

CVCS Proof of Evidence part 1a

Good morning

My name is David Walters and I am here to represent the Churnet Valley Conservation Society as a rule 6 witness in this Appeal.

I do so because I happen to be one of the secretaries of the Society who has dealt most with the issues over the many years since 2012 when CVCS first became interested and active in the planning scheme for Moneystone Quarry.

Since that time our membership, like other members of the general public, has watched the series of applications oscillate back and forth in its various forms but they themselves have been consistently and objectively critical of its bad points for the past 10 -12 years.

At the mention of that duration it is timely for me to stress the importance of the strength of opposition that there has been since the idea first arrived and how, more remarkably, that opposition has been maintained over the years.

It has not tailed off at all and contrary to the usual effect of attrition and a growing indifference or apathy that one would have expected after so long, the enthusiasm to oppose this development has not waned.

People who live near or within the valley, or who know of its uniqueness as a valued landscape, who have experienced its quality in terms not just of scenic beauty and tranquillity, but also appreciate the pressures upon and demands of modern life upon it, where places like Alton Towers just 3 miles away, are so highly popular and cater so readily and successfully for its thousands of annual visitors, as befits one of the top tourist holiday resorts in Europe, let alone this country.

These people who have that knowledge and experience, alongside of the numerous visitors coming fresh into the area for the first time, are well aware and can understand what a knock on effect a development such as this application, will mean to the area, and consequently they remain adamantly resolute in their cause.

Everyone agrees that the future restoration of the quarry is important ...and problematic.

There has to be restitution.

There has to be restoration of the landscape.

After so many years of its exploitation and the residual scarring of its industrial past, it deserves to be treated with the utmost care and respect for its previous pastoral or agricultural heritage.

Everyone accepts that. However, you, Sir, have the unenviable task to decide whether or not this application fits the bill in all its aims and objectives, and allows that long awaited restoration to be implemented in such a way that it will not just be another source of disturbance to the intrinsic beauty of what the Council itself has designated, and what everyone in this area of North Staffordshire realises, is a unique and precious landscape in need of TLC, rather than allow an intrusive settlement of a magnitude and a monotonous array that will not enhance, or meld into the surroundings into which it is going to be developed or inserted.

We don't want another eyesore. We've had the quarry and its industrial wealth upon which it was based, and by which the landscape of centuries was ...debased.

The time has come for a reassessment and finding ways to harmonise with nature and not impose upon it as this design and its artificiality suggests.

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

Strictly speaking, as a conservation group, we would delight in just letting nature take its course in restoring the landscape and building its own future within the site, as even in the most seemingly polluted of places and unlikely landscapes, it will find its way of colonising species of such an adaptive and ingenious kind that we might not envisage as possible.

Even poisonous waste heaps from former lead mines in the Peak District thrive with the right plants that just find their way there.

However, while we are happy to leave this site to nature alone, we are of course sufficiently aware of the reality of the situation and that safety and responsibility demands that quarries, by their own nature and industrial design, are highly dangerous places from which the public have to be protected, and thus are best excluded, especially this one with its quicksands, its instability issues, precipitous cliff edges and very deep, cold water, side by side.

But first, we must return to the public's access in this Inquiry and the ability of people to participate in it given the vehement interest, acknowledged above, from our own membership, in addition to the public at large, some of whom will wish to speak during the Inquiry, or have already registered their views and thoughts to you.

Indeed, many more of our members would have liked to have been here today in person, but cannot because of work or other daily commitments.

So it falls upon me to represent them as best as I can.

I must speak on their behalf and try to encapsulate their reasons to oppose this Appeal and to support the decision of the PAC and the Council to refuse the application.

I should add too that any reasonably, fair minded person who has studied the files; studied the records of the copious letters and the emails sent to the Council over the years, as I 'm sure you have had to do, Sir, in order to meticulously comb through all the correspondence and to obtain a thorough and comprehensive background knowledge against which you will be able to weigh the balance of evidence and make your eventual decision, will have sensed that it isn't just the CVCS membership opposing the scheme.

Instead we are supported by the views of hundreds of other local people who have consistently and with good reason, based on their prior knowledge of the area of the Churnet Valley, whether they live here, or just visit and enjoy its virtues. These people too have expressed their wish to object to the whole idea.

If you have managed to read all the letters carefully, Sir, and all the details in the files on both the two outline applications, the 2017 planning Inquiry and the reserved matters applications and all the associated correspondence and reports at the Council archive, you will be well aware of the amount of feeling and opposition this matter has consistently engendered since it was first mooted.

We have calculated it is well over a thousand letters in opposition or critical of the nature of the applications, as opposed to a mere half dozen or so serious advocates for the scheme.

I'm sure also that with your careful scrutiny of the record and the archives, you will also have picked up on the underlying currents of discontent concerning the actual legal progress of all the applications that have brought us to this juncture.

There remain many unanswered elements, and although on the face of it, it seems a fairly simple case of who is right in your judgement; the Council or the Appellant? based on the somewhat reduced or limited terms of what has appeared in the decision notice from last October, nevertheless, those elements, those unexplained, contentious issues should be properly aired, as they give more context, more relevancy and more authority to any decision that has to be based upon the proven truth.

And, if during the proceedings, we may appear to veer off to look at evidence that may at first glance seem outside the stricter confines of the hearing, please don't rush to dismiss it without asking yourself why has it been raised and what bearing does it have on this case.

Everything that we will bring forward is of significance and deserves to be considered, especially in the light of the Appellant's initial Statement of Case which first drew your attention, and ours too to the need for the various issues of wider, third party interest to be considered and brought forward as genuine reasons of concern, and which can only lead to a fairer and just outcome of the wisest sort.

For there are some really genuine problems with matters leading up to this case that should be resolved before we even consider its ins and outs.
For example ...

When the outline permission, that is SMD/2016/0378 permission, was granted, the County Highway Officer, Mr James Long provided his comments favourably towards the scheme as a whole, **but** inserted a telling condition in his email to the case officer on the 19th July 2016 as follows

"Recommendations: There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

inter alia ...

"5, Prior to the submission of any Reserved Matters Application for the development hereby approved, a detailed site layout plan shall be submitted to, and approved in writing by, the Local Planning Authority.

The submitted layout plan shall include the following:

- Connections through the site and onto the public highway for pedestrians and cyclists

- Development phasing

The detailed layout plan shall be approved in writing by the Local Planning Authority **prior to the approval of any Reserved Matters submission** and shall have full regard to the relevant details as may be approved in accordance with the conditions pursuant to the Planning Permission SMD2016/0378/OUT.

All Reserved Matters submissions in relation to the development hereby approved shall conform with the principles of the detailed layout plan."

The key point that is easily missed, is the first phrase of condition 5 ..Prior to the submission of any reserved matters....

When the outline plan was approved, the Council dutifully inserted condition 5 to comply with the officer's requirement.

The outline planning consent notice upon which this application we are examining, read

5. No development, with the exception of site clearance and demolition, shall be commenced until a Phasing Programme has been submitted to and approved in writing by the Local Planning Authority. The Programme shall provide details of the phasing of the development including the extent and composition of the phases and the overall programme for development. The development shall thereafter be carried out in accordance with the approved Programme.

Reason:- To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

It is clear that in giving approval for the outline plan, both this statutory consultant and the Council required **that there must be a phasing plan approved before** any reserved matters can be submitted.

However, the Appellant's agents submitted a reserve matter application **without** a phasing plan approval in breach of these conditions.

I have checked with Mrs Curley before this submission to the Inquiry and she confirmed that no phasing plan had been approved before SMD/2019/0646 was submitted.

So we are left wondering why ?

It is an obligation on the part of the Appellant to adhere to the outline conditions. but in this instance, there is a deviation.

I suppose that that constitutes a breach of the outline permission and one thing that has to be emphasised is that the reserved matters must follow the rules; must not depart from the conditions of the outline permission. Likewise, it reminds us, that as far as this Appeal is concerned, we have to bear in mind at all times, how materially different from the outline permission, this application for reserved matters has strayed. These are important matters that need to be closely examined during its process.

We must remember that S73 of the T&CP Act 1990 as amended and Para 38 of the NPPF provides that an Applicant

'cannot make substantial and fundamental amendments to the planning scheme by changing or altering the description of the proposed development -[and this includes] -changing or altering the operative parts of Outline Planning Permission as to Levels Layout Scale, Landscaping etc.

When planning permission is granted, development **must** take place in accordance with the permission and conditions attached to it AND any associated legal agreements (S106 Agreements.)

'Where modifications are ' fundamental and substantial, a new outline planning permission application under 70 of the T& CPA 1990 is required.'

There is no statutory definition of what would amount to modifications which would amount to 'non-material' because this will depend upon the changes within the context of the ' overall scheme'.

And this is another key point to remember

The LPA **must be satisfied** that (any) amendment sought is non- material in order to grant an application under S96A of the T& CPA 1990.

They haven't granted such an application. They have refused SMD/2019/0646.

Our participation as witnesses

I propose to break the CVCS submission into parts.

1. to express out and out support for the PAC's decision.

2. to remind everyone that if the Appellant thinks that by amending the application it will overcome the LPA's reason for refusal, they should normally make a new application which incorporates the solutions or improves its quality.

There is a precedent here as they did this earlier in the outline stages where, having been firmly rejected by the PAC in the application SMD/2014/0682, they modified their plans accordingly and were successful in a new application.

3. Examine the arguments surrounding this Appeal from the perspective of PAC and from that of CVCS .

I will do so as an observer of all the proceedings to date that have had a bearing on this case and, where appropriate, as someone familiar with the complexities of the case file record leading up to them.

Also, as a local resident living in nearby village of Oakamoor for the past 50 years I have a sound knowledge of the topography or local terrain, as well that of the road networks surrounding and servicing the quarry, and its idiosyncratic physicality and history.

The latter is very important in recent years since the quarrying process ceased, in terms of how the site into which this development has been presumed to be able to be located, has altered.

For example, this is an unusual quarry in that it is, or was, a highly specialised silica sandstone quarry. A very noisy, continuous, 24 hour cycle, industrial plant whose nightly humming and throbbing, and flood lights, could be heard and seen for miles around. It was a hive of successful industry. It used to process tonnes of bleached sand to export widely, partly using the old rail head that was once part of the North Staffordshire railway system, and in later years, by road in very large bulk tankers.

In its heyday its great environmental boon was that it drew all the water it needed for the heavy industrial processes from what was at the time, a very polluted River Churnet to the north of the site, and released it back into the river via a cleansing plant, which improved its water quality further south.

However the heavy industrial chemicals it used that were extracted before that final release of cleaner water back into the river also ended up, partly recycled within the quarry, or dumped or trapped in tailing lagoons.

Since the quarry ceased of course, noise and light pollution have gone, but the quality of the river water is not as good south of the site. Probably this is because of a number of other factors such as increased run off from agricultural sources, but also from seepages from the quarry site where water courses still percolate through old processing areas, waste dumps and tailing areas.

Knowledge of the quarry site itself is essential to anyone involved in understanding and appreciating the designs for its future development.

Silica sand by the nature of its carcinogenic properties has to be extracted and processed with great care and treated with industrial chemicals, so the site is riddled with pockets of remnant contamination.

It is also a dust hazard as silica is the world's most fatal respiratory disease source next to asbestos because of its fine grains.

Large, bare and weathered quarry cliff faces, exposed to very long dry periods of hot sunny weather, the natural heat and rising temperatures such as can accumulate and concentrate in a deep and confined environment, can break down into air borne dust and circulate.

It is all very fine when that dust is controlled by industrial filters and ventilating machinery, but not so good when they are absent.

However far more dangerous than that, is the risk when silica sand is subject to long periods of moisture, as we can expect with the increasing climatic rainfall totals, the saturated silica sand tends to become thixotropic and forms quicksand.

This is a long-term problem that already causes surface instability at Moneystone, particularly in quarry 2 where the water table has been interrupted by the depth of the excavations and where springs are continually breaking through from the back of the quarry on its northern face.

These springs are often shifting in their nature and subject to variations of flow which makes them difficult to control and it is a nightmare to keep the floor of the quarry dry and stable.

Attempts were made by the Appellants to establish a land bridge across the surface of quarry 2 days after gaining outline permission in 2016. However, these proved futile, and not just because the work had had to be swiftly abandoned because it involved the illicit dumping of toxic waste and the issue of a stop notice imposed by the County Council.

Prior to that, the surface instability had led to the submergence of heavy plant machinery being used, and a recreational motor cycle at play in the quarry had to be retrieved after it too sank during use.

Anecdotal evidence maybe, but also indicative of a reason for a significant material change of plan to that of the original outline permission SMD/2019/0378, whereby quarry 2 was set to accommodate a significant number of lodges that in SMD/2019/0646 have now had to be absorbed elsewhere.

However, to complete this topographic scene setting of the precarious nature of this quarry, we have to bear in mind too that sand quarries are usually found in flat areas of river valleys where sediments are extracted and wide lagoons are commonplace and their waters easily controlled.

What makes this quarry even more unusual, if not unique, is that it is perched high up at the edge of a very deeply incised clough or valley and contains a large, deep body of water created by the extraction process. The body of water is maintained by a mixture of natural geology enclosing it, supplemented by uncemented and or redeposited overburden and waste on its southern flanks and a made-made earthen bund situated in its lowest, south-west corner which is also its most vulnerable area where a concrete safety overflow used to exist until unlawfully destroyed by the Appellants in 2021.

However, since the outline permission was granted in 2016, the status of the water body has changed and there is a question of whether this has a significant bearing on this Appeal case as a substantive material change to the outline plan, just as the design and layout of the lodges is regarded as different to the concept upon which the outline permission was given.

This is an important point to note and stress again. The details of the application must be consistent with the outline approval, including any conditions attached to the permission.

We have already seen a variation of the conditions of the outline plan in the example where the required approval of the phasing plan was not obtained before the reserved matters application, the one that this Inquiry is all about, was submitted.

Phasing is an important point in a major development application and should be considered before the planning application is made. It is normally to be expressly stated in the planning permission. That is the acknowledged wisdom of good planning practice. Whereas reserving a discretion to phase or not phase, will normally be regarded as insufficient.

But back to the site conditions where this development is hoped to be located.

In its heyday the quarry was kept as a dry bed pit during the extraction process until it was redundant. However upon cessation of the extraction pit in quarry 3, the pumps were switched off at the behest of the Appellant resulting in the flooding of the quarry 3 and the formation of the lake / lagoon / quarry tip, as water is seen as such under certain Quarry Act legislation, but, as it now known, or most recently recognised or classified under a different Act, as a raised reservoir.

This change of classification alters the conditions under which the plans for the quarry development were submitted and once again the outline permission that was granted did not consider its consequences. This in turn must have a bearing upon the validity of the reserved application which now has a number of additional requirements or obligations on the owners when it comes to planning that, as far as we are aware, have not been tackled by the Appellant and to which we will return in more detail later.

The presence of this body of deep cold water in such a confined and enclosed space has a number of significant issues that we will also return to as it too provides not just a very obvious safety problem, that perturbed the PAC back in 2014 to such an extent that it was a concluding factor (inter alia) that caused them to refuse the initial outline application SMD/2014/0682, but also has a restrictive and very influential effect upon these reserved matters with which we are dealing; namely the layout, scale, appearance and landscaping of the site and its lodges.

