*** I submit that SMD/2023/0532 fails to meet these policy grounds and that the application lacks any credible evidence to demonstrate this need.
2. The policy supports development that delivers a **“healthy, safe, attractive, active, well designed and well maintained environment which maintains the local distinctive character.”** The repeated lacuna within the Application make it clear that the plans do not and cannot meet these policy requirements. Officers have long known that Quarry 2 is an unstable Quicksand, demonstrating a history of spontaneous collapse. They also know of the toxicity of the Q2 site and their Pollution Officer Dr, McCrory attended a meeting with the EA and SCC MPA Enforcement officers from SCC MPA and the Environment Agency within Q2 on the 03/10/2016 and witnessed an attempt by the Applicants via their site agent Marcus Hughes to take delivery of two large HGV's loaded with unlawful waste material. Additionally the LPA were served with a scientific report prepared by the SCC MPA Public Analyst of soil sample provided from within Q2 that showed the presence of Cadmium, Arsenic, Mercury, Copper, Lead and PCB's and other material. The SMD LPA Pollution officer has accepted within a report he filed within the MQ Outline Planning Application SMD/2016/0378 that the toxicity unlawfully buried in Q2 would ( and still is) percolating into Q3, an area earmarked within the proposed development plans to be used for water

sports. On that basis and which is also supported by other factual evidence, SMDC LPA Officers cannot validly asserted that the Development in Q2 and its consequent injurious effects within Q3 “promote a healthy and safe community” especially within what Counsel K.C.for the Appellants Appeal SMD/2019/0646 in his final written address to the PINS Inspector claimed to be ‘ **A village**’ a claim within the SMD/2019/0646 Appeal Hearing and made by an eminent KC acting on his client’s instructions reveals the **true intention** of the Developers to erect and promote MQ as a ‘ **village development** ‘ and not Leisure Park which is something never before raised by the Developers in the claimed Outline Planning Application SMD/2016/0378. This new claim in the face of a PINS Inspector does not and cannot fit within the Supreme Court finding in what is now as the Pilkington Principle. The Pilkington Principle recently reinforced by the Authority of the Supreme Court makes it abundantly clear that the Developers do not have Outline Permission to develop a ‘ Village’. Given that the Developers on the 23/10/2023 filed for the first time the claimed ‘Phased ‘ planning Application SMD/2023/0532 and the clear judgement of the Supreme Court in upholding in its entirety the ‘ Pilkington Principle it is not possible and indeed is illogical for the Developers to seek in SMD/2023/0532 to claim and to attempt to rely upon an Outline Permission via SMD/2016/0378 that never knew of the Developers intentions at that time to (1) attempt to rely upon the Laboratory buildings to use as ‘ Hub buildings’ as part of its offer to customers when the Case Officer had clearly stated in her report to the PAC members that the buildings they are now seeking to rely upon were not covered by the Outline Permission SMD/2016/0378 (2) When the Case Officer confirmed when giving evidence to the Valuation Tribunal in 2022 (3).When the Executive Director of SMDC LPA having responsibility for the planning service of the Council has stated within the context of the planning application SMD/2023/0532 that “ **it is entirely correct that the lab buildings did not form part of SMD/2016/0378**” (4) On that basis I submit that it would be ultra vires of the LPAs Powers to hear and determine the application SMD/2023/0532 against a background when they know and accept that the Developers do not have Outline Planning permission to develop on the MQ site a Hub building which incorporates the Laboratory building by virtue of the known facts, evidence and their knowledge of the Supreme Court ruling in 2022 which restated with full legal effect the Pilkington Principle. For the avoidance of doubt I have in earlier representations including SMD/2019/0646 and its PINS Appeal drawn to the LPA’s attention of this case and how it affects the concept of any attempt post 2016 to develop the MQ site outwith terms of the 2016 Permission. Any reasonable planning authority acting reasonably would accept that it has no legal basis upon which to hear and determine SMD/2023/0532.

3. I also adopt in their entirety the National Policy Grounds.

### ***National Policy Grounds .***

**A.** Section 38(6) of the Planning and Compulsory Purchase Act 2004. The provisions of this Act are enshrined within the SMDC LPA **Statement of Community Involvement of 2016**. In addition the provisions of S.38(6) which necessarily has binding force at a national level, and thus binding upon Officers of SMDC LPA and its Councillors the specific act of specifying it as a legal requirement within the adoption of it as an integral part of the

SMDC LPA Statement of Community Involvement ( SCI) adds emphasis to the importance of the LPA complying with both the P&CPA 2004 and the wording of its 2016 adoption of its SCI.

(1) S.38(6) cited above states that ‘ Planning decisions must align with the development plan unless compelling reasons dictate otherwise (\*).

*(\*)No grounds have been displayed within the public planning file or record or any evidence which has been consulted publicly upon in strict accordance with the LPA SCI and which demonstrates any compelling planning reasons to dictate that S38(6) should not be applied in full.*

### **B The National Planning Policy Framework ( NPPF).**

This outlines principles for expeditious planning decisions emphasising the need to consider the Development Plan unless material considerations warrant a different course. (\*) None have been cited.

With regard to the Planning Application SMD/2023/0532 the relevant Chapters of the NPPF include but are not limited to Chapters 2,4,6,8,11,12,14, 15.

