

L A Horleston

Date 21st September 2018

CO the Programme Officer (PO) for the examination Angela Weate.

FTAO Mark Dakeyne, the Planning Inspector appointed by the Secretary of State for Communities and Local Government

Considering the National Planning Policy Framework (MHCLG, July 2018) the criteria for determining soundness - namely that the plan is **Positively Prepared; Justified, Effective and Consistent with National Policy**.

The present submission for the SMDC Local Plan is not fit for purpose. A lot of what is wrong with this submission can be identified by many of its failings in one sample rural area this is then repeated across other similar areas including large villages and towns within SMDC. I have picked this example as I know it best and clearly shows how this Local plan ignores community involvement.

I will be addressing the failing to adhere to several key policies regarding this example concentrating on two main sites.

2. Blythe Vale (DSR1) 2.1 mentioned by yourself and the **Cresswell hamlet** site a mixed development and employment site, it is hard to get the correct information on the Cresswell hamlet site as information on this controversial site is often obscured by removing information when it suits SMDC.

In this letter I will try to address the following quote (Whether any significant adverse impacts would arise for the economic, social and environmental dimensions of sustainable development, taking into account potential mitigation).

The strategy for Larger and Smaller Villages (Policies SS8 and SS9) has not been followed in the local plan.

- The site selection process, principally the SHLAA;
- The suitability of the allocations having regard to infrastructure and other constraints and the need for a range of sites.

The councils approach to the (SHLAA) is wrong as noted in your comments on page 19 (1.1) that are below for your convenience

(1.1 Is the approach within the Strategic Housing Land Availability Assessment (SHLAA) to assessing the suitability and screening of sites in the settlements robust?)

Can be seen to have had a catastrophic impact on the small rural hamlet of Cresswell, !

This was noted and acknowledged by your predecessor Patrick Whitehead, see his comments as set out below.

Policy SS6c

UNSOUND: The support for the expansion of the Blythe Business Park is not justified in the supporting text. The evidence indicates 70ha of employment land available in rural areas (over 56ha with planning permission) [doc MC(5)], and the location of the site is within a Special Landscape Area (Local Plan, Policy N8). There is no evidence before this Examination to indicate that account has been taken of the proximity and potential impact on the neighbouring settlement of Cresswell, or that the known toxicity of industrial waste has been acknowledged as part of the process of determining whether the principle of expansion is feasible or desirable.

SMDC has failed to justify its approach in the Local Plan and reconcile its inconsistent approach.

I say this as there is outline planning permission for 168 houses and an extension to an already huge industrial estate, Blythe Business park, all will impact on this small rural hamlet of Cresswell, not even a small village a rural hamlet !

Our report to SMDC was clear, the housing part of the scheme was contrary to policies SD1, SS5, SS6, SS6c and H1) and the employment part of the scheme was contrary to SD1, SS5, SS6, SS6c and E1. Even the case officer cited the scheme's lack of sustainability as contrary to the NPPF, which was clearly a significant material consideration with no infrastructure, flooding and contamination.

I am writing to you with huge concerns about developments of this size and scale in rural hamlets that will form the basis of a Local Plan. The passing of Application SMD/2014/0576 and similar developments is now part of a full police investigation. To approve developments like this and enable them to form part of the local Plan will have catastrophic consequences.

*This particular proposed development and used as my example is located in the small hamlet of Cresswell a special landscape area and includes 8.5 hectares of employment development and 168 houses. Application SMD/2014/0576 was such an unacceptable departure from the policies in the 2014 Core Strategies and also set against parts of the NPPF that it convinced the case officer to recommend refusal. To now permit SMDC to build upon those breaches in the application of the 2014 Core Strategy by the implementation of the now proposed LP would not be sound nor legally compliant and thereby fail the test outlined in paragraph 5 of the Inspectors Guidance Notes.**

The transcript of the 26 February 2015 meeting cites the officer (Ms Rachel Simpkin) as stating that the proposal 'is in clear conflict with the council's approach to the settlement hierarchy, as set out in our adopted core strategy and is unsustainable This constitutes significant and demonstrable harm to outweigh benefit of the 168

homes.' This development and its impact is now exacerbated by the Blythe Vale development that you have commented on in your notes.