I will deal in more detail and with further evidence about these issues outlined or described above, in a while, as we contend that they need to be explored more thoroughly in order to retrieve, explore and appreciate the full facts of the case.

But let me now please return to the first point I made regarding our total support for the decisions by the members of the PAC last October.

Last October I participated both as a speaker and an eye witness to all the events in the proceedings. I have also reviewed the hearing on the webcast library which I consider essential for establishing the facts and in all my previous submissions to this inquiry I have sought to illuminate the truth about the progress of all aspects of this planning case.

Irrefutable facts are, to my mind, the key to any basis for decision making. However, the context and background of those facts are likewise necessary if the truth is to be revealed.

So I will begin by looking at the decision notice itself from last year's hearing and the reasons given in the wording which I needn't quote as I 'm sure we are all familiar with them. However, I would make an immediate comment upon what I saw and heard at the hearing which may not be the case for everyone here.

The reasons from the refusal notice may seem simple but I would make the point that the hearing discussion by the PAC in October was much more wide ranging than that of the wording. Other issues were debated.

The wording of the refusal is merely a brief and convenient summary of the points of opposition. Perhaps, sir, you have viewed the recording? If not, then please be assured It was wide ranging and thorough.

For example, the impact on tourism and economics was discussed re Councillor Bill Cawley's lengthy interjections and other contentious matters.

But the key point to stress is that no one, not one member of the PAC actually spoke up **in favour of the actual design, the layout and materials as indicated on the plans.**

Some like Councillor Cawley worried over the consequences of refusing the application and matters such as loss of jobs etc, matters that actually have nothing to do with the design, stricto sensu, or the layout and levels.

They discussed alternative materials and possible improvements to the appearance, but in the end the application was rejected on merit of the design that had been brought forward and shown to the council.

They were not enamoured with the layout either and it was more a case of recognising that what they had been led to expect from the earlier planning proceedings, just had not materialised.

It was not a simple case of misunderstanding the construction of the lodges as is being suggested by the Appellant's experts.

The discussion was full and considered. The model of the discussion ranged from the personal experience of individual members looking at similar designs and other locations, and arrangements of the generic sort, like the ones in the application, and these led to the eventual collective rejection on the grounds of the wrong materials being used and a call for better design and choice of improved quality.

The actual wording of the refusal notice therefore did not reflect the true nature of the amount of consideration given to the application by the PAC members.

We need to examine the policies too that were cited by the PAC members during their debate in order to broaden the argument that it was not just the seemingly tight or simple case of not liking the build of the lodges.

The PAC are experienced people who know the area well; they know the site and its weaknesses and of course they would be well aware of all the other contentious issues that have dogged its progress after so long.

The degree of premeditation cannot be measured precisely but that would have a bearing. It is only natural and why not? We are always subject to influences of many types; subconsciously, inadvertently, accidentally or occasionally deliberately and guilty of having an apparent bias.

When a person who has the task of considering such matters of importance for any length of time, then the undertaking of that task and subsequent action has to be carefully thought out using experience and knowledge. As far as possible when decisions are made, they have to be bound by and founded on policies and the realisation of the truth.

Forethought will be a factor but do remember in the debate the issue was aired properly and these Councillors are fair minded and earnest people who dedicate their time for the benefit of their community. Therefore it is a disservice to the members of the PAC as councillors to suggest that the decision taken back in October was treated without due consideration and done so in a simplistic manner, or in isolation from all the other components of the argument.

There are two other crucially linked points on which to remark.

1 .The length of time it has taken to bring the application to this stage is unusually drawn out and given that it appears from the historical evidence that the idea for this development was conceived and then embedded within the emerging CVMP beforehand as a sort of guaranteed justification for its approval, it does seem to suggest there was a lacuna or endemic weaknesses in its concept and design that should have, by now ten years on, been anticipated and more importantly, overcome.

2.The PAC cannot have failed to be aware of the public outcry against the scheme and its vicissitudes over the years and both of these factors cannot be ruled out as additional influences upon their decision but not solely.

They have their own views and as experienced councillors we have to trust and respect their independent judgement, especially in a case where the case officer has opted for one view and they, as they are perfectly entitled so to do, have weighed up the situation and decided to oppose that person's view. Just as we, that is everyone here, has that opportunity to agree and disagree and provided all the facts are presented faithfully and the strength of all arguments and the evidence is convincing enough, then there is no problem. A fair decision is achieved.

But in this case, it should be said that there are mitigating circumstances that could well have also led to their decision. These too are perfectly acceptable and down to the quality of the actual design involved in this application.

If we think about the longevity of the plans for example; how many times were they changed and revised during the years after which SMD/2019/0646 was validated and until it reached a hearing ? Is that because of a premature rush to meet a deadline before the outline permission expired, or was it a result of having to fix something that had been validated in haste and then discovered to be in error?

I 'll revert to citing the case of the design of the Hub as an example where it clearly wasn't thought through properly in the first place and so later it was necessary to change it to appease the PAC in the outline permission SMD/2016/0378, and employ a quick fix for a problem that hadn't been anticipated.

Surely a good design will have anticipated and accommodated such a problem in the first place, or was this just a reactive attempt to solve it in a hurry?

Perhaps this moment would be a good occasion to explore that aspect of the CVCS evidence in full detail, but maybe we should deal with the specifics later and finish this general line of the overall argument for continuity's sake.

Certainly, the vast majority of people would rightly question the facts of the matter and hazard that if it is such a good scheme, why has taken 10 to 15 years to reach this fruition.? Why has it stuttered on for so long?

Ultimately If the design was top quality, why did it not appear so to the PAC last October?

It clearly didn't and that has to be attributed to the ineffectiveness of the plans for the design, the material and lay out , in order to convince or reassure any doubt that the PAC members had, that this was an acceptable way to

fulfil the promised scheme from way back when the Council were given the understanding that it was going to be a luxurious, center park type resort with spacious woodland glades and idyllic settings.

To most people, I 'm afraid it looks just like a quarry however you try to dress it up.

We have to consider the mindset of the councillors and question why the appellants think that it is just the timber clad caravans argument and that they, the councillors, haven't realised what the lodges are going to look like, or the virtues of the design details as the experts, now being called into supplement them, should have made abundantly apparent beforehand.

To us the fault lies with the appellant's application. If you have not produced sufficient evidence in advance to convince the PAC members at the time of the hearing after so many years, why should they not be fully justified in finding fault, or having serious misgivings and turn it down?

We now have an array of experts on hand and their reports to view; a battery full of detail and assurances. But why weren't these apparent at the time of the hearing?

Can we really discount the wisdom of those PAC members if the evidence of what we are now hearing and seeing, was not there then?

Surely that is the failure of the content and suitability of the application itself and very much the fault of design and layout factor within it.

Also, what guarantees do we have that this is what we can expect to take place on the ground? These plans have been changed several times during the progress of the application, but still they failed to impress or to convince the PAC. Those members of the PAC were experienced with a knowledge of the background to this case, let us remember.

They will have known the policies behind it.

Yet for all that, it did not come up to scratch and left them in doubt.

In the hearing itself they referred to the policy in their discussion and were adamant how it applied.

They would have known the problems that this quarry has and what has happened before during the earlier stages of its progress; the refusals of the outline permission in 2014, SMD/2014/O682; the judicial inquiry into the eventual outline permission; the 2017 appeal lodged by the Appellants, the lack of alternative transport system to bring visitors to the site that once been promised but has never materialised, and thus the need for an increase in car usage in order to sustain the site's viability and of its accompanying pollution problem that has been exacerbated since the outline permission was granted. Though the appellants have sought to ignore it, or tried to exclude it from this Inquiry these would have been in the back of their minds because of the recent Council's change in attitude to the environmental impact as a result of climate change.

At this point too, we must remember that the environmental impact upon which this design was based, relied upon assessments that predated the failed 2014 outline permission. In fact the assessment data would have been collected, like so many of the supporting documents, years before that, as exemplified by the unconvincing and vicarious nature of the stability and contamination reports.

These are serious omissions when considering the efficacy and suitability of the design and layout of these lodges and their impact on the environment in the quarry.

Even as late as a month before the hearing of the reserved matters application last October, the Council was notified of a likely environmental impact upon the design by the Forestry Commission report below

North West & West Midlands Area Office

Ghyll Mount
Gillan Way
Penrith 40 Business Park
Penrith
Cumbria
CA11 9BP

Tel:

Area Director
Keith Jones

Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire Moorlands
ST13 6HQ

Ref: SMD/2019/0646

Date: 1 September 2023

Dear Sir/Madam,

Planning Application for **Moneystone Quarry, Eaves Lane, Oakamoor, Staffordshire, ST10 2DZ**

I refer to the application for the development at the site as above.

As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
 - Information on the importance and designation of ancient woodland
- Further comments relating to this development

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless *"there are wholly exceptional reasons*

and a suitable compensation strategy exists” (National Planning Policy Framework paragraph 180c).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission’s Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

Subsequent Enforcement Notices, may be materially relevant to planning applications in situations where the site looks to have been cleared prior to a planning application having been submitted or approved.

Access rights for Forest Operations are present across the development area, this does not appear to have been considered during design phase. Key Wood is an active commercial woodland and continued, suitable access is a necessity.

Due to the proposed size of the development Ancient Semi-Natural Woodland, Priority Habitats, Site of Special Scientific Interest, European Protected Species, Schedule 1 protected bird species would be impacted by the associated increase in pedestrian and cycle access into sensitive areas, including that away from existing Public Rights of Way. Specifically, Forestry Commission guidance for the Management of Ancient and Native Woodland states that:

- Where there are high visitor numbers and/or potentially disturbing recreational or sporting activities, ‘zoning’, path re-routing or appropriate restrictions should be used to protect sensitive areas or species.
- New paths and trails should be carefully routed, and it may even be desirable to re-route existing non-statutory routes, to avoid particularly sensitive parts of the woodland. These might include wetland habitats, vulnerable historic features and areas used by or containing very sensitive priority species (e.g. vulnerable rare plants). Wherever possible paths should be kept a safe distance from veteran trees. In some situations, it may be necessary to restrict or discourage access to certain areas during the breeding season or other particularly sensitive times of year.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that *“Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently, you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.”*

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

We also assume that as part of the planning process, the local authority has given a screening opinion as to whether an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If not, it is worth advising the applicant to approach the Forestry Commission to provide an opinion as to whether

an Environmental Impact Assessment is needed under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended.

We hope these comments are helpful to you. If you have any further queries, please do not hesitate to contact me.

Yours sincerely

Graham Simms
Area Admin Officer

For example, "Access rights for Forest Operations are present across the development area, this does not appear to have been considered during the design phase. Key Wood is an active commercial woodland and continued, suitable access is a necessity."

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A month before the hearing and those issues are being raised.

Did the design change to accommodate them?

What do we think?

However, no reconsideration or reaction was evident in the documentation submitted before the hearing, so we can assume that the design criticism was not heeded.

Also let us not forget that when it comes to not living up to expectations, we have only to look at the 2014 restoration plan that the Appellant agreed to carry out and what result do we find? No sign of improvement; no sign of progress and at the actual meeting where the 2014 plan was agreed by the County Council, no sign of the Appellant or its agents or representatives. They simply never turned up and as a bystander and observer at the meeting, it has to be said that that lack of respect for the County Councillors who attended, was very much to their annoyance and to the detriment of the Appellant and its agents.

In 2014 they were told to obtain planning permission for the use of the former lab buildings whose continued existence was in breach of condition 5 of the quarry permission but they didn't do that until last year. 10 years on!

They were supposed to produce an ecology plan for each year of the 2014 restoration programme. That ended in 2016.

No 5 year after care review took place as was agreed, but instead they have allowed Mr Philpott to carry on his unauthorised scrap metal business in buildings that should have been demolished when the quarrying ceased, and to this day they are still subject to an enforcement order served by the County Council.

It is not an impressive record of achievement or reliability.

Sir, it should be noted too that in your comment / directive issued on the 1st August concerning (inter alia) the comment that

"The Council's Statement of Case also finds that the hub building demonstrates a strong response to the site, its setting and policy requirements. "

That response was principally to reduce the height of the building to a level acceptable to the PAC in 2016 in order to assuage the previous criticism of the 2014 refusal and its impact upon the setting of the listed building at Little Eaves farm.

However in doing so, they subsequently discovered that when, in finally submitting the reserved application, in 2019, they no longer had room to accommodate all the facilities permitted under the outline permission SMD/2016/0378, and which were needed for the design for SMD/2019/0646.

It is therefore questionable whether that was indeed a strong response to the site, the setting and the policy requirements. Or was it more that the design was faulty or badly thought out?

We have raised this issue here as we are still awaiting a formal response from the council to several issues to which we drew its attention immediately after the hearing of both the appeal application SMD/2019/0646 and that of the application SMD/2019/0716.

For the details of this please see appendix 10 and our evidence.

Appendix 10

Appendix 10. The red line issue and a defective design.

The reserved matter application is supposed to be a more detailed or nuanced addition to the basic outline permission and has to keep to the parameters and agreed conditions of that grant of permission.

The refused application that is the subject of this appeal deals with (inter alia) the design, layout and levels of the site and the location of the lodges and the main hub and ancillary buildings and that is dependent on the red line development boundary defined by the outline permission itself.

The application should therefore be in accordance with the principles of development that have already been approved at outline application stage.

However in obtaining the outline permission SMD/2016/0378 (0378) the Appellant changed the original application that was refused in 2014 i.e. SMD/2014/0682 in key areas in order to overcome some of the earlier reasons for refusal.

It has been argued elsewhere that other legal consequences ensued; for example did the demise of SMD/2014 /0682 take with it the outline permission SMD/2016/0378 which is described at the beginning of its grant notice as **being a resubmission of SMD/2014 /0682 ?**

The permission notice issued for 0378 below states

"Description of Development: SMD/2016/0378.

*Outline application with some matters reserved for the erection of a high quality leisure development comprising holiday lodges; a new central hub building (providing swimming pool, restaurant, bowling alley, spa, gym, informal screen/cinema room, children's soft play area, cafe, shop and sports hall); cafe; visitor centre with farm shop; administration building; maintenance building; archery centre; watersports centre; equipped play areas; multi-sports area; ropewalks; car parking; and managed footpaths, cycleways and bridleways set in attractive landscaping and ecological enhancements **(re-submission of Planning Application SMD/2014/0682)**."*

Suffice to say irrespective of the complex legal arguments surrounding that aspect and whether other crucial support documents pertinent to this case which we will leave to other parties to contest and for you to resolve, there are other serious matters to consider which we will now present for your attention as they do have a bearing on the design and layout in SMD/2019/0646.

In 2017 in advance of a conjoined planning appeal for the refusal of SMD/2014/0682, SMDC passed a resolution in Council whereby the Appellant agreed that (inter alia) that no hub facility would be allowed to transgress that red line development boundary. That was a binding agreement by the full council that has never been altered since.

