

CVCS Statement of case

Introduction

My name is David Walters and I am one of the secretaries acting on behalf of the Churnet Valley Conservation Society (CVCS).

As a result of a CVCS committee meeting on the 17th June 2024, I have been deputed to undertake the role of rule 6 Witness in this Appeal, if it is acceptable to you as the Inspector.

Background to CVCS and current involvement in this case.

CVCS is a local conservation group that started life over 30 years or more ago as the Lower Churnet Valley Conservation Society based around the villages of Alton and Oakamoor here in the Churnet Valley in the Staffordshire Moorlands. In more recent times CVCS has grown in membership and interest to include more areas in the valley to the north including the villages of Whiston, Foxt, Ipstones, Cheddleton and up towards Leek.

In accordance with its constitution, it holds regular monthly meetings for its members and committee, elects its officers annually and is involved in a variety of conservation issues from wild flower data collection, historic landscape surveys, to footpath monitoring and in more recent years, overseeing planning applications that are likely to impact upon the valley both beneficially and detrimentally.

In recent years we were involved with the preparation of an AONB application for the Churnet Valley together with other local stakeholders and at the last round of bidding were 3rd in line for recognition of that area status before the current scheme was shelved by the Government after the Glover Inquiry.

We have a local, standing membership of upwards of 250 with whom we regularly communicate by email, but a far wider public reach and support from our webpage and face book sites where issues are viewed, information shared, and opinions and knowledge expressed.

I have lived in the village of Oakamoor which lies immediately adjacent to the quarry site since 1976 and like many other CVCS members and local residents am very familiar with the site, its topography and history, both as a working quarry and since its closure. One of my close neighbours was the former quarry manager Mr Chris Jewison with whom I regularly consulted on matters relating to it until his recent death.

My role as one of the Secretaries at CVCS is to minute committee meetings; undertake letters acting on its instructions and resolutions; assist in policy implementation; conduct research and compile reports as and when requested.

I have also represented CVCS as a speaker at earlier planning hearings to do with the current proposals for the quarry development and in a PINS Appeal in 2017 I gave proof of evidence before Inspector David Cullingford on issues of traffic impact, sustainability and listed buildings. That appeal was aborted midway when the Appellants withdrew, so the decisions on the matters above were left without conclusion.

CVCS has long been concerned in an active role in all the planning applications since it first became aware of the scheme to develop the quarry over 10 years ago. We have made regular contributions to the planning file, studied all the documents, observed Council meetings, instigated actions to promote and improve the quality of documentation being used, researched background information as well as examining expert reports and producing our own reports.

We have been a conduit for public information as well as for our own members and have organised and attended numerous meeting locally to gauge public opinion, listen to the arguments for and against and liaised with planning officers at SMDC, including the case officers Mrs Jane Curley and her predecessor Mr Mark Lynch.

We have also conducted similar activities with Staffordshire County Council (SCC) who as the Mineral Authority have been jointly involved in the restoration and aftercare of the quarry when extraction ceased and the quarry closed in 2010.

To that end SCC have acknowledged to us that breaches of condition 5 of extant quarry permissions whereby all buildings associated the quarry should have been demolished and the site cleared by 2011/12, remain.

We also have raised issues of health and safety through lack of closure inspection reports and site monitoring, especially those of quicksands as a result of the thixotropic action of silica sand with newly formed springs from the disrupted water table resulting from earlier extraction and the formation of a deep lagoon in quarry 3.

We have also worked with the Environment Agency on issues of residual contamination from the heavy industrial process used in the heyday of operations at the quarry which have not been dealt with and ongoing legal procedures and safety issues under the 1975 Reservoir Act.

We were also involved alongside other interested parties in the formulation of the then new Restoration Plan which was agreed with SCC in March 2014 but which has yet to be completed and aspects of which have resulted in enforcement proceedings being instituted against the Appellants.

In 2016 we alerted SCC to incidents of unauthorised dumping by agents employed by Laver Leisure some of which material included toxic waste.

Our consideration of and contribution to this case

We feel that with its breadth and depth of knowledge of the physical aspects of the site; its longevity of experience and involvement derived from years of investigatory research and manifold contributions in the planning administration of this scheme, CVCS can bring many aspects to the inquiry that won't be necessarily covered by the main parties. Some of these I have outlined in the briefest of terms above and upon which, if required, more detailed statements of case can be compiled and evidentially substantiated.

The SMDC casefile leading up to the report and hearing last year is long and complex but needs to be read with care in order to grasp the subtleties of arguments and to appreciate the voluminous and consistent public support opposing the application.

The local councillors who refused the application will have been well aware of the strength of public feeling from their local experience and knowledge of the site and this will have been an important underlying factor influencing their thoughts as they listened to the case officer's report and evaluated its merits.

Also it cannot have escaped their notice that the longevity of the circumstances from which the case has eventually emerged from its outline stages, that themselves were controversial and wavering, reflected doubts as to whether the plans for the lodges, their construction, design materials, density and distribution around the interior of the still unrestored quarry site, were delivering or promising to deliver what had originally been envisaged as a luxury "Center Parcs" type, woodland based idyll.

We too remain adamant that that concept is not attainable in the way that it was and is being portrayed by the Appellant's team.

It is a quarry, a desolate quarry that needs restoration of a gentle, more pastoral nature to bring it back to the state where it is absorbed into the sensitivity of the surrounding landscape and not exploited again by so large and artificial constructs that will lead to its noticeability once again amid what is essentially a high value rural landscape.

We must remember that it is a greenfield site in planning terms and its restoration needs to be made to look like it is more rural and not so urban in nature.

Undoubtedly the intensity of so many lodges packed into the remnant space of the quarry is more reminiscent of the urban layout of a caravan park and not a spacious woodland it is attempting to fulfil in its design.

We would argue too that there are basic faults in the choice of this site for such a large enterprise that still need resolution to help make it a safe and viable location for the nature of the plans in this application to be acceptable.

This is after all only part of the scheme and therefore, unless these other issues are addressed or discarded by the facts of locality and recognition of the problems it creates, they will remain a sore issue for future debate.

Good planning has to accept that is based upon the best knowledge available at the time of decision and that circumstances change and in doing so it alters the perception and understanding of the decision making process.

We should be mindful of NPPF 43 that The right information is crucial to good decision-making and so we will argue that some of the information on which this case is assumed to be based is incorrect and missing.

However I would particularly highlight the following issues as ones CVCS would concentrate upon as being very pertinent to any re-consideration of the Appeal application SMD/2019/0646 in terms of its overall layout and design: **those of Access, Reservoir Issues, Site Stability and Safety, and Heritage.**

Suffice to say that CVCS fully support the Council's refusal in this appeal not just for the reasons given in its notice, but we feel that the decision has to be viewed within the context and background of a number of protracted and contentious issues that will have been influential on its bearing and resolution.

There are major factors throughout this site's planning history that will not necessarily be immediately evident in a cursory appraisal of this case and its merits.

Indeed the appellants themselves have acknowledged this and initiated in their Appendix 7 plea for a four day hearing paras 7.1-5, a requirement for more extensive arguments to be publicly reviewed and properly determined.

In terms of third party interests they have requested that a number of issues that surround the case be brought forward in the interests of fairness and clarity, to which CVCS is contented to oblige and fully prepared to undergo.

This would appear to us to be an indication of the uncertainty that has surrounded this scheme and the question of its suitability for this locality given the topography and geological nature of this site.

If the concept and practicality of implementing the scheme has taken so long (15 years since inception) with so many alterations enforced upon it in that time and the lack of conviction and failures of non-fulfilment of its promised results, we have severe doubts as to the wisdom, viability and merit of the plan for the development as originally conceived.

Likewise the design of the lodges and ancillary buildings that are integral to the development and evident in the reserved application SMD/2019/0646 are not sufficient to meet the standards of the outline permission or match the concept of the development that was brought forward to the district council initially.

The fact that the concept of this "opportunity site" was fostered, developed and latterly empowered by policy and legislation that itself was produced by the Appellants, is somewhat akin to marking your own homework and yet remains still not cut and dried, is worrying on many levels for CVCS and the wider public.

As rule 6 witness we will bring forward a series of detailed documents to support our statement of case to be submitted along with this and annotated accordingly. These are intended to act as Proof of Evidence in full in specific instances, or as more detailed summaries of our arguments.

Prelude to CVCS statement of case

All of the CVCS involvement in this scheme over the past 12 years has given us a depth and breadth of knowledge of the various weaknesses, omissions and shortcomings in this continuing, problematic and protracted set of applications. From the length of time involved and complexities of which not only are indicative of a scheme that has not been fit for purpose, but also has had to be changed so often in terms of plans and drawings, it has also long been apparent to ourselves that the proposed development is not appropriate to the situation or location whereby the restoration of the quarry should be completed as it was agreed when its outline permission was granted.

Now that realisation that the original designs and the expected outcomes for which it was once heralded by the PAC, are not acceptable to it after all, it has resulted in the refusal last October and not to our surprise. Indeed it also reflects the paucity of restoration work that has not materialised since the 2014 plan and how the Appellant has failed to improve the ground conditions on site.

Instead we have witnessed procrastination and a lack of communication and commitment that have enabled an unauthorised scrap metal business to flourish on site without control for ten years, while it has failed to fulfil its own obligation and the liabilities it inherited upon ownership back in 2010.

For all the glamour and enticement we have seen advertised by the creative imagery of very competent and skilled operators in their field, it has proved decidedly disappointing and unconvincing to the PAC and the wider public who know the area and its geographical setting better.

Tourism is valued and appreciated but keeping the balance of everyday life in that local environment is essential and possibly more important. Where saturation and over provision detracts from the very quality that had been the attraction in the first place, the balance has to be the prime objective.

We therefore echo the words of the case officer Mrs Curley in her letter of the 13th October 2011 to Mr John Suckley the Appellant's agent

"However the concern we still have is one of the scale of development indicated in the ability of the area to satisfactorily absorb the level of development indicated in the revised masterplan and draft schedule of development without adverse harm to the landscape setting and elements, ecology /biodiversity, tranquillity, highway network amenity etc .

As we stated at our first meeting, the development must not be at the expense of the very asset which draws people here in the first place. The landscape in which the quarry sits has been identified as being of high quality and highly sensitive to the impact of development and land use change.

...I note there does not seem to be any corresponding reduction on the amount of chalets, if anything, there seems to have been an increase."

So the scale of development, its effect on the landscape setting, and the amount of lodges and their need to be of high quality were prime concerns back then.

Those are very elements that were key to the refusal last October and reflected in its notice.

From 2009 to 2024 there is consistency.

Opportunity missed?

However as we have already commented above, the perceived "opportunity" that was initiated by the writers of the Churnet Valley Masterplan (CVMP)... the developers and agents, has been overshadowed by time delay and societal changes in attitude, both environmentally and climatically. It is 15 years on.

Other factors and enterprises better equipped to cater, have stepped in and taken advantage.

To take another example, when the scheme was conceived in 2009, a great emphasis was laid upon the alleged "lack of overnight and longer stay accommodation in the area" as a major justification for the size and nature of this scheme and therefore the application under this Appeal.

However Alton Towers, a hugely successful and popular attraction under 3 miles away, has completely altered its business plan since then, from being a day trip entertainment venue to one that also met the need of accommodation, exponentially growing and providing several hotels, hundreds of lodges and cabins or yurts to meet demand, so that it can easily cater for

long term stays or weekend breaks. It has rapidly built from the available space in its estate throughout the 2000s to create a fulltime resort.

At the same time many other camping and lodge sites in this area blossomed and prospered so that along with traditional B and Bs and self catering establishments, there is no longer such a problem with that supply.

The Churnet Valley has therefore already got sufficient provision to satisfy a wide range of interests and holiday types co - existing with the rides and entertainment provided by Alton Towers.

Also this sensitive landscape has been exploited in the past and the scars of the extractive industry have not been restored or ameliorated as agreed since the closure of the quarry, or as promised by the Appellant at least since 2014.

We are reminded too of those obligations by the agreement the Appellant made with the County Council now over ten years ago.

“Condition 35 of the quarry permission (planning permission ref: SM.96/935) requires the restoration of the site within 2 years from the completion of working and for the management and aftercare of the restored site for a period of five years from the completion of its restoration. The new owners, Laver Leisure submitted amendments to the approved Restoration Plan in November 2012 Laver Leisure withdrew their submission in January 2014 and replaced it with a Revised Restoration Plan. A decision with conditions was made in March 2014.

(Extract from SCC minutes 17th March 2014)

The conditions of this agreement have also not been fulfilled and is another example of a missed opportunity.

We have also to turn to the issues of planning and policy as a result of the delays in the implementation of the ‘opportunity site’ with the caveat that the emerging and ever growing concerns of global environmental damage and climate change which were not so prominent and vital at the onset of this process back in 2010, now have to be considered alongside them.

Opportunity gained ?

CVCS has welcomed this Appeal as an opportunity to bring further evidence and facts to the fore in order to add to the reasons provided already by the PAC and SMDC, and to use its support and that of the public, to uphold the refusal decision.

It will present information on a number of issues that it feels have been overlooked or omitted in the long and complex discussions surrounding the decision that was taken last October.

We will look at the policies upon which it is based and how their origins and relevancy to the design in the plan and its acceptability are justified by the decision and why we endorse it .

We will present arguments to show that there are areas of dispute whose consequences have not been resolved or are grounds for reappraisal.

For example on site access and the impact of increased traffic as a result.

It has been recognised for many years now that to provide an alternative and rival attraction in the valley on the scale planned that involves a wholesale addition to the difficulties of traffic volumes and pollution is not a welcomed idea.

The “ opportunity site “was originally to be accessible by alternative transport modes ; a rail head ,coaches and buses. However the car is still the only viable form of access that could make the Moneystone Quarry successful.

The dangers of over egging any advantages of the area by allowing detrimental problems to arise as a result of development are plain to see as Mrs Curley pointed out in 2009.

In our detailed evidence on access issues we will provide more information on safety both on the local road network and within the confines of the area of the quarry that is the subject of the appeal, where issues of stability, contamination, the proposed location of the lodges and the classification of the lagoon as a reservoir, need to be considered.

We will show that a long standing issue over a heritage asset has been ignored in the design and layout of the overall plans and as such has a number of legal ramifications.

Add in the fact that the scale, layout and design of the lodges are not what was expected and the disappointment expressed in the PACs decision last October can easily be understood and appreciated.

CVCS is therefore pleased to enhance and endorse its local councillors' enlightened attitude towards a scheme that is now seen as one that is no longer fit for purpose in terms of this application.

We all wish that a blighted landscape can be restored but by a less environmentally threatening alternative.

As conservationists we are happy to leave this site to nature alone, but of course safety and responsibility demands that