The nearest village to this hamlet is Blythe Bridge where the other 300 houses are proposed, Blythe Vale, 187 of them already passed, that is 468 houses impacting on one small village Blythe Bridge. The Cresswell Hamlet development is not sustainable and this was the case officers view at the time of the passing of this combined development, The Blythe Vale development have used the expansion of the Blythe industrial estate for justification of their 300 houses ! This is developers getting together and using each other to justify development where it would not normally be allowed, SMDC should have stopped this. The committee used the same excuse for the 168 houses in the Cresswell hamlet using the expansion for the industrial estate for their decision.

'It would be an outrageous misuse of the 2014 Core Strategy and the express findings of the Inspector Patrick Whitehead to permit the building of 468 houses for the same rural expansion that he expressly ruled out. I was present when PW so ruled and I submit that to now find otherwise would be both unsound and not legally compliant.

SMDC abuse the planning system by not having an up-to-date 5 year housing land supply, this is the main reason for allowing them to pass controversial developments and thus makes the Local plan dysfunctional, don't fall for it ! Most of this development I am using for my example as many are is located in a flood zone, a flood zone three flood plain and in addition was reported to have one of the highest contaminated land in Staffordshire.

All the employment allocation for rural areas in this Local plan has been given to one developer and put in one location, the hamlet of Cresswell, this is not good grounds for a submission of this Local Plan to give the appearance of a sound and robust submission.

SMDC are guilty of removing the houses and not including them in the local plan and site allocations documents just the expansion of the industrial estate. This is when residents try to get information about them on line and in supporting documents as it looks bad on their record but documenting the expansion of the industrial estate. SMDC have now acknowledged the 168 houses only in the 5 year housing land supply document, no doubt to claim that they are achieving their target when they are criticised for not achieving this fundamental planning goal by all councils.

The following are the proposed grounds of claim with this and many other developments that are hidden in this Local Plan submission.

- a. *The above decisions have been vitiated by the appearance of a real possibility of bias;*
- b. *failure to apply statutory test in s38(6) Planning and Compulsory Purchase Act 2004;*

- c. *failure to give an objective interpretation to local plan policy E1;*
- d. *failure to take into account material considerations; and*
- e. *failure to apply national planning policy with regards to flooding and contamination*
- f. They have failed the Habitats Directive (more formally known as Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora) .
- g. *the housing part of these developments is contrary to policies SD1, SS5, SS6, SS6c and H1) and the employment part of the scheme was contrary to SD1, SS5, SS6, SS6c and E1. The local Plans lack of sustainability as contrary to the NPPF Policy,*

Regarding (f) above SMDC's approach to this directive is pitiful, residents and our wildlife trust documented breeding skylarks, peewit's, king fisher's, water voles, and great crested newts, all were ignored as were the colony of rare bats. These are our schedule one birds but the European red alert directives protect these species throughout the year not only at breeding times but they protect more importantly the land they feed on and survive on throughout their yearly cycle of life.

Our schedule one protections do not, only at breeding times. If these birds and animals cannot feed through the year they will never get to the breeding (schedule one) period of protection !

If applications like this can be passed and hidden in the local plan it sets a precedent and suggests that anything can be passed by Staffordshire Moorlands planning department. It also makes a mockery of the Local plan and makes it Dysfunctional and convoluted whilst ignoring good sound planning policy. It takes away the much needed houses from the areas that genuinely need them and puts all the proposed rural development in one small hamlet to benefit one developer, how unfair is this on the other hopeful business developments in rural communities.. I welcome your expertise and guidance that hopefully will be given to SMDC to stop this compromised submission of their Local plan been adopted. In turn forcing SMDC to respect the policies adopted by the core strategy and protect the residents from unlawful and poor planning policy and poor planning decisions that affect the most vulnerable. It should stamp out Where planning policy is so controversial and

overwhelming to residents that planning decision is are not subject to criminal intent and a police investigation that reflects badly on good planning decisions.

NONE COMPLIANCE WITH CONSULTATION IN. COMPLIANCE WITH THE STATEMENT OF COMMUNITY INVOLVEMENT.

1.