Relevant extract to follow

Agenda Item

NOT FOR PUBLICATION
By virtue of paragraph(s) 2, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Report to Planning Applications Committee

13 July 2017

TITLE:	Moneystone Quarry Appeal
OFFICER:	Dal Lerner – Executive Director (Place)
WARDS INVOLVED:	Churnet

1 Reason for the Report

- 1.1 Members will recall that:
- By notice SMD/2014/0682 dated 26th November 2015 the Council refused an application for planning permission;
 - By notice SMD/2016/0378 dated 26th October 2016 the Council granted planning permission for a revised scheme;
- both applications being from Laver Leisure (Oakmoor) Ltd for permission to develop land at Moneystone Quarry as a holiday/leisure centre/park.
- 1.2 Following the refusal of the first application, Laver Leisure (Oakmoor) Ltd (the appellant) appealed to the Secretary of State. However, that appeal was then 'held in abeyance' pending the outcome of the second (revised) application. The justification given by the appellant being that if the second application was successful then it would be 'content' and would not pursue a permission on the first scheme through the appeal. The second application was successful to the extent that the Council issued a permission. However, a third party has now brought a claim for judicial review of the permission.
- 1.3 The Court has granted, on 17th February 2017, permission for the Judicial Review to be heard and a date for the Court hearing is now being arranged.
- 1.4 The appellant, because of the risk of losing the benefit of permission, has therefore asked the Planning Inspectorate (PINS) to progress the appeal.
- Members may also recall that the Appellant asked PINS to determine the appeal on the basis of the revised scheme and PINS asked whether the Local Planning Authority could advise whether they were in agreement with the appeal against the refusal of the original application proceeding on the basis of the revised scheme, which Members approved under the second application. Committee resolved at its meeting in March that it did not object to the substitution of the original scheme by the revised scheme approved by the Council subject to the following conditions:
 - the appellant sets out in a (revised statement of case) that it abandons the original scheme and will only produce evidence on the revised scheme

- ii. all the consultation responses from the second application are put before the inspector,
- iii. those entitled to be consulted are told that the appellant proposes the substitution and given a further opportunity make representations to the appeal inspector

- 1.5 However, PINS subsequently determined that the Appeal should be considered on the basis of the scheme as originally submitted.
- 1.6 The Developer has therefore offered to enter into a Section 106 Agreement which would, if accepted by the Inspector, commit Laver Leisure to bringing forward the revised scheme in a way which addresses the Councils concerns with the original leisure planning application. The s106 Legal Agreement restricts the height of the hub, restricts the hub development area, provides for increased landscaping around the hub, removes access to the scheme from Blakeley Lane, removes the 14 lodges originally proposed at Black Plantation.
- 1.7 In effect, therefore, the Section 106 Agreement, if found to be necessary by the Inspector, would limit the scope of any permission granted by the Inspector to reflect the revised scheme which was approved by the Council.

2 Recommendations

- 1.1 The Committee should resolve to enter into a Section 106 Agreement with the developer to secure the following heads of terms:
- (1) Prior to the commencement of each phase of the proposed hub development, a reserved matters application for the layout, appearance, scale, landscaping and internal access of that phase of the proposed hub development shall be submitted to and approved in writing by the Local Planning Authority. At the reserved matters stage, the detailed scheme(s) for the proposed hub development:
- (a) Shall not exceed 6 metres in height in accordance with the revised Parameter Plan (dwg ref PL1088.M.110 Rev 6); and
 - (b) Shall not exceed the land use parameter for the location of the hub buildings in accordance with the revised Parameter Plan (dwg ref PL1088.M.110 Rev 6); and
 - (c) Shall propose additional landscaping within the hub area which further screens the hub development from the listed building at Little Eaves Farm and the surrounding footpaths in accordance with the Illustrative Landscape Detailed Plan for the Hub (dwg ref PL1088.M.101 Rev 4).
- (2) Prior to the commencement of each phase of the proposed lodge development, a reserved matters application for the layout, appearance, scale, landscaping and internal access of that phase of the proposed lodge development shall be submitted to and approved in writing by the Local Planning Authority. At the reserved matters stage, the detailed scheme(s) for the proposed lodge development:

- (a) Shall not exceed the total number of 250 lodges across the site;
 - (b) Shall not propose any lodge development at Black Plantation;
 - (c) Shall not propose vehicular access to the site from Blakeley Lane; and
 - (d) Shall propose lodges in full accordance with the revised Parameter Plan (dwg ref PL1088.M.110 Rev 6).
- (3) Prior to commencement of development, a detailed design for the no right turn access on to Eaves Lane broadly in accordance with the revised Eaves Lane Access Plan (PB5196-0100 Rev C) shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, the approved no right turn access on to Eaves Lane shall be constructed and open for use.
- (4) The Holiday Lodges will only be occupied for holiday purposes for a period of not more than six consecutive weeks at any time and only in association with the main use of the Site as a leisure venue and not as a person's sole or Main Place of Residence.
- (5) Not to commence Development until a Travel Plan Sum has been paid to the Council. The sum is £3,000.
- (6) Not later than three months following first Use of the Development (or any part thereof) to submit to the Council for approval in writing (not to unreasonably withheld or delayed) a Travel Plan in relation to the Development and each part thereof. The Travel Plan should be produced in accordance with the Travel Plan Framework appended hereto and the Owner shall at all times adhere to the terms of the Travel Plan Framework until such time as the Travel Plan has been approved in writing by the Council.

3. How this report links to Corporate Priorities

- 3.1 Aim 3 of the corporate plan includes high quality development and building control with an "open for business" approach. It also refers to ensuring increased economic growth by developing a planning applications process which is quicker, linked to growth and focussed upon increasing income.
- 3.2 The proposal is for a significant inward investment into the Borough which will have wide reaching economic benefits. It therefore supports economic growth and an open for business approach. The revised scheme has overcome previous concerns and ensured a high quality development. The Council supports the revised scheme and will doubtless want to see the economic benefits of the scheme delivered as soon as possible.

The purpose of the resolution was to bring SMD/2014 /0682 in line for the purposes of the Appeal with what had been approved in respect of SMD/2016/0378. It was duly signed by the Appellant and the Council and is a document on public record.

However that also implies that SMD/2016/0378 had within it those same factors of restricting the development to the redline boundary.

Indeed if you investigate the documentary file for 0378, you will find the following key points contained in the **supporting planning statement** for SMD/2016/0378 made in June 2016 by the Appellant's agent that changed the nature of the application and conditioned it to a level of acceptability that eventually enabled the SMDC PAC to grant its permission.

Namely :-

- 6.
7. **"4.7 As part of the suite of application drawings there is a Parameters Plan which is attached at Appendix 13. The Parameters Plan illustrates the maximum development area and maximum building heights for the proposed development for which outline planning consent is sought.**
8. **4.8 In particular, the Parameters Plan shows:**
 - i. **the removal of the 14 lodges originally proposed at Black Plantation with this part of the site now being retained as existing woodland;**
 - ii. **the removal of vehicular access to the scheme from Blakeley Lane;**
 - iii. **the reduction in the height of the main hub building from 12m to 6 m; and**
 - iv. **the reduction in area where the hub buildings can be located at the detailed design stage."**

and later

- 1.
2. **The Proposed Changes to the Leisure Scheme**
3. **12.5 This planning application re-submission has made the following changes to the proposed development:**
 - i. **The height of the proposed hub building has been reduced from 12 metres to 6 metres and the proposed climbing wall has been removed and does not form part of this planning application;**
 - ii. **The Parameter Plan provides more certainty on the future location of the hub buildings. The area in which the hub buildings can be located at the detailed design stage have been significantly reduced as shown on the Parameter Plan which accompanies this application re-submission;**
 - iii. **Additional landscaping is proposed within the hub area which further screens the hub development from the listed building and the surrounding footpaths. The additional landscaping is shown on the Illustrative Landscape Detailed Plan for The Hub which also accompanies this application re-submission;**

Extract above from Supporting Planning Statement submitted by Asteer formerly How Planning

It is clear therefore that In passing the legal grant of permission SMD/2016/0378, SMDC and the Appellant bound themselves to the confines of the parameter plan which restricted the maximum development area.

That parameter plan is limited to the same redline boundary area which was used in the 2017 attempt to bring SMD/2014/0682 in line with SMD/2016/0378.

It specifically restricted the boundary of the hub buildings to within that area.

It was on that on that legally binding basis that the PAC granted the outline permission.

The crucial wording is ***the maximum development area***.

If that is not adhered to, ie the hub buildings have to be kept within the redline boundary, the outline permission is breached and should be rendered void.

Exactly as in the same way that planning officer Lerner convinced the Council to make appeal case for SMD/2014/0682 and SMD/2016/0378 feasible by its resolution on 2017, the hub buildings had also to remain within the redline boundary.

However, since altering the design and layout of the hub buildings to fit within the red line boundary in keeping with the outline plan, at the same meeting as decided the refusal of SMD/2019/0646, a further application **SMD/2019/ 0716** (0716) was heard to extend the hub facilities **beyond the red line boundary**.

This application present crucial evidence to this Appeal by the nature reasoning and all that is implied as explained below.

In the application letter for 0716 from Avison Young acting on behalf of the Appellant to the case officer Mrs Curley dated the 26th November 2019 it was admitted that the Appellant could not comply with the terms of the outline permission 0378 in respect of the details for the appearance, scale, layout and landscaping which is the main issue of the application SMD/2019/0646 and this appeal.

"The majority of the uses proposed are consented under the outline permission (LPA ref: SMD/2016/0378) however it is not possible for Laver Leisure to provide all of these uses within the Hub Building proposed under the Phase 1 Reserved Matters application. As such, the most logical option is to accommodate these employment generating facilities within the existing laboratory building which is located just outside of the red line boundary of the outline planning permission and in proximity to the main 'Hub Area' of the leisure park. This development will be brought forward as part of Phase 1 of the development and integrated within the wider leisure park for use by visitors."

Evidence extract from letter p .2 para 2

In other words, in design terms the plans for the reserve matters SMD/2019/0646 were not sufficient to meet the standards upon which the outline permission was granted.

It is a serious misjudgement and another example of the appellants not fulfilling its original promises, one of the several bones of contention behind the Council's refusal of the reserve matters.

Another point of significance is that the outline consent for 0378 established maximum floorspace for all approved uses .

Planning officer David Davies raised this issue during the consultation period with the case officer. However, his point has escaped everyone's notice because, as he rightly said, if 0716 is granted, then the thresholds of the outline permission 0378 that are limited within the redline boundary, would be breached in the event of 0716 being approved as well.

"I note that the outline consent established maximum floorspace limits for all approved uses."

You cannot have that same space in both permissions without breaching the permitted allocation in SMD/2016/0378.

His words were that approval needed to specify through conditions that these thresholds could not be breached in the event of both schemes being approved.

That has not happened and instead the threshold has been breached, again invalidating SMD/2016/0378 by virtue of precedent.

Ever since it was proposed and agreed by the Appellant, SMDC and SCC prior to the 2014 restoration plan, the red line boundary has dictated the limit of the development for the leisure park.

It also restricted the District Council's interest to that area in terms of the agreed boundary for the development. Beyond it has been the domain of the County Council and its responsibility to oversee and implement the restoration plan agreed in 2014.

The importance of the red line boundary was raised by CVCS at the hearing on October 26th and there was a passage in the debate where Councillor Mark Johnson made a request to the case officer about the red line boundary and its influence upon the application's suitability for discussion and decision by the PAC. Mrs Curley appeared a little confused momentarily about which red line it was.

The matter was then re directed to the attending legal officer for his opinion and he too hesitantly more or less deferred to what had just been said, admitting to the absence of knowledge of or evidence of, a restrictive, red line document.

However, Ward Councillor Mrs Malyon did alert the meeting several times to the issue but again it appeared to be overlooked.

(please see webcast for the live evidence)

That was a binding agreement by the full council that has never been altered since and as was a crucial factor in the legality of the proposal in the hearing.

SMD/2019/0716 was explicitly an application for the extension of the hub facilities beyond the red line boundary. It should not have been discussed at the meeting at all as it was in contravention of the 2017 resolution and beyond the outline permission of 2016, yet that was used as an argument and support document within the application in the presumption that because it had already obtained the outline permission, it was acceptable.

The officers were clearly unsure of which red line boundary was being questioned by Councillor Johnson and we would suggest that they were considering the red line boundary on the application site drawing itself, rather than the overriding development boundary (ie the red line separating the SMDC jurisdiction from that of the County Council) in their response.

The legal officer too was seemingly unaware of the red line issue and the Council's position as of the July 2017 agreement.

Even though CVCS had also emphasised in its speech that the matter was in the domain of the County Council for other legal reasons, the issue over the red line was dismissed or ignored after the officers' intervention and the debate continued to a resolution whereby permission was granted.

In checking our records we know that we had raised the point regarding illegality of the application for the reason given above several times before with the planning officers, and as recently as an email sent to Mr Haywood on the 13 th January 2021, but that has never been responded to or acknowledged.

Since January this year we have written several times to the Chief Executive explaining our contention over the issue and hearing details and have been assured of a response but still await it.

In fact this should have been raised by the officers concerned when they considered the initial documents submitted by the applicant where it says in the application cover letter by Avison Young for 0716 on 26th November 2019

6. *' The majority of the uses proposed are consented under the outline permission (LPA ref: SMD/2016/0378) however it is not possible for Laver Leisure to provide all of these uses within the Hub Building proposed under the Phase 1 Reserved Matters application.*

As such, the most logical option is to accommodate these employment generating facilities within the existing laboratory building which is located just outside of the red line boundary of the outline planning permission and in proximity to the main 'Hub Area' of the leisure park. This development will be brought forward as part of Phase 1 of the development and integrated within the wider leisure park for use by visitors. '

Unfortunately the phase 1 application was the reserved matter application SMD//2019/0646 and that was totally dependent upon the outline permission 0378 and therefore restricted to the within the redline boundary and subject to all the arguments previously aired above.

The conditions of the outline permission SMD/2016/0378, as revealed above, dictate that as far as the hub buildings go, the threshold for use and the nature of the development granted within the redline boundary has to be upheld and the maximum area restriction does not permit an overlap.

An assumption that because it has obtained the outline permission within the red line boundary does not entitle the Appellant to piggy back additional design features using that as argument for inclusion when the reserved matters cannot encompass those details per se.

CVCS contend that the admission by the Appellant cited above that it cannot meet the details for the appearance, scale, layout and landscaping which is the main issue of the application SMD/2019/0646 and this appeal, is crucial to the argument for refusal.

It also means that the appellant is either in breach of the outline permission conditions or cannot adhere to it in fulfilling the 2016 agreed conditions within it in its design for the reserve matters, or both.

CVCS July 2024

=====

We have put forward all the issues to the Council arising from the uncertainties of the hearing of that latter application and though promised repeatedly of a response from its Chief Executive and a legal explanation since the issue of the decision notice in January of this year through to this inquiry, we have still heard nothing.

From appendix 10 we can see it is clear that by its own admission the appellant has accepted **in design terms that the plans for the reserve matters SMD/2019/0646 were not sufficient to meet the standards upon which the outline permission was granted.**

It is a serious misjudgement and another example of the appellant not fulfilling its original promises, one of the several bones of contention behind the Council's refusal of the reserve matters.

We would contend therefore that that is neither a strong response to the site and its settings and policy requirements.

It is outside the red line boundary and until very recently remained subject of the enforcement order served on the Appellant by the County Council in 2022.

So with the PAC last October because the whole scheme has been somewhat controversial, and especially given the enduring strength of public opposition over the years, it is not **unsurprising** that they decided as they did on merit.