Chapter 2. ***There is no evidence in a way that is factually supportable that the development in Q2 is sustainable.***

There are several grounds that demonstrate a ***lack of sustainability.***

Briefly these are (i) because access to Q2 is via Q1 and an ( unstable) tunnel into Q2 .The plans as filed demonstrate a reliance upon a ‘ Hub building ‘ placed within Q1, before visitors can gain access to Q2. As was made clear by the Case Officer Mrs. J. Curley in her report to members of the Planning Application Committee at the hearing of the Outline Planning Application SMD/2016/0378 in 2016 the PAC were **expressly excluded by the Case Officer** from making a determination of access to the ( intended) hub building within Q1.

In 2022 the Case Officer later gave evidence to the Valuation Tribunal of England in an Appeal by the Developers to challenge a decision that they were required to pay property taxes on the buildings arising from their legal ownership of the buildings since 2010 which they intended should be used as a Hub. At the hearing of the Appeal by the Valuation Tribunal Mrs Curley confirmed that the Developers had **no planning permission** to use the ‘ Hub’ buildings or to have access to them. The Tribunal adopted Mrs. Curley evidence and dismissed the Developers Appeal.

(ii) Expert evidence filed within the various of the plans for the development and prepared by Abbeydale BEC in reports dated 2013 and 2018 demonstrate that the land comprising Q1 is unstable across significant areas of it and that any weight bearing structures should only be placed on ground shown to have sufficient subterranean rock support.

N.b. Following FOIA requests evidence is now available to show that the Case Officer Mrs. Jane Curley had been made aware of instability concerns from very early in the planning process and attended meetings from 2010 in which such concerns were expressed by Abbeydale BEC. I have the dates of those meetings and some of the records of matters discussed.

These expert reports were not placed of the planning file record and so there was demonstrated a failure from March 2016 by the LPA to comply with its SCI to consult the public and on other Safety grounds.

As the Q2 site is publicly signed as a Quicksand and also acknowledged in disclosed correspondence arising in 2016 and originating with the Developers and/ or their agents and eventually passed to SCC MPA the Authority having oversight

responsibility for the safety at MQ ‘ ***even the local foxes will not walk across Q2***’. A quarry that is a dangerous Quicksand is not and cannot demonstrate that it is sustainable as regards public safety and is thus in breach of National Policy grounds.

#### **Chapter 4.**

Failure of the Decision making process.

During the decision making process in respect of the Outline Planning Application SMD/2016/0378 Case Officer Jane Curley wrote to the expert planning advisers emphasizing that SMDC LPA ‘ ***need to know your clients plans for Q2***’ . This need was made necessary by virtue of the removal of 14 Lodges from Black Plantation ( part of Q2) and the relocation of them elsewhere within the the MQ complex.

I rely upon documentation disclosed by virtue of the FOIA commencing from later 2010 and continuing up to the date of these representations a repeated failure of Decision Making process by the LPA and which disclosed breaches of the duty since March 2016 to comply with its SCI. The SCI was made the LPA Policy in March 2016 and thus prior to the hearing of SMD/2016/0378. Of particular concern are issues of public safety and stability and as evidenced in the decision making process by planners.

#### **Chapter 6.**

Lack of Evidence of a strong promotion of the local economy. All centered within MQ - no documented reliable survey material for outside MQ. Since 2010 other smaller and more suitable offers are within reach.

#### **Chapter 8.**

Promoting healthy and Safe Communities.- lack of stability, buried toxic waste, asbestos, for ever chemical waste, mercury arsenic, cadmium lead, etc. Volumes of road traffic polluting the air thus promoting the opposite of good health, surface and ground water run off not properly arranged, toxicity potential on WSSSI etc.

#### **Chapter 11.**

Effective use of Land. The measure of how effective the use of land must now be measured against the obvious and changing effects caused by Climate Change and Global warming does not and no longer can it mean ‘ economically effective’. Priority must be given to preventing eg ‘

**Downstream** adverse climate effects see eg Cumbrian Coal Case.

#### **Chapter 12.**

Architecture- Well Designed and beautiful places. The proposed development is claimed to be a high quality development. The ‘ Lodges’ promised are in fact Caravans and the LPA has already ruled that these were not of ‘ high quality design.

#### **Chapter 14.**

Meeting the challenges of Climate Change , Floods. The MQ Leisure Park will not meet the challenges of Climate Change or Global Warming. Rather it will have the opposite effect arising from the vast increase of traffic visiting and leaving the site together with the proven facts of the unlawful burial of toxic waste and the accumulation of toxicity specifically within Q3 and Q2.

## **Chapter 15.**

Conserving and Enhancing the natural environment. The plans and proposals set out in SMD/2023/0532 cannot be met because of the thixotropic nature of the sand and the unlawfully buried chemicals and waste the Developers permitted to be buried within Q2.

I rely upon the contents of evidence disclosed to me by way of a significant number of FOIA disclosures and the results of analysis carried out in October 2016 by the SCC County Analyst.

## **Conclusion.**

I invite members of the SMDC LPA PAC to read all my representations filed on the Planning File SMD/2023/0532 and to relate those with all representations made by others opposed to this development. Additionally there is a moral and legal obligation upon the PAC members to familiarise themselves with all evidence, law and facts before reaching a decision in this Application. Anything less would be a failure with far reaching damage to the Environment of the Churnet Valley and the wider Staffordshire Moorlands.

I ask that these representations be placed on the SMD/ 2023/0532 public web site. Please acknowledge receipt of these representations.

Yours sincerely,  
Paul Housiaux,  
Whiston Resident  
21/03/2025.

Sent from my iPad

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