

From: [REDACTED]
To: [REDACTED]
Subject: Comment Received from Public Access
Sent: 15/11/2025 15:17:01

Application Reference No. : DOC/2025/0082

Site Address: Land east of Cellarhead Substation Rownall Road Wetley Rocks Staffordshire

Comments by: Cllr Su BeardmoreCounty Councillor for Churnet Valley

From:

Thorney Edge Road
Bagnall
Staffordshire Moorlands
Staffordshire
ST99LD

Phone:

Email: s [REDACTED]

Submission: Objection

Comments: Dear Planning Officer,

I am writing to formally object to planning application DOC/2025/0082, relating to the proposed Materials Management Plan for the BESS development, specifically the movement of 40,000+ tonnes of spoil along Rownall Road, a narrow single-track rural lane.

Two points give me great concern:

1. This application states that the land will be returned to Agricultural use and as it was following a 40 year term. How can 40,000+ tonnes of spoil be re-instated and where will this come from?
2. When this application was first approved by the SMDC Planning Committee, this application should have been re-assessed by several statutory consultees, Highways, Minerals and Flood Risk. At no time following approval of a totally different application to what they had commented on had they been re consulted on a totally different plan. They gave their opinions on highways and flood risk on something that has never been passed! Surely all departments should have been re consulted.

My objections relate to:

1. Highway safety and severe cumulative transport impact
2. Inadequate suitability of Rownall Road for HGV haulage
3. Significant adverse amenity, environmental and landscape impacts
4. Failure to demonstrate the Best Practicable Environmental Option (BPEO)
5. Conflict with local and national planning policy
6. Procedural and legal considerations

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1. Highway Safety ı Severe Residual Cumulative Impacts (NPPF para. 111)

Rownall Road is a single-track lane with limited passing places, soft verges, blind bends, and a rural character not designed for heavy industrial traffic. The movement of 40,000+ tonnes of spoil would require hundreds;likely thousands;of HGV movements.

This presents a severe residual cumulative impact on highway safety within the meaning of paragraph 111 of the National Planning Policy Framework (NPPF). This is one of the few circumstances in which the NPPF directs that development should be refused.

Further:

- The lane is too narrow for safe two-way movement of HGVs.
- There are insufficient formal passing places.
- HGV manoeuvres would require mounting verges and damaging hedgerows.
- Visibility splays at junctions are substandard.
- Pedestrians, cyclists, equestrians and residents would be placed at serious risk.

If the Transport/Traffic Statement supplied does not consider worst-case HGV frequency or cumulative impacts, this is grounds for refusal. Transport assessments must be •comprehensive and robust,• and where they are not, refusal is justified (Local Government Lawyer commentary, 2024).

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2. Rownall Road is Inherently Unsuitable for Heavy Haulage

This lane is of rural character, historically used for light agricultural or residential traffic.

It was never designed or engineered for tens of thousands of tonnes of spoil haulage.

The likely consequences include:

- Structural damage to the carriageway
- Destruction of verges and hedgerows
- Increased collision risk at pinch points
- Road blockages due to HGVs unable to pass
- Damage to drainage infrastructure

This constitutes a material change of use of the lane and appears contrary to the Council's duty to protect the highway network.

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3. Environmental, Amenity and Public Nuisance Impacts

Noise, dust, vibration, and disruption from sustained HGV traffic will unacceptably harm residential amenity and the tranquil rural environment.

Case law supports the principle that planning permission does not give a licence to create a nuisance:

Wheeler v J.J. Saunders Ltd [1994]

The Court of Appeal held that planning permission does not automatically protect a developer from claims of nuisance; intensification that changes an area's character may still be unlawful.

This is directly relevant: extensive HGV activity would fundamentally alter the character of Rownall Road from rural to industrial.

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4. Best Practicable Environmental Option (BPEO)

Under waste and minerals planning principles, the authority must consider whether the proposed method of material handling is the least environmentally harmful option.

Questions arise:

- ¿ Why is spoil being exported rather than reused on-site?
- ¿ Has the applicant explored alternative routes built for HGV capacity?
- ¿ Has a reduced-movement option been assessed?
- ¿ Have cumulative haulage emissions been compared to alternatives?

The application does not appear to demonstrate the BPEO, contrary to planning guidance and principles reaffirmed in:

R (Whitley Parish Council) v North Yorkshire CC [2023]

The Court stressed the importance of a proper policy interpretation when considering environmental options and impacts.

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5. Conflict With Planning Policy

This proposal appears to conflict with:

NPPF

¿ Para 111 ¿ development should be refused where highway impacts are severe.

¿ Paras 174¿176 ¿ protection of rural character, landscape and tranquillity.

¿ Waste policy ¿ requiring least-impact waste movement and minimisation.

Staffordshire Moorlands Local Plan

Likely conflicts include policies relating to:

¿ Sustainable transport

¿ Protection of local amenity

¿ Rural landscape and character

¿ Pollution and nuisance

¿ Infrastructure capacity

I request that the case officer demonstrates, in writing, how these policies have been balanced against the scale of haulage proposed.

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6. Procedural & Legal Concerns

Croft v Devon County Council (2025)

The High Court held that a local authority must properly carry out the balancing exercise under statutory duties when rural roads and safety impacts are at stake.

Failure to fully consider safety implications can render a decision unlawful.

If Staffordshire Moorlands DC does not robustly address the real-world safety risks of this haul route, the decision risks being procedurally flawed.

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Conclusion ģ Request for Refusal

For the reasons above, the proposed Materials Management Plan would cause:

- ģ Severe highway safety impacts
- ģ Significant amenity and environmental harm
- ģ Loss of rural character
- ģ Failure to demonstrate best practicable options
- ģ Conflict with national and local planning policy

I therefore respectfully request that application DOC/2025/0082 is refused in its current form.

Should the Council be minded to approve the application, I request strict conditions including (but not limited to):

- ģ Maximum HGV movements per day
- ģ Restricted working hours
- ģ Pre- and post-damage surveys of Rownall Road
- ģ Temporary passing place reinforcement funded by applicant
- ģ Dust/noise monitoring
- ģ Requirement to explore on-site spoil retention or alternative routes

Thank you for considering my objection. Please keep me informed of all developments and committee dates.

Yours faithfully

Cllr Su Beardmore

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