It would be foolish to dismiss their decision as being solely on a misconception that they didn't understand the design etc .

They knew the policy; they knew the expectation but they found it wanting and quite rightly they turned it down. The issues discussed at the PAC meeting were wider than the wording that was inserted in the notice of the refusal.

In order to address this appeal properly however, we must examine the background details of the case file for SMD/2029/0646 and the design, layout and levels and the policies behind it.

If we look at the overall policies and how they are reflected in the design for the development, it becomes apparent that the unique geographical qualities of the site which had dictated its historical origins as a successful quarry, would also provide limitations that would be key drawbacks in fulfilling the ambitions and acceptability of the proposed scheme.

We have noticed that the Appellant has cited many policies in support of its case but the policies themselves, in both the Core Strategy and Churnet Valley Master Plan are often contradictory.

We should perhaps pause for a moment therefore and allow ourselves a time to consider how the overall policies emerged from the inception of the scheme and in doing so introduce the evidence compiled in Appendix 1

Appendix 1

Appendix 1. SMD/2019/0646. Same old story. Plus ca change

Against that background of the change of mind of the Council in its attitude towards and its requirement as regards the specific design, layout and envisaged quality of the development, upon which the Appellants will bring their case, we feel that it is important to examine those factors that were instrumental in the origin of the policy created to support the application, aspects of which we would suggest were contentious from the start and which apply to this case.

The origins of the design for the quarry and the advent of policy to accommodate it.

Background to CVCS involvement in the development of Moneystone Quarry.

CVCS members first became aware of the plans for the development of the quarry in 2012 when like many other residents of the villages nearby we were sent an expensively produced , glossy publication from SMDC advertising a range of alternative choices for various sites up and down the valley that would eventually be incorporated into the draft Churnet Valley Masterplan. The implication was that we would have an opportunity to vote for the option that appeared the best for our locality at specific sites, one of which was the former sandstone quarry at Moneystone.

We also were invited to attend a meeting in our respective village hall entitled “ a village conversation “ with representatives from the council planning department including a senior planner called Gavin Clarke who presided over the meeting. Again the options were put forward but the conversation was somewhat curious as the Q and A session was restricted and the presentation of maps and allied activities intended to sound out opinion from the groups into which we were divided, were poor and inaccurate.

The overwhelming consensus of the meeting in Oakamoor was that no one opted for the development of the former quarry as a holiday complex with hotels and lodges, but instead wanted a restoration of the quarry landscape to an agricultural or wooded setting and a small industrial unit within it.

One of the key motives for opting for this choice rather than the development, was that the latter would increase the volume of traffic, noise and pollution in an area where the burgeoning resort at Alton Towers under 3 miles away had already caused a major environmental impact.

On that basis the local residents returned their choices as invited.

However in 2013 a draft masterplan (Churnet Valley Masterplan or CVMP) was circulated and no such option was to be seen. Instead the holiday complex was preferred. It was to be an opportunity site. Somewhat dismayed by this, local residents found their annoyance exacerbated when it came to the attention of CVCS that all the local villages who were canvassed on the issue, found a similar outcome.

Further meetings ensued with the parish councils and other interested parties and CVCS began to investigate and subjecting the files at SMDC to forensic scrutiny.

The outcome proved that the previous choice options around the village conversations were in fact a waste of time and tax payer's money as the initial draft of the CVMP with the opportunity holiday resort had been already been agreed back in 2009/10.

Records unearthed by CVCS show that as far back as 2009 the agents acting for the owners had been invited by Messrs Gavin Clark and Perry Wardle former planners at SMDC to draft a masterplan that included the intention to develop the quarry as a holiday resort.

	1999	2005	2009 / 2010
4.7	<p>discuss. It is noted that the amendments of the A12 would lead to impact the highway safety and design proposals provided by the relevant Council for the A12. It is noted that the amendments of the A12 would lead to impact the highway safety and design proposals provided by the relevant Council for the A12.</p> <p>It is also noted that the amendments of the A12 would lead to impact the highway safety and design proposals provided by the relevant Council for the A12.</p>		
5	<p>Pre-Application Process</p> <p>5.1 It is noted that the Council's Case Officer will be Mr. Clark.</p> <p>5.2 It is noted that the Council's Case Officer will be Mr. Clark.</p> <p>5.3 It is noted that the Council's Case Officer will be Mr. Clark.</p> <p>5.4 It is noted that the Council's Case Officer will be Mr. Clark.</p>		
6	<p>Multi-Stage Application Process</p> <p>6.1 It is noted that the Council's Case Officer will be Mr. Clark.</p> <p>6.2 It is noted that the Council's Case Officer will be Mr. Clark.</p>		
7	<p>Planning Application Fee</p> <p>7.1 It is noted that the Council's Case Officer will be Mr. Clark.</p> <p>7.2 It is noted that the Council's Case Officer will be Mr. Clark.</p>		
8	<p>Programme</p> <p>8.1 It is noted that the Council's Case Officer will be Mr. Clark.</p> <p>8.2 It is noted that the Council's Case Officer will be Mr. Clark.</p>		
9	<p>Local Development Framework Update</p> <p>9.1 It is noted that the Council's Case Officer will be Mr. Clark.</p> <p>9.2 It is noted that the Council's Case Officer will be Mr. Clark.</p>		

Churnet Valley Masterplan - It is proposed that this will be adopted at the end of 2011, leading up to adoption of the 4 stages and the visionary work with CDE as part of stage 1 and also take in the first part of 2011.

Masterplan - It is proposed that the Masterplan will be prepared and adopted in the first part of 2011.

Policy - It is proposed that the Policy will be prepared and adopted in the first part of 2011.

9.2 It is noted that the Council will have no concerns with a planning application for the future development of the Churnet Valley site to be forward in advance of the Churnet Valley Masterplan being adopted.

9.3 It is noted that the Council will have no concerns with a planning application for the future development of the Churnet Valley site to be forward in advance of the Churnet Valley Masterplan being adopted.

Minutes prepared by Jan Buckley on Friday 23 October 2010

Meetings in 2010 record the clear evidence of an agreement to the extent that it shows Mr Clark agreeing to Laver Oakamoor Ltd bringing forward their application for the quarry development before CVMP was on the record.

It even allocated the eventual case officer to be Mrs Curley.

In 2014 however when the outline application was brought forward by Laver, another planning officer Mark Lynch was contracted to take the case.

CVCS, alongside local councillors, presented many problems to Mr Lynch during the interim period of consultation in rationally arguing against the application to the extent that he appeared conflicted in terms of his professional judgment.

Then, completely out of the blue, he went to a meeting at the council in Leek to discuss the case, returned afterwards to his office at Buxton, cleared his desk and left! No explanation was forthcoming, but Mrs Curley then assumed his role.

However when the Churnet Valley Masterplan (CVMP) and Core Strategy (CS) emerged in 2014, the Moneystone Quarry site was allocated as an opportunity site designated by policies that themselves were ambiguous.

Although some were well suited to the design project, other caveats within the scope of these policies were contrary and could be identified in the project as problematic.

An " Opportunity Site" but with problems and limitations in design ?

In planning projects it is usual for an opportunity site to be analysed early on so that constraints such as site location, topography, traffic conditions and nowadays climate factors, be included to allow maximum use of the inherent qualities of the site and anticipate potential issues which may cause problems. Conducting thorough site analysis should identify site constraints that shape the design decisions and presumably SWOT analysis took place in the preliminary stages of planning for Moneystone so that its unique elements such as the underlying geology, soils, hydrology, topography and site history were understood and incorporated into the choices of design tailored to the site.

However many of these preliminary investigations were desk top based or used old quarry data supplied by previous owners and so it was of no surprise to CVCS that gaps in knowledge and understanding of the site, or the lack of more up to date ground work, started to appear as problems when we began to study some of the expert reports being used to support the eventual applications including this one that is the subject of the Appeal.

Some of these we will deal with in more detail later.

But to return to the overall policies and how they are reflected in the design for the development, it became apparent that the unique geographical qualities of the site which had dictated its historical origins as a successful quarry, would also provide limitations that would be key drawbacks in fulfilling the ambitions and acceptability of the proposed scheme

So in the core strategy we have favourable elements such as

-measures that support and integrate the heritage transport infrastructure of the valley, sympathetically with enhancing and developing links to strategic footpaths, cycle and horse riding routes measures to improve connectivity and accessibility to and within the Churnet Valley by sustainable transport means being used in favour

whereas because of the local topography and the nature of the road network, lack of sustainable alternatives it means that a huge additional car influx on the lanes and C roads surrounding the site, negate the benefits immediately.

and

Complementary and sensitive highway improvements to access routes and/or measures to support other alternative means of access will be required to serve any developments which generate significant additional demand for travel.

But these are still not available.

Also it was stated that

Any development should be of a scale and nature and of a high standard of design which conserves and enhances the heritage, landscape and biodiversity of the area and demonstrate strong sustainable development and environmental management principles. The consideration of landscape character will be paramount in all development proposals in order to protect and conserve locally distinctive qualities and sense of place and to maximize opportunities for restoring, strengthening and enhancing distinctive landscape features.

That is a thorny issue as the design, density and size of the development site creates a modern settlement, potentially larger in population than that of the two traditional local villages in their distinctive historic settings between which it sits, but also with the latest materials being used and all of which amounts to an intensive urbanising of what was supposed to be, in the outline plan at least, 'sensitively spaced lodges in an idyllic woodland setting.

It does not protect and conserve locally distinctive qualities and sense of place as it is an intrusive development because of its size and density.

Sustainability of design

The sustainability appraisal in the CVMP cautions

SA 5	To direct development to more sustainable locations and reduce the need to travel
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but there is no other way to access the site except by road and car and in very large numbers to make it economically sustainable.

SA 13	To protect and enhance the character of the landscape and townscape, historic assets, and maintain and strengthen local distinctiveness and sense of place
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Again, the modern design in SMD/2019/0646 does not protect and enhance the character of this rural locality or strengthen its local distinctiveness.

Incidentally the **2014 Framework section I** for the Moneystone area identifies the development as a positive impact in its assessment of the Churnet Valley

as

'9.7 the regeneration of a brownfield site.'

However, quarries are considered greenfield sites and their restoration should be accorded as such. Quarries with restoration conditions ultimately have the same planning status as greenfield land. It is a common public misconception that old quarries are automatically brownfield sites.

Staffordshire County Council as Mineral Authority has recently revised its local mineral plan in accordance with NPPF July 2018 and in section 204 it states that planning policies should:

h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

and in 205 e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.

Which begs the question of why after 14 years since its cessation of operations in this quarry and 10 years since the restoration plan was revised, do we await its completion?

Sustainability of design ctd

This is an important measure that highlights the need for close scrutiny of and a demand for the high quality in terms of the lodges which is one aspect of the application that the PAC found unacceptable in their refusal.

It isn't just the false premise now being asserted by the experts for the Appellant that the Councillors who made the ultimate decision to refuse the application, did so in the mistaken belief that the lodges were just timber framed caravans.

In doing so it does a disservice to their integrity as decision makers and implies that the councillors were not fully aware of the ins and outs of this long-term project.

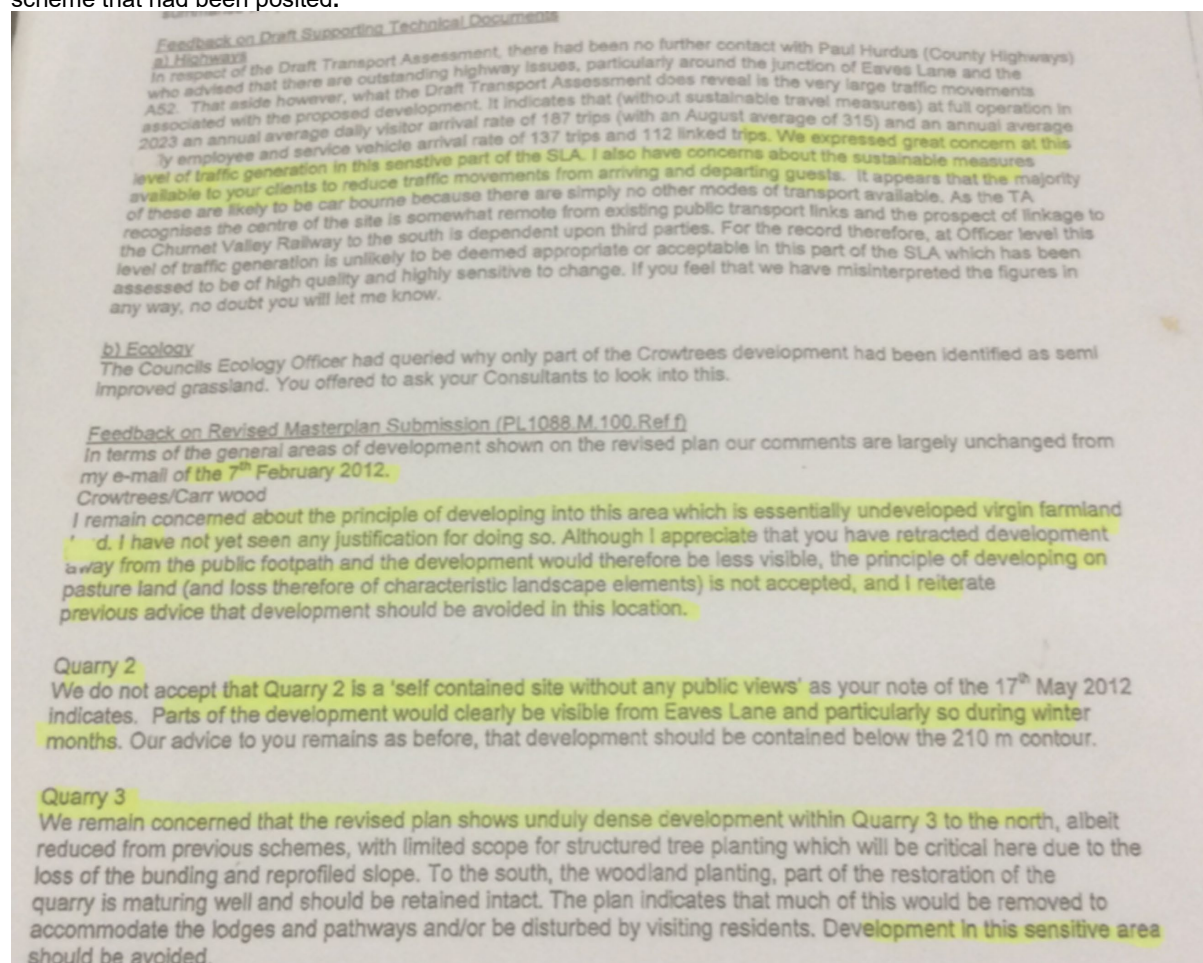
They are the local councillors who have the closest associations with the area and will have been fully aware of the stuttering and prolonged progress in the processing of the applications for the quarry development and lack of restoration for the last 10 years or more, and are likely to consider that the delays in preparation for the applications; the numerous changes of plans and lack of progress in ground work on site such as decontamination, or reservoir licencing and public safety concerns over the lakeside arrangements for the lodges sited around the deep water body, and concerns over stability of the saturated sandstone ledges and abrupt changes in water depth, as well as access and road traffic, all amount to a possibility that a series of planning applications that have been ill prepared and procrastinated, might well be worth reconsidering.