Having checked at my local library I find that the material provided is incomplete, chaotically organised so as to be rendered incomprehensible and does not seem to bear any clear resemblance to LP put before yourself the Inspector. This will have seriously undermined the duty to consult with those hard to reach groups such as those without internet and computer access.

2. Having examined, as far as the SMDC link will allow me to, I am concerned that once again incorrect small and larger village infill boundary maps do not accord with those supplied to yourself the Inspector and contain important errors and omissions on their face. This will mean that residents will not have been properly consulted leading to a lack of soundness and legal compliance. This tactic was used by keeping housing allocations out of maps as to not bring to attention these bad planning decisions like *SMD/2014/0576*

The Core strategy and the Local Plan must be consistent with NPPF and European Directives the Blythe Business Park application goes against many of these policies. Policies E1 and H2 were used by the planning committee these were not compliant with passing of the application. SMDC sent the application to the Secretary of State Simon Heydecker-Dent. He did not call in the application but said that if we had concerns about how it was passed then we must challenge SMDC.. E1 and H2 in the Local Plan are totally unacceptable.

There are many inconsistencies between the core strategy and the local plan the business park at Cresswell is totally inconsistent. Forge Colour Works given red traffic light because of contamination and Councillors said NO as preferred site. Blythe Business Park at the top of the list of contaminated sites in the UK is given a green light and given a YES by Councillors as a preferred site.

The council has ignored all other relevant policies regarding housing and flooding and omitting houses that are passed and not putting them in the local plan figures, contamination, sustainability and road infrastructure at Cresswell is an example, it's a hamlet and comes under rural development policies which were ignored. The required housing for Draycott Parish was listed as 8 yet 169 houses and an 8.58 hectare employment site were allocated.

I believe the information and statements above address the shortfall and failure of this Local plan submission and include the points below you have identified and have concerns with . yours faithfully Mr Lindon Horleston

4.2 If exceptional circumstances have been demonstrated have these been clearly articulated in the LP? 4.3 Is the Council satisfied that landscape, green infrastructure, biodiversity, heritage, highway, transport and flood risk impacts can be mitigated so that development of the site would be acceptable?

Session 11 – 14.30 Wednesday 17 October 2018

Matter 8 – Allocations

Villages

This matter considers the housing, employment and mixed-use allocations in the Larger Villages and elsewhere in the rural area other than Leekbrook (see Session 8) (H2, E2, DSR1 and DSR4,).

The Council proposes:

- Site allocation policies for Anzio Camp, Blackshaw Moor and Bolton Copperworks, Froghall in response to the Inspector's preliminary questions.
- Modifications to the Strategic Development Site Policies to remove generic requirements which are covered by other policies of the LP but include bespoke requirements and to explain the exceptional circumstances justifying Green Belt release.

Issues

1. Identification of Sites *1.1 Is the approach within the Strategic Housing Land Availability Assessment (SHLAA) to assessing the suitability and screening of sites in the settlements robust? 1.2 Do the Green Belt assessments support the allocations in the large villages? 1.3 Does the LP provide for a range of sites of different sizes in the rural area? 1.4 What is the up to date position in relation to planning permissions affecting the proposed allocations?*

2. Blythe Vale (DSR1) *2.1 Is the Council satisfied that landscape, green infrastructure, biodiversity, heritage, highway, transport and flood risk impacts can be mitigated so that development of the site would be acceptable? 2.2 Is the allocation in a location where the need to travel will be minimised and the use of sustainable travel modes can be maximised? Can reasonable connectivity to the village be secured from the development, particularly the housing component? 2.3 Would the residual cumulative impacts of the development on A50/A521 junction be less than severe taking into account any improvements that can be carried out? 2.4 Should the policy be more prescriptive in terms of the employment component and phasing, noting the requirement for master planning? 2.5 Are all the policy requirements necessary and clear to the decision maker?*

The strategy for Larger and Smaller Villages (Policies SS8 and SS9);

- The site selection process, principally the SHLAA;
- The suitability of the allocations having regard to infrastructure and other constraints and the need for a range of sites;

Whether any significant adverse impacts would arise for the economic, social and environmental dimensions of sustainable development, taking into account potential mitigation