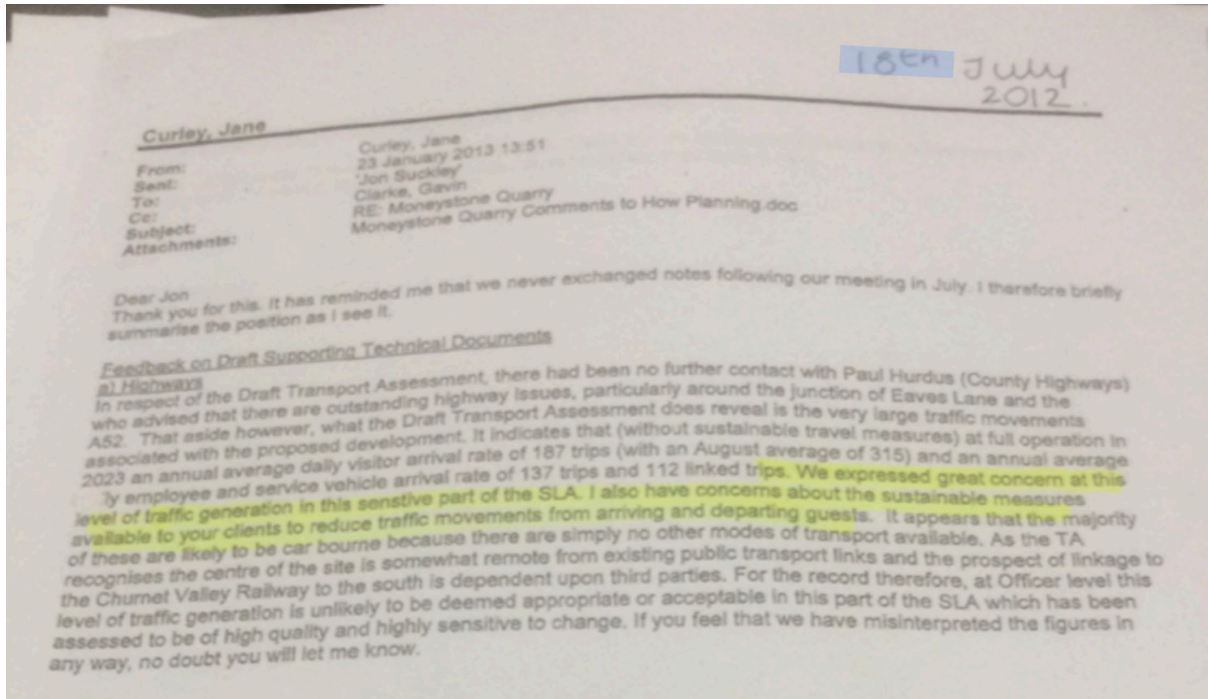
They might well have justifiable qualms that have suggested to them that if this development was so well designed, why has it been deferred for so long and unresolved?

They will have also carefully considered the scale and density of the lodges on the layout as well as their fabric and constitution.

Scale relates to the numbers of lodges envisaged and their density is a key factor in the design and the compatibility of the layout in quarries 1 and 3

The problem of the scale and density of the lodges was picked up very early on as a criticism by the case officer Mrs Curley. even before the submission of the outline plan. She identified the problem in her comments in this emailed letter of the 23rd January 2013 below, * and this was even after a reduction from an earlier scheme that had been posited.





***Apologies for the quality of file copy dated thus, but also annotated 18th July 2012**

Her criticism too is of the vegetational impact on areas where restoration had been progressing, by the layout of so many, or too many lodges. Again, she has recognised that this does not bode well for the restoring, strengthening and enhancement of the landscape features.

This is where the design and layout of the development site have not taken account of the nature of the topography of the quarry site. It is a sandstone quarry with bare rocky outcrops on steep sides exposed from past extraction. It needed softening and stabilising, but instead, possibly because of the cost factors involved in restoration and the need for intensive development to finance the scheme as a whole, the design and layout have been set out with many lodges crammed into the small space available.

The designers have not factored in the allowance for less room because of the residual pit which is now flooded in quarry 3 and the lack of flat, stable, quarry floor space but have opted for intensity with less room between the units and more units for profit and sustainability.

So Mrs Curley pointed these problems out back then. However, when we move onto 2019 and the current application which is the catalyst for this Appeal, we find the same unheeded criticisms still when the plans for the reserved matters are presented to her.

Witness the extract below from a lengthy email from Jane Curley to Alice Henderson one of the Appellant's agents on presentation of the design plans for SMD/2019/0646

From: Curley, Jane
Sent: 17 October 2019 15:26
To: 'Henderson, Alice (Avison Young - UK)'
Subject: Pre application advice provided 17-10-19
Attachments: Moneystone sketch plan 1 - reserved matters pre-app - annotated by SMDC ...pdf;
Moneystone sketch plan 2 - reserved matters pre-app - annotated by SMDC ...pdf

Dear Alice,
I refer to your request for pre application advice relating to the Moneystone site. My colleagues and I have now had an opportunity to review the plans submitted with your request and offer the following comments/advice.

Hub
Overall the design and scale of the hub building is acceptable. It is broken into different visual elements which assists with the massing of the building. The subdued colours will help to soften the visual impact. We are pleased to see the use of local gritstone for the walling and this should work well with the timber and stained weatherboard cladding. Overall the proposed materials are considered to be appropriate with the exception however of the proposed roofing material where consideration should be given to green roofs. The elevations are lengthy, approx. 50m in length and the resultant expansive areas of metal roofing will be visible in some elevated viewpoints. A green roof will help to mitigate this impact and better assimilate this large building into the landscape. In addition we would like to see a line of trees introduced within the "Ornamental Planting" shown immediately in front of the south west elevation and extra trees within the "Amenity Grassland with Wildflowers" on the "Planting Plan - Q1E". The Trees and Woodland Officer has suggested trees of narrow columnar/fastigiated form, for example *Sorbus fastigiata*, or *Carpinus betulus* 'Frans Fontaine' and has provided the attached annotated Sketch plan 2 to assist. The purpose of this additional planting is not to completely screen the building but to soften its impact by punctuating the long elevations described above.

Please provide with the application details of extraction/ventilation/air con units or ducts which might be visible in the roof and break the outline.

The use of grass crete for the car park is welcomed.
In terms of the Schedule of uses we are concerned that we appear to have lost some uses and gained others. Only uses approved in Condition 6 of the outline permission should be included. For example I note that there is an area denoted as Admin office with several rooms connecting to this. This should be removed from the Hub building; there is a building specifically designated for Admin as part of the scheme. The proposal no longer appears to include a bowling alley, informal screen room, children's soft play, sports hall, archery centre and visitor centre - all which contribute to the sustainability of the proposal by keeping guests on site and provide facilities for local people to access. The Visitor centre was the opportunity to provide the educational dimension (details of the past quarrying activity on the site, adjacent solar farm, heritage interpretation boards etc); it should be reinstated within the plans.

The application should provide a drawing superimposing the hub building and the upper and lower terraces onto the approved Parameters plan PL 1088.M110 to demonstrate that these uses clearly fall within the Zone for Main Hub Building and Visitor Centre and/or Zone for Archery Centre and Café. The two areas identified on the Parameters Plan as Zone for Archery Centre and Café should be clearly identified on the submitted plans and kept free of any development other than for their approved use.

It would be useful also to have the Uses schedule colour coded onto the floor plans.

It would be helpful to have some photo-montages showing the intervisibility between Little Eaves Farm and the hub building. We will provide some viewpoints for you. A key issue identified at the outline stage was plugging the gap in the tree line where the power lines cut through and the scheme needs to address how this is to be mitigated. The Conservation Officer has also queried whether the sports pitch will have floodlighting which would increase its prominence. This should be clarified in the application.

And for clarity as follows for quarry 1....

Accepting of course that the Masterplan provided at the outline stage was illustrative, it did nevertheless give an indication as to how 250 lodges could be spread across the whole application site. The pre app plans deviate from this quite significantly and show a much greater concentration of lodges within Quarry 1. This seems to be at the expense of the Quarry park (referred to in the ES and supporting documentation/plans) which is no longer referenced. It raises other issues too. Firstly in terms of the impact on ecology/biodiversity the Ecology Officer has expressed concern that the proposal shows a reduction in the undeveloped margins to the north and west of Q1 (by c.10m from the indicative plans at outline), a reduction in the undeveloped hinterland to pond A4 to its north and west and also a seeming lack of ecological connectivity east of Pond A4. He is also concerned as to how this layout could accommodate the design and management principles established in the outline Habitat Management Plan. Secondly in terms of landscape and visual impact we note on drawing "Planting Plan - Q1E" the general intention for lodges to be sited in relatively open swathes of amenity grassland with little structural landscaping to break up the massed ranks of lodges, parked cars and tarmac roadways. Even after planting had established and developed, it would bear little resemblance to the lodges in wooded settings and "informal tree planting between lodges" shown on the "typical layout of Q1E lodge" illustrations on the plan "Detail area 11 - Q1E Lodges" (Drg. No. 1088.1.PLA-00-XX-DR-L-8011 Rev P02). Fingers of structural planting (native shrubs/trees) extending between lodge plots should be provided to address this.

Our advice therefore is that the number of lodges within Quarry 1 needs to be reduced in order that all of these matters can be adequately addressed and the principles embodied at the outline stage can be satisfactorily incorporated within the scheme to achieve the high quality development envisaged.

We have previously noted a thinning of existing woodland screening along the eastern boundary to the fields just below Crowtrees Farm. "Planting Plan - Q1E" shows a good swathe of new Amenity Scrub planting (orange colouring on plan) inside the Existing Woodland (dark green) together with some new individual trees (dark green circles) within the Amenity Scrub. However this should be reinforced with some further native trees, perhaps taken from the Bare-root Trees list (ref code T2) on the planting schedule. The aim should be for at least 15-20 trees. The Trees and Woodland Officer has provided an annotated plan, Sketch plan 1 which is attached hereto to assist.

Quarry 2

and for quarry 3

Quarry 3

The Churnet Valley Masterplan identifies Quarry 3 as an area for limited sensitive development. We are concerned that the plans now show almost the entire water body of quarry 3 encircled with chalet development. Whilst some larger gaps between lodges have been provided to the north of the water body, the overall appearance will be one dominated by chalet development. In our view it could not be said to be 'limited sensitive development'. Our advice therefore is that the number of chalets needs to be reduced. This would allow greater spacing between the chalets (perhaps also with consideration to small grouping of chalets to reduce the regimented form) to provide a less intense development, more 'breathing space' and an opportunity for more meaningful planting. These measures would, it is considered, help to assimilate the chalets into the landscape and provide the sensitive development envisaged in the Masterplan.

In terms of the two clusters of lodges within woodland to the south, the Trees and Woodland Officer has commented that although there would be some cutting in to form a plateau for the two higher level clusters of lodges, sufficient landform profile and existing woodland planting would be retained along the southern boundary to maintain existing screening of the site.

The Trees and Woodland Officer has commented that the representation and annotation of "Existing Woodland to be Managed and Retained" along the northern (Eaves Lane) and north-western edges of the site is rather misleading as after a point around 140m west of the main site entrance existing vegetation is mainly tall ruderal herbaceous and scrub (Brambles, Nettles, Thistles, Willowherb, grasses etc) over the existing bund and even east of this point back towards the site entrance the existing woodland belt is thin in places, with some stretches being little more than a line of mature trees and no understorey. There are intermittent views into Quarry 3 along Eaves Lane and therefore provision should be made in the planting scheme for a minimum 10m wide woodland planting belt of native trees and understorey shrubs along this northern boundary and along the north-western boundary at the top of the excavated/graded quarry face.

We are pleased however to see the proposal for a bridge in the SW corner which will enable a circular route to be achieved around quarry 3.

The Water Sport Hub Area identified on the approved Parameters Plan should be clearly identified on the submitted plans and kept free of any development other than for its approved use.

2

Other issues

1. Design/materials of lodges - we understand that, at the time of the submission of the pre app these were still being developed. We are happy to provide comments once they are available.
2. Proposals for new zig-zag paths/cycleways through the woodland to the south of the solar farm and down into the Churnet Valley are appropriately specified in terms of no-dig path construction with low-key timber bridges/boardwalks which would have minimal impact on the woodland, including the relatively small area of Frame Wood which is included on the register of Ancient Woodland and through which two or three short stretches of the paths would pass. Precise alignments of the paths would of necessity have to be set out at the time of construction to avoid notable trees and minimise the need for any tree removals.
3. The overall planting strategy and the detail of the planting schedule/specification is appropriate and acceptable.
4. The parking strategy accepted in the TA was based on each lodge having one space apart from the rental lodges where parking would be available in the main car parks. We understand from the plans that all chalets now benefit from a parking space. We can see some benefit to this as it has meant less expense of car parking but it does have some impact – see comments on density in quarry 1 above. This matter needs to be addressed in the application.
5. The Structural Landscape Management plan submitted does not appear in part to relate to the drawings provided with the pre app.
6. Roads – the scheme should seek to minimise the use of harsh tarmac access roads and consider other 'softer' materials where possible

I have no doubt that other issues may arise as and when an application is submitted and a more detailed assessment takes place but I hope these comments are helpful at this stage. As usual please note that the above are informal Officer comments which would not prejudice the Council in the determination of any future planning application.

Jane

Jane Curley (Mrs)
Senior Planning Officer
01538 395400 ext 4124
Mobile 07794 768397

This advice /recommendation by her was issued on the 17th October 2019. However, what is most surprising is that the application form and cover letter together with list of supporting documents including plans for SMD/2019/0646 arrived at SMDC offices the very next day.

That begs a question of what changes were carried out at all after Mrs Curley's advice or did the documents remain the same despite her critique as validation was confirmed not long after without further ado!

So to summarise 7 years on and the problems of the design remained!

Is it really surprising in reality that the PAC rejected the current application?

Tourism policy

Tourism is important, but it too has to be sustainable. There are serious doubts that the Moneystone site design and its location represent sustainable tourism especially when all factors are considered.

ref CVMP policy

8.1.77 Sustainable tourism is tourism which takes account of its current and future economic, social and environmental impacts, balancing the needs of visitors, the economy, the environment and host communities. Tourism development must not be at the expense of the special qualities of the Churnet Valley which draw so many people to the area. A very sensitive approach to the provision and expansion of facilities and accommodation will therefore be required to ensure that it is of an appropriate scale and design and compatible with the nature of the local area and enhances the heritage, landscape and ecology of the Churnet Valley.

Geography and geology factors and design

Earlier in this section of evidence on design and layout, we drew attention to the unique geographical qualities of the Moneystone site which had dictated its historical origins as a successful quarry, and which would also provide limitations that would be key drawbacks in fulfilling the ambitions and acceptability of the development.

To finish we would return to the unique factors that pertain to the Moneystone site in a comparison with an example used by the Appellants in Appendix 2 where they draw attention for comparative purposes to the layout and arrangement of lodges in Rivendale Quarry in Derbyshire.

Previously known as Alsop Rivendale Caravan and Leisure Park; a touring, tent and glamping site, the site was acquired in January 2017 and has been completely redeveloped by Darwin Escapes.

Comparison of the two google earth images used in the report is slightly disingenuous as a before and after image to show the difference as the actual physical layout is the same in both images, just a variation in the time of year and foliage when the image was taken.

The expert witness uses the Rivendale Quarry development to cite it as an example of its design success using the landforms created by the quarry and then projecting that concept to what can be expected at Moneystone.

However, that not a fair comparison. There are some serious differences between the two sites which are important to the design plans set up at Moneystone.

Obviously in alluding to the spatial quality involved at Rivendale, we have to bear in mind the difference in site size, or area of usable space and the number of lodges involved.

That concept of spatial awareness is important to recognise as Rivenhall has 74 lodges on its most recent online post whereas Moneystone has 190, well over twice as much again.

Also they are two very different types of quarry, geologically speaking and their previous use and manner of extraction at the sites has created a landform in each that is not the same as the other.

Rivendale was a compact, hard rock, dry limestone quarry whereas the techniques of extraction and processing in Moneystone have created a very different landscape and features which have also brought different problems to be overcome.

For example, Access (of which much more will be considered later).



In this instance for comparison we can see that Rivendale is sited with immediate access to a busy arterial road, the A 515 linking Ashbourne to Buxton, whereas Moneystone is a couple of miles from the A52 on Whiston Eaves Lane and meets it at a junction that is very hazardous to negotiate because of poor site lines and blind corners leading down Froghall bank with its dubious track record on safety. (ref Paul Mews Independent Traffic reports 2017 and 2019, and the CVCS document Appendix 4 Road safety Analysis -witness statement compiled by the Chair of CVCS Mr John Williams

More details on the latter to come later.

Likewise, the southerly access to Moneystone via Carr Bank from the B5417 through Oakamoor Village and its Conservation Area is even more precarious because of the narrowness of the lane, its bends and above all its steepness with a gradient of 1 in 5 in places.

Rivendale has a flat, hard rock floor with stable geology around its cliff edges. It has no lagoon and no major impact on local villages close by because of its presence. It is not a heavily contaminated site like Moneystone from the industrial processes that took place during and after the sand stone had been extracted, whereas Moneystone has many areas of residues from former tailing dams and chemicals from the bleaching processes and ongoing issues of stability on its exposed cliff faces, quicksands in areas of its quarry floors where seepages from the interrupted water table spring up and percolate via quarry to quarry.

Above all it has no reservoir formed centrally from the quarry lagoon tip on quarry 3 with its dangerously deep water, steep sides and all the safety concerns which are explored elsewhere in our evidential reports.

Finally we find at the conclusion of the appendix 2 report these two paragraphs that also need what seems a historic reality check.

23. 3.23 There is an obvious potential business synergy between the Moneystone lodge park and the nearby Alton Towers which would clearly lead to holidaymakers being attracted to the park for accommodation and an extension to their experiences within the theme park. This in turn would lead inevitably to a greater spend in the local economy and an awareness of the attractive location within easy access from the local main transport routes. However, there are many other local attractors for the tourist market.
24. 3.24 The sensitivity of the site and its surroundings will not be damaged by this development but with suitable interpretation and educative labelling around the park, it will lead to an appreciation of the site and what the surroundings offer.

The concept for this development was based on the premise used to persuade the council officers back in 2009 to see its favourable design as a means of providing two goals.

1) An alternative to Alton Towers as a sustainable enterprise which would provide overnight accommodation of which it was claimed there was a dearth.

2) The nature of the site would be in house only so that people would not travel or wish to travel elsewhere and clog the roads even more.

These premises were immediately questioned as suspect as it was obvious that the local roads to Alton Towers and back would be targeted by the public keen to enjoy the attractions there and the lauded alternative transport arrangements have never been in evidence. No shuttle bus to the Towers to ferry customers and no local service buses.

It was even suggested that the Towers could be accessible by bike using the old trackways along the valley floor from Oakamoor to the outskirts of Alton. a distance of just three miles which in all honesty was just a idea posited to create the illusion that people at Moneystone would not use their cars once there.

The practicalities of terrain and safety as well as convenience made it inevitable that motor vehicles would be the transport medium most relied upon.

As for the potential business synergy, Alton Towers have also stolen a march on the Appellant since then, having installed and built multiple types of overnight facilities far in excess of Moneystone's capacity, with hotels, annexes, lodges, yurts or pods, tree house and cabins and have completely altered their business model from providers of day trip entertainment to overnight, over weekend breaks, week long and extensive stays, using their own in house swimming pools, spas, shops and other facilities while the Laver plan has stalled and been superseded by a much more successful enterprise of global renown and fully resourced.

Not only that but there are an additional 502 alternative types of well established local accommodation promoted by Alton Towers online, ranging from nearby hotels, guest houses, lodges and campsites already providing a wide range of overnight or long stay accommodation.

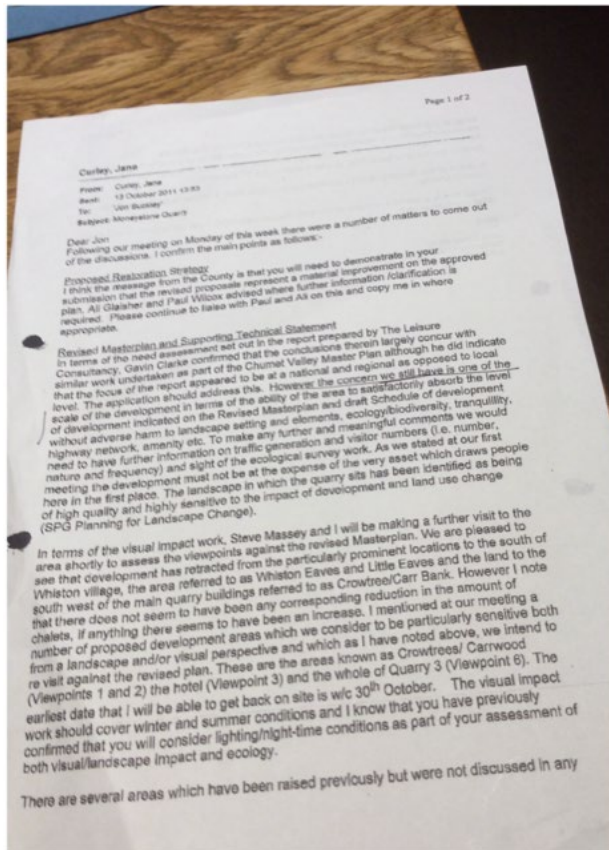
Alton Towers has rapidly expanded exponentially as the demand has increased and they have met and exceeded the target for accommodation. The design of their business and its estate is vast and not troubled by the need for remediation as at Moneystone as it has a long- established parkland, being formerly the caput of the Earl of Shrewsbury, into which it has spread.

As for synergy between the two sites, Alton Towers has recently declined the offer of purchasing Moneystone Quarry site as an extension to its portfolio and no doubt the cost of remediation of the former quarry and its decontamination, together with its stability and other issues, would have been a financial deterrent that would negate any new project, especially when they already have the potential space for expansion concentrated around their existing facilities and attractions without any remedial costs required or restorative liabilities.

We would also argue vociferously that in order to fulfil the design and layout of SMD/2019/0646, the sensitivity of the Moneystone site and its surrounding area will have to undergo serious constructional impact and disturbance which would result in long term environmental damage from the increasing volumes of air borne pollution as the

daily intake of additional vehicles bringing the clients needed to sustain its business plan, will be required to increase dramatically.

This is a current problem that was anticipated earlier in the planning cycle. As this screenshot below shows from the SMDC files when Mrs Curley first looked into the details in October 2011. Her comments in paragraph 3 sum up all that is true today in terms of the unsuitability of the site and its surroundings that we find ourselves echoing, just as the Councillors did last October in their decision.

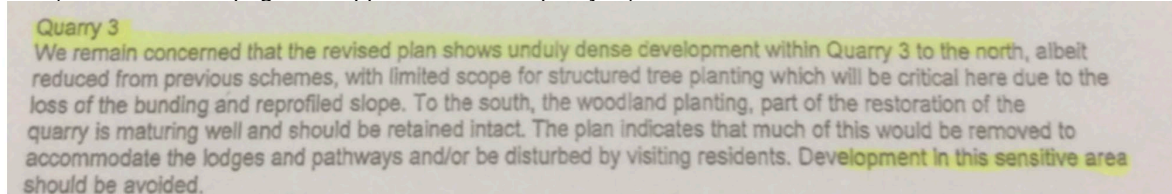


Paragraph 3 of Mrs Curley 's email said

"We are pleased to see a reduced form of prominent localities used (which she names). However, I note that there does not seem to be any corresponding reduction in the number of chalets. If anything, it has been increased. I mentioned at the meeting a number of proposed development areas we consider to be particularly sensitive both from a landscape perspective and/or visual perspective and which I have noted above we intend to revisit against the revised plan."

That was in October 2011

But now remember too Mrs Curley raised questions again when she informed Mr Suckley on 23rd January 2013 (see bottom of page 6 of appendix 1 under quarry 3)



where she says "we remain concerned that the revised plan shows unduly dense development within quarry 3 to the north, albeit reduced from previous schemes with limited scope for structured tree planting which is critical here due to the loss of the bunding (that is the man made banking) and reprofiled slope to the south. The woodland planting, part of the restoration plan for the quarry is maturing well and should be retained intact. The plan indicates that much of this would be removed to accommodate the lodges and pathways and /or be disturbed by visiting residents. Development in this sensitive area should be avoided."

Well, the plans for SMD/2019/0646 still have the lodges there!

Being very aware of the sensitive approach as advised by the policies we have just mentioned in appendix 1, we can be in no doubt that the PAC would have also carefully considered the scale and density of the lodges on the layout as well as their fabric and constitution.

But in this vein we must return to **Appendix 2** of the **Appellant's Statement of Case** which contained these words on page 13

" 3.24 The sensitivity of the site and its surroundings will not be damaged by this development but with suitable interpretation and educative labelling around the park, it will lead to an appreciation of the site and what the surroundings offer."

The question of environmental damage being caused by the development to the surrounding area is something we should consider particularly in view of the fact that the original EIA assessment is long out of date and times and attitudes to the environment have now become more important.

This was a great concern in the 2017 planning inquiry which was withdrawn by the Appellant but which lasted sufficiently for the inspector at the time, Mr David Cullingford to highlight his concerns that he had regarding environmental damage generated by the impact of traffic.

I'm sure you will be aware, sir, of the two outline plans and their chequered history and the appeals that led to the 2017 planning inquiry and the various machinations that went on at the time with the flurry of section 106 agreements. Also the legal question that has been put forward to the Inquiry of the survival of which documents that were lost when the refused outline SMD/2014/0682 was withdrawn.

You recently circulated some complex representations submitted on the subject of the legal validity of the outline permission.

I will leave those matters to others more qualified and experienced in such nuances of argument as to the continued existence of the outline permission upon which this case is dependent and set them to one side except to refer to the 2017 inquiry and Mr Cullingford's words of concern regarding the airborne traffic pollution and the site.

This is in order to raise doubts as to the claim above that no damage to the sensitivity of the site and its surroundings will occur.

At this point I will introduce the appendix of evidence submitted to that inquiry which deals with the inadequacy of the no right turn provision and its consequences for the Oakamoor Conservation Area. It draws attention too to the shortcomings of the highway officer's dealing the Appellant's traffic expert.

I will in fact be working backwards in time to some degree, and going slightly out of order of my use of the numerical appendices but I do so with the deliberate attention of focussing or concentrating attention from the A52 junction with Whiston Eaves lane to the physical entrance or main access to the quarry and from there to the various levels in its interior that link to the layout of the lodges, which of course is an essential point or matrix of their design.

My purpose is to point out areas of connectivity in the design of the lodges where there are problems, the subtleties of which I think you should be aware when considering this Appeal.

It is not the easiest of sites to fully appreciate or to comprehend the array of difficulties it presents, but I will try.

This is therefore outer area of the site and its surroundings which are most likely to suffer the environmental impact that the previous Inspector foresaw as a result of the outline plan being converted into the reserved matter or detailed design phase.

Appendix 3 see below

Appendix 3 The No Right Turn issue and the Conservation Area Impact

A fuller examination of the proof of evidence on this issue is taken here from extracted evidence submitted in the 2017 conjoined appeal by Laver (the appellant) and submitted to the PINS Inspector David Cullingford .

Ref SMD/2014/0682 (0682) SMD/2016/0378 (0378) and SMD/2016/0388 (0388)

The extract provides more insight to the importance of obtaining the no right turn permission for the Appellant and why it remains crucial to the case being made that contrary to the argument made in **Appendix 2** of the Appellant's statement of case this time around that

3.24 The sensitivity of the site and its surroundings will not be damaged by this development

as the impact of increased traffic arising from the design and layout of this development will cause major detrimental environmental damage.

It is an extremely detailed analysis and set of arguments evidentially supported, that stresses the complex nature of the access to the development site, and the effect of traffic flows on the local road network and the Oakamoor conservation area.

However the other rationale for its inclusion here is that it emphasises the key problems that the Appellant has wished to be aired and reiterated from the nature of its Statement of Case in Appendix 11.

It is an historical problem but should be used in the context of changes in circumstances and updates of more recent policies adopted by the council in reaction to climate change that have to be prioritised and considered by the Inspector in broader terms.

It also is intended to show how poor quality of highway comment and other analysis at the time allowed planning progression

despite enduring and logical counter arguments which are now even more relevant as the notion of access by car only as being acceptable, seems to be running contrary to the new corporate plan of SMDC to reduce carbon emissions and address the climate change crisis head on.

For example when SMDC is urging local people in the Moorlands to use their cars less and it publishes information like this :

1. [Home](#)
2. [News & Events](#)
3. [News](#)
4. **Moorlands Council declares climate change emergency**

Plans to make the Staffordshire Moorlands carbon neutral by 2030 have been unanimously approved by the District Council.

At the full Council meeting last week councillors agreed to set up a sub committee to look at the effects of climate change and develop an action plan for tackling issues at a local level.

Councillor Sav Scalise, Cabinet Member for the Environment, said: "Climate change affects everybody and we can all make a difference to our community and our district.

"I'm pleased that the Council has prioritised this issue and that we will continue to work with experts to carry out thorough research to look at the effects of climate change and to develop an achievable action plan so that we can take steps to tackle it in the Staffordshire Moorlands.

"It was heartening that this was a unanimous decision and that, collectively, the Council signalled its strong intention to work together now to ensure we leave the Moorlands, and ultimately, our world in a better position for future generations."

Planners for SMDC, the PAC and yourself should be setting a bold example to us all and reject this scheme for the quarry instead of instigating something that will escalate further in the next phases and continue to add to the carbon footprint of the area when we should all be doing the opposite.

You have even more reasons now than a few years ago in the local planning legislation (CP and CVMP) to stop this because of climate change and the emerging local policy to try to combat it.

The reserved matters are dealing in part with the layout of roads, paths and cycleways in and around the site. However, these have to be sustained on a premise of connectivity and accessibility to each other and to external links to the highway networks surrounding the site. Unfortunately the viability of the whole scheme of which these latest plans form an integral part, is dependent upon how successfully it links to other roads and pathways outside the site.

This dependence upon successful access and linkage to the existing network of roads and lanes has been consistently criticised as being suspect and unworkable through a series of historic documentary sources, many of which were commissioned by SMDC, and current planning legislation that should be the overriding principles of any decision with regard to this site.

Over the years of involvement in this matter we have reviewed numerous reports subjecting each to a series of analyses where a consistent pattern of shortcomings and non feasibility statements are attested. These indicate very clearly this development's complete reliance upon increased car use at a time when climate change and increasing environmental pollution are demanding a radical rethink of current lifestyles and SMDC, like other local authorities, is changing its approach in order to lessen the detrimental effects of vehicle emissions.

Based on the evidence below and in light of this latest report https://www.staffsmoorlands.gov.uk/media/4582/Staffs-Moorlands-ASR-2019/pdf/Staffordshire_Moorlands_ASR_2019.pdf.

we would urge you should reject this Appeal post haste and cite the need for a complete review of this development in the face of rapidly declining conditions and the change in the District Council's policies.

Also the biggest change you must consider now is that since the Appellant embarked upon this scheme back in 2010, the attitude to car use was very different then to nowadays. There are more cars on the road than ever before and since the data used for the travel plan was agreed to be based upon 2011 figures, it is out of date in terms of the likely increases in the volume of traffic and its impact upon on quiet roads or roads in general.

Increases and impacts on quiet roads as opposed to busier ones, are interesting statistically.

The impact will be far more severe or noticeable because of the previous quiet status of the roads in question. The contrast will be more exaggerated because of the low numbers of vehicles that normally use these routes. On a fairly busy road, an extra 100 cars will be less noticeable as an increase because there is already constant stream of light traffic into which the new intake of cars will be absorbed and therefore the effect would be less detectable. On the other hand, a hundred cars more on a road with hardly any traffic is going to seem far more significant an impact. The percentage issue is a very open-ended conundrum because essentially if you have a small increase of say 10 more cars on a lane used to 5 per hour, that's 200%; If you only had 1 car per hour using it, then the increase by 10 more cars becomes 1000%.

The quieter the lane, the vastly more significant is the increased impact.

Mr Cullingford, the PINS Inspector made that point in his appeal statement on the first day of the hearing of the 0682 appeal in Leek in 2017 when he said that he'd be looking at all the projected traffic numbers in calculating their impact **but** he also wanted to examine the environmental impact of air pollution that would be brought about as a result in the increase in the numbers and that he would be using that factor to weigh up his evidence for the overall impact of traffic. He felt that in the presentation of evidence that aspect of traffic impact had not been fully explored or was overlooked.

But back to the good old days of 2017

Extract of proof of evidence ctd

I.3 Not only that, but the basis of using the 0378 case, the grounds that the appellant is claiming that solves the traffic problem, is itself predicated upon a permission for a no right turn which itself has been denied by the refusal last September.

How can the council grant a permission on the grounds that the no right turn in it suffices to solve the traffic

problem, that was one of the grounds for refusal in 0682, yet it then throws out the same no right turn application half an hour later? Moreover, the reason for the refusal of the no right turn is on the impact of traffic in terms of road safety, that very issue that it is claiming to have solved in the 0378.

I.4 To apply the analogy to the A52 junction at the end of Whiston Eaves Lane it is the same as saying you can make the junction safer and solve the traffic problem there by altering it and putting in a ghost island as recommended by SCC highways, but you can't have permission to design and build such a feature because the feature might cause more accidents.

It does not appear make sense!

I.5 Evidence from the 0388 file application by the appellant at the time shows that the 0388 file was intended to be used in tandem with 0378.

Letter from John Suckley of the case officer 17th June 2016

Access

The Council refused application SMD/2014/0682 on four grounds relating to highways, landscape, heritage and planning balance. It is the position of Laver Leisure, that the original leisure proposals are in accordance with the development plan and therefore represent sustainable development. Nevertheless, Laver Leisure have sought to accommodate the concerns of the Planning Committee and this planning application is submitted to address the highways reason for refusal and specifically seeks to reduce the amount of traffic that would use Carr Bank.

The no right turn access would prevent visitors exiting the development to turn right onto Eaves Lane which leads on to Carr Bank. The junction design would require the visitors exiting the development to turn left and encourage onward travel to destinations such as Alton Towers via the A52.

Summary

In summary, this full application has been made without prejudice to Laver Leisure's ongoing appeal against the Council's decision to refuse planning application SMD/2014/0682. Nevertheless, Laver Leisure have sought to accommodate the concerns of the Planning Committee and this planning application is submitted to address the highways reason for refusal and specifically seeks to reduce the amount of traffic that would use Carr Bank. The planning application is acceptable in planning and highways terms and it is respectfully requested that the Council grants planning permission without delay.

I.6 It is also reflected in the Royal Haskoning Transport Statement June 2016

local highway network.

1.1.2 Laver Leisure (Oakamoor) Limited is seeking full planning permission for the formation of a no right turn vehicular access on to Eaves Lane. The application is to be submitted in parallel with an outline planning application resubmission which proposes:

"The erection of a high quality leisure development comprising holiday lodges; a new central hub building (providing swimming pool, restaurant, bowling alley, spa, gym, informal

and in

1.1.4 The main reason for the full planning application to upgrade the Moneystone Park site access junction is to improve the existing situation for the benefit of local residents, by reducing the level of traffic visiting the site via the village of Oakamoor. In addition, although as agreed with Staffordshire County Council, as Local Highway Authority, no improvement is required to the existing access to mitigate any impact associated with a leisure development on site, the improvement should be considered as a betterment over the original application by addressing comments made by Members of the Council's Planning Committee regarding traffic travelling through the village of Oakamoor via Carr Bank and Eaves Lane.

I.7 The argument is therefore that in refusing 0388, this has introduced a material change to the permission in 0378 which depended upon the provision of the no right turn permission in order to address an element of the traffic impact concerns that formed one of the reasons for refusal in 0682.

But also, that even if that were not the case and the permission in 0378 stood, the provision of a no right turn restriction, irrespective of whether it would be effective as claimed by the appellant, would not address the overall reasons that were used
In the refusal conditions of 0682.

I.8 We argue that from two standpoints

1) that the highway reasons for refusal in 0682 have not been addressed by the no right hand turn per se because the highways conditions in the refusal notice referred to wider issues of traffic impact

*"The traffic generated... would result in a significant increase in the amount of traffic **accessing the surrounding rural road network** and particularly Eaves lane / Carr bank.."*

and later

"It is considered that the increase in traffic would lead to unacceptable congestion on these narrow country roads."

The phrases *the surrounding rural road network* and *these narrow country roads* are not just considering the traffic impact along the length of the C195 in toto, and the intrinsic problems at both ends for differing reasons in each of the latter locations, as has been demonstrated earlier, but the wider network.

I.9 Neither does the no right turn provision alter or effectively address or mitigate against the concluding reason in the highways conditions in the 0682 refusal notice

"It is for these reasons that it is considered that the traffic from the proposal will not be satisfactorily accommodated upon the highway network and that the proposal fails to provide and /or encourage satisfactorily the use of sustainable travel modes contrary to policy T1 of the Adopted Core Strategy Development Plan Document."

I.10 On the question of what it would achieve and whether or not it would be effective in mitigating against one element

of the overall traffic problem, we will now present evidence to show it would have very little effect in some regard and that it is more likely to promote the very problems that the refusal notice conditions cite.

Concomitant to this we will produce evidence from the case files and within reports submitted, to show the Inspector that the appellant had not taken into account the impact of the traffic upon Oakamoor Conservation Area in its original submissions for both 0682, 0378 and 0388.

However, the crucial issue will be whether the 'no right turn' will be effective, or result in awkward traffic manoeuvres, hazards, or longer journeys etc.

The impact upon Oakamoor Conservation Area (OCA)

I.11 ***'The desirability of preserving or enhancing a conservation area is also considered to be a material consideration in assessing proposals for development beyond its boundaries which would however affect its setting, or views into or out of the area.'***

Conservation Areas are protected under the 1990 Planning (Listed Buildings and Conservation Areas) Act. This

primary legislation requires proposals that need planning permission to preserve or enhance special architectural or historic interest. I.12 But also PPS 6 section 7.3 requires the impact upon conservation areas to be considered even though the planning proposal for development is outside the confines of the Conservation Area itself.

As traffic volumes coming down and up Carr Bank and Starwood Terrace in the heart of Oakamoor village have been one of the major concerns of objectors to the development application, it needs addressing in the context of the impact upon the OCA.

I.13 The Staffordshire Moorlands (excluding the Peak District National Park) currently (2017) has 17 designated conservation areas. The main local policies covering conservation areas are found within the Staffordshire Moorlands Core Strategy (2014). The local planning policy context includes Policy DC2 on The Historic Environment, Policy DC3 on Landscape and Settlement, Policy DC1 Design Considerations and Policy C3 Green Infrastructure.

The designation of a conservation area at Oakamoor is part of the Churnet Valley Masterplan. Oakamoor lies within the heart of the Churnet Valley. The Plan identified the designation of the Oakamoor Conservation Area as a key action in recognition of its special historic character which needs to be preserved and enhanced.

Consultation

C1 Following the adoption of the Core Strategy and Masterplan a draft appraisal of OCA was widely circulated and advertised with full public consultation, as set out in the Council's 'Statement of Community Involvement' in 2014-2015.

C2 It identified, inter alia, some important criteria that are relevant to the road leading from the site of the no right turn access down to Oakamoor village via Eaves lane and Carr bank and the topographic settings and features immediately adjacent to it and which therefore are pertinent to traffic impact that will be generated by the appellants' development site, upon the OCA.

C3 Conservation area designation leads to an obligation that special attention should be paid to preserving or enhancing the character or appearance of that area.

Here are examples identified in the study that determined the designation of OCA, that should be considered in respect of the traffic impact

C4 Oakamoor Conservation Area -Appraisal doc. 6.1 Key Views and Landmarks

6.1.2 The winding road network contains a series of intimate, framed and short-range views, twisting and turning through the settlement. These are most dramatic along Carr Bank, which has the greatest concentration of buildings.

1.3 The key characteristics of the conservation area include the following:

an acute awareness of the natural beauty of the environment has influenced the design, orientation and location of buildings – *picturesque groups of cottages and detached villas are scattered along the narrow lanes* and occasionally placed carefully on levelled platforms to enjoy the dramatic views.

4.1 The landscape of the Churnet Valley has some breathtaking scenery and, in recognition of this, is currently being considered for designation as an Area of Outstanding Natural Beauty.

4.2 Around Oakamoor, the highest terrain along the Churnet Valley gently undulates at around 250-280 metres AOD, running parallel with the river valley and capped with dense tree cover.

C5 4.13 The setting of the conservation area contains multiple dramatic picturesque views, taking in both the buildings and their landscape setting; for the most part, these characteristics are inseparable. The main approaches to OCA do not contain the principal views; *winding down the steep slopes of the valley sides*, between wooded fringes, *the roads slowly reveal* occasional glimpses of the landscape on the far sides of the valley.

NB In the case of Eaves lane and Carr bank to OCA, the road is so narrow, hazardous and winding that with the addition of the 1 in 5 descent at the last bend, it makes the approach into the centre of Oakamoor difficult enough to drive, let alone for sightseeing en route.

C6 Here are some examples of the way that the road enters the centre of the OCA at the bottom of Carr bank centre in images below

C6ia



C6ib A driver's perspective at the same junction of Carr bank and School Drive.





C6ic The driver's perspective on moving off.

C7 However the appellant has consistently failed to take into account the potential traffic impact in its environmental support documents.

All three heritage or archaeological reports submitted on behalf of the appellant in both 0682 (Liverpool Museum Archaeological Unit 2014) and 0378 (Orion report 2015 (revised 2016)), and the compiler of ES chapter 10 Archaeology and Heritage in 0378 have consistently and specifically stated (eg Archaeology and Heritage Chapter 10 10.54) that there is no conservation area within 1km of the application site.

e.g. Orion heritage doc extract page 9 revised June 2016 in support of 0378

3.0

DESIGNATED HERITAGE ASSETS INCLUDING ASSESSMENT OF SIGNIFICANCE AND IMPACT ASSESSMENT

Introduction

- 3.1 This section assesses the impact of the proposed development on the settings and significance of designated heritage assets within the study area (Figure 1).
- 3.2 There are no World Heritage Sites, **Conservation Areas**, Scheduled Monuments, Registered Parks and Gardens, and Registered Battlefields **within 1 km radius of the site boundary**. Therefore, these types of designated heritage assets will not be discussed any further in this assessment.

10.32 The study area consisted of the red line boundary supplied by the applicant plus an additional fringe of 1 km.

10.40 There are no Scheduled Ancient Monuments, Registered Battlefields, Registered Parks and Gardens or Conservation Areas within the study area.

CHAPTER 10: ARCHAEOLOGY AND HERITAGE 0378

Introduction

1. 10.1 This chapter assesses the potential effects of the proposed development on the historic environment. It incorporates the results of an Archaeological Desk-Based Assessment (National Museums Liverpool Field Archaeology Unit 2014 Appendix 10.1) and a Heritage Desk-Based Assessment (Orion Heritage 2015 Appendix 10.2).
2. Assessment Methodology
 1. 10.41 The assessment has involved the following key tasks:

Production of an Archaeological Desk-Based Assessment (Appendix 10.1). This involved a review of the available documentary, cartographic and photographic sources, along with a site walkover; and

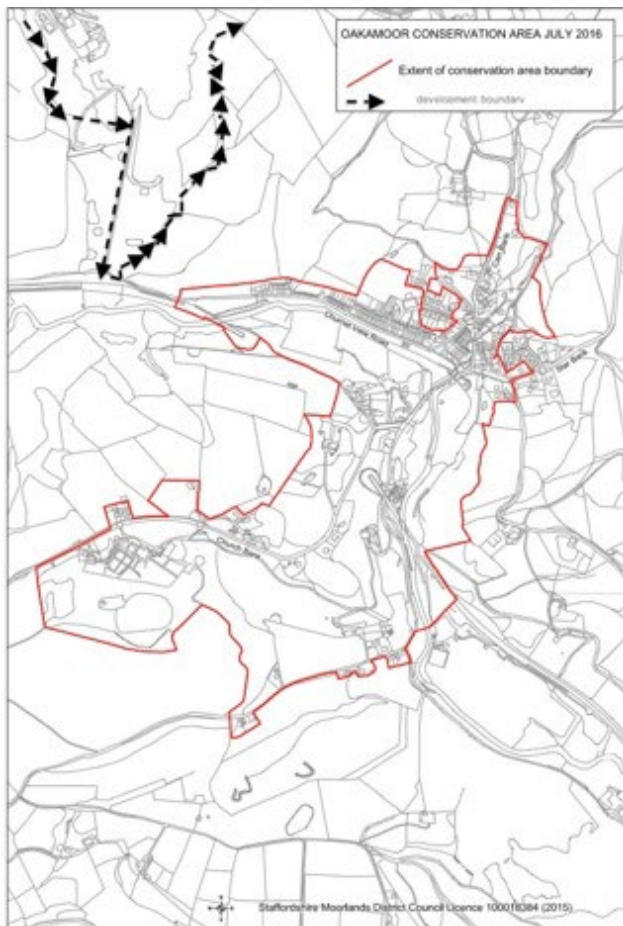
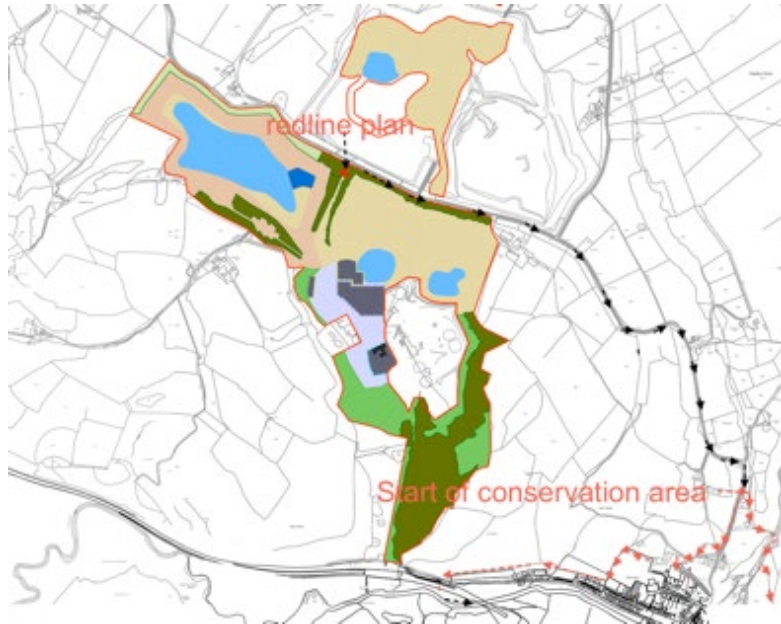
Production of a Heritage Desk-Based Assessment (including site walkover) (Appendix 10.2). This was based upon a search radius of 1 km around the perimeter of the site. It included all designated heritage assets (including Scheduled Monuments, Listed Buildings [all grades], Conservation Areas, and Registered Parks and Gardens [all grades]). World Heritage Sites, Registered Battlefields and Protected Wrecks were not included in the assessment as there are no such designated heritage assets within the search area.

C9 This is patently untrue as you will undoubtedly be aware that within 1 km radius according to the Orion document map p .19 below , it clearly depicts the study area referred to in all three reports, as encompassing the OCA



Orion study area map

C10 The following plans illustrate the proximity of both boundaries of the appellant site and the OCA.

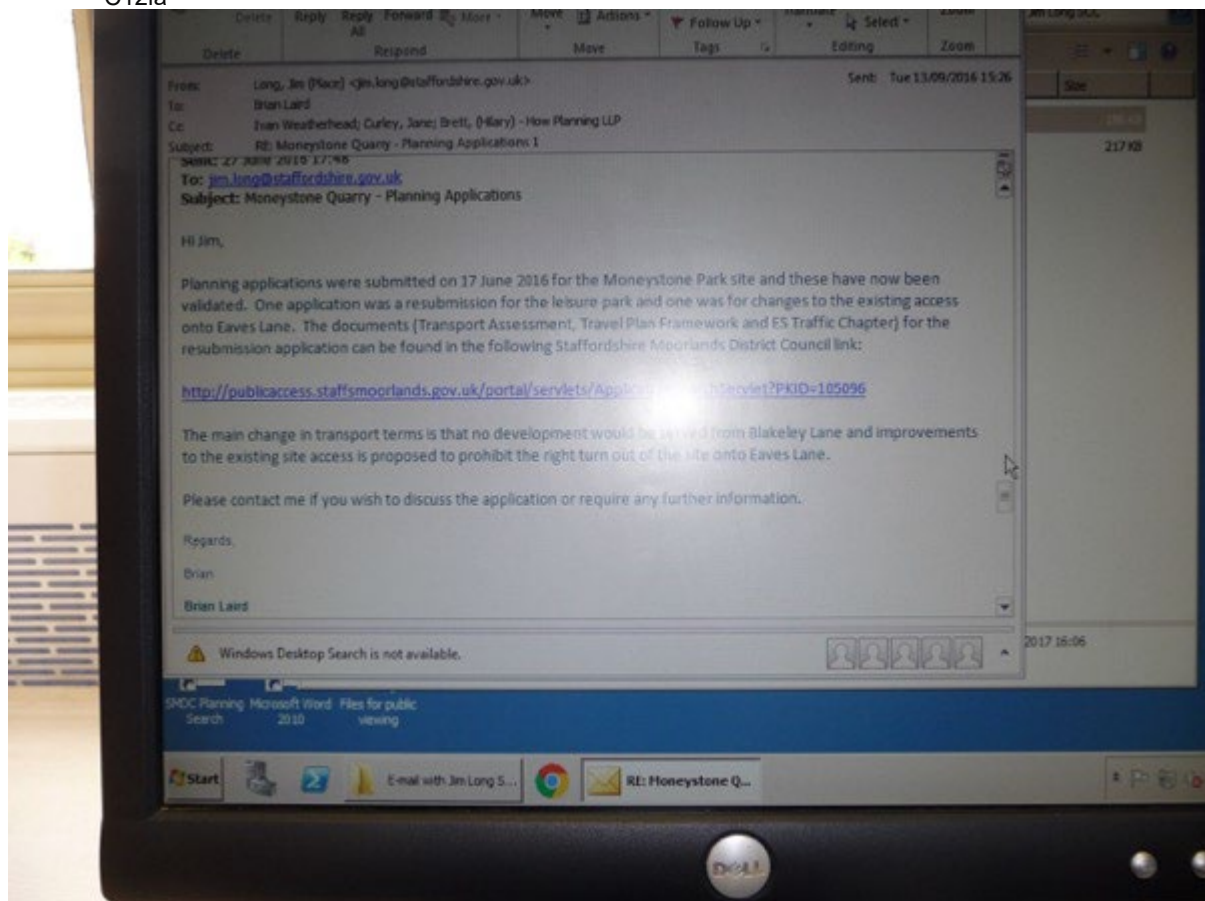


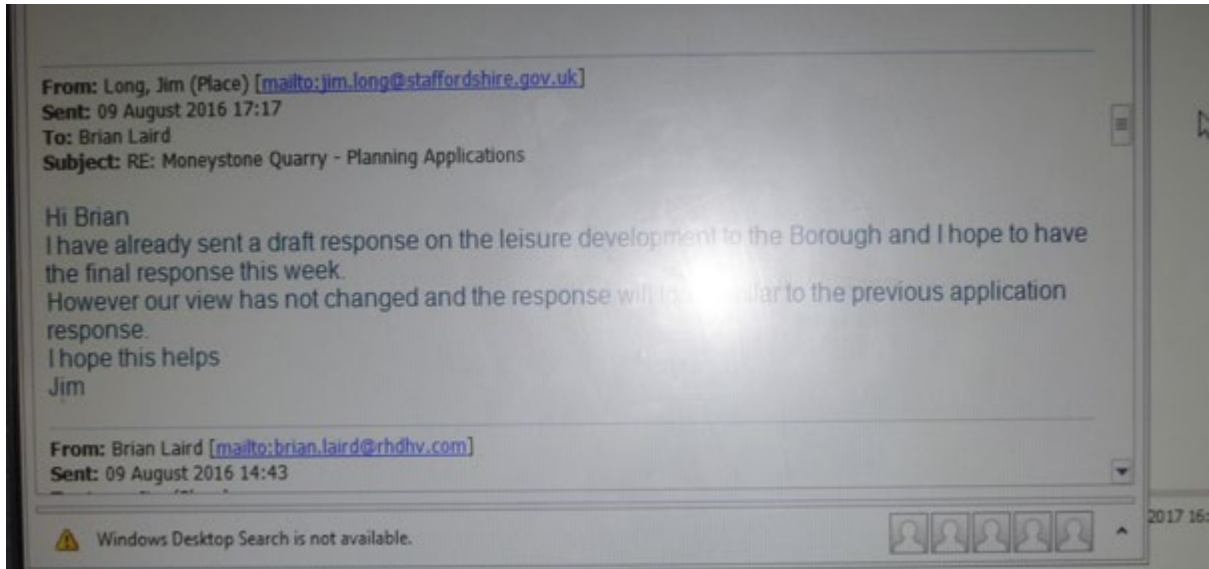
C11 It would appear therefore that as far as the roads were concerned, no consideration was given to the traffic impact upon the roads in the OCA by the appellant in the archaeological and heritage support documents in 0378, though it should be noted that Mr Adams in 2014 remarked that in accordance with the Masterplan, the OCA appraisal had been commissioned for 2015, the year when 0682 was brought before the PAC. However, no one picked up on it again last year when his report was used again in the submission for 0378 well after the OCA has been officially designated.

C12 The evidence from SCC highways and the TA also indicates no comment at all upon the designation of the OCA.

In 0378 we can see from these screen shots of the electronic files between the appellant's traffic agents and SCC that no consideration was taken in their report to the case officer.

C12ia





C12ib

The fact the SCC report for 0378 was actually issued on July 19th whereas the RH survey updates did not appear until the 19th August 2016 appears to indicate that it was a premeditated decision not entirely based upon all the facts.

C13 It should also be pointed out that SCC didn't bother to check the roads properly as they might have observed that the B5417 doesn't go through Oakamoor village centre ie the Conservation Area; it by-passes it and continues its route from Cheadle to Cotton to Ruelow junction where it meets the A52. It does not go up Carr Bank and Eaves lane and has nothing to do where the no right turn alteration enters the development site.

Witness the extract from the highway officers official comments below.

<p>Leek ST13 6HQ</p> <p>Application Type: OUTLINE</p> <p>Application Number: SMD2016/0378</p> <p>Date Received: 20-JUN-2016</p> <p>Road Number: B5417</p> <p>Particulars of Development: OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR THE ERECTION OF A HI LEISURE DEVELOPMENT COMPRISING HOLIDAY LODGES; A NEW CENTRAL HUB BUILD SWIMMING POOL, RESTAURANT, BOWLING ALLEY, SPA, GYM, INFORMAL SCREEN/CINI</p> <p>Location of Development: MONEYSTONE QUARRY, CHEADLE ROAD, OAKAMOOD, ST10 2DZ.</p> <p>CONDITIONAL:</p>	<p>40 PETER STREET MANCHESTER M2 5GP</p> <p>Officer: Jim long</p> <p>Date: 19-JUL-2016</p>
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C14 The need to weigh up the development proposal impact upon the OCA and primarily the increase in noise, dust, disturbance of the quiet ambience, as well the road safety factors that would accompany the advent of vehicles travelling in and out from the site, should have been a factor to be taken into account by the case

officer in both 0682 and 0378 as it was already designated as a key action in the Masterplan and Core Strategy.

C15 Also given the fact that in 0682 's refusal that part of Eaves Lane down Carr bank was singled out in particular under the highways conditions, it would have been thought that both SMDC and the appellant would have had a special interest in solving the problems and therefore all aspects of the road conditions in Oakamoor would have been closely examined.

Apparently not so, for it took a member of CVCs to alert SMDC to the possibility that the impact of traffic generated by the proposed site would have a detrimental effect upon OCA and late in the consultation period to elicit a response from both the conservation officer and the case officer.

C16 On the 5th September 2016 the conservation officer remarks as follows below

From: Bayliss, Gillian
Sent: 05 September 2016 16:09
To: Curley, Jane
Subject: Laver Leisure

Jane,

Following our discussion I have concluded that the indicative planting plan will to some extent filter views of the main hub building. The angled planting belt running along the margin of the archery area is a significant improvement and will assist in plugging views between Little Eaves Farm and the hub buildings, and views of the hub buildings will diminish over time as the trees mature.

I consider that the scheme as a whole will still represent 'less than substantial harm' to the setting of the Listed Buildings and under the 1990 Act considerable weight must be given to the preservation of the Listed Building and their setting, even where the harm is slight. However, in assessing the acceptability of the harm one has to be aware of the fact that the Listed farmstead will retain its immediate, open agricultural setting and more distant, rural views. I am also mindful that the Listed Buildings were Listed when the quarry was in operation.

With regard to increased traffic disturbance in Oakamoor which has recently been designated as a Conservation Area I am aware that the proposed scheme indicates a left only turn upon exiting the site to minimise through-traffic passing through Oakamoor, and I assume that County Highways has commented on any highway risks proposed to Oakamoor Conservation Area.

Gill Bayliss
Senior Conservation Officer

Para 3 above...

With regard to increased traffic disturbance in Oakamoor which has recently been designated as a Conservation Area I am aware that the proposed scheme indicates a left only turn upon exiting the site to minimise through-traffic passing through Oakamoor, and I assume that County Highways has commented on any highway risks proposed to Oakamoor Conservation Area.

Note the assumption on her part that SCC highways have considered it.

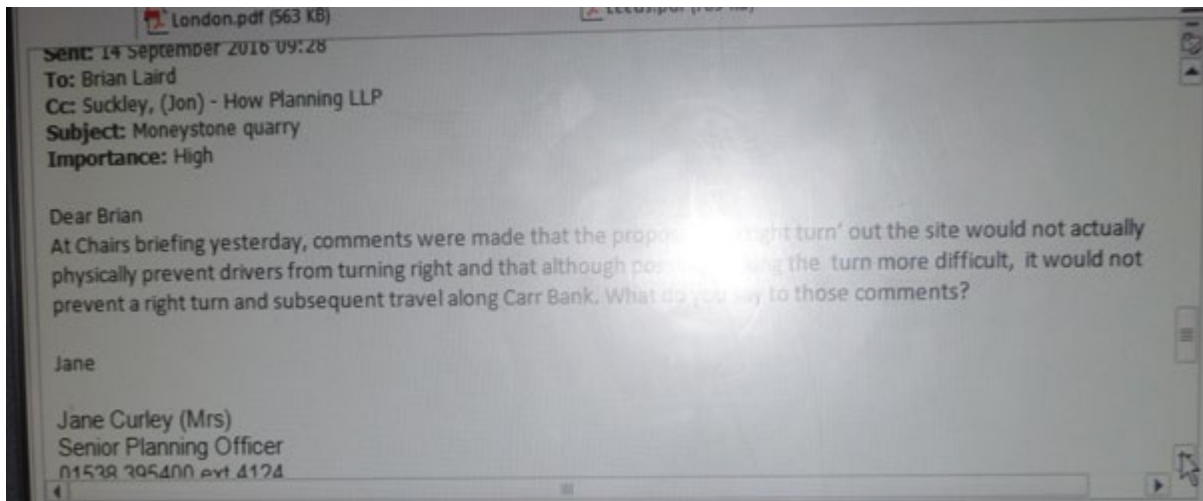
C17 Even so by the 7th September she has her reservationssee extract from email to the case officer below

Despite the proposed left-turn restriction to be placed on traffic exiting the Laver Leisure site there is no doubt that traffic flows are likely to increase within Oakamoor and this will have some impact on the quiet ambience on the Oakamoor Conservation Area, particularly on Carr Bank which in my experience is not a busy road. It should be noted that the road is winding and without pavements in parts, and there are significant stone/brick boundary walls and buildings sited close to the carriageway which might result in some congestion if traffic flows in this area increase.

Gill Bayliss
Senior Conservation Officer
Staffordshire Moorlands District Council & High Peak Borough Council
Email: gillian.bayliss@staffsmoorlands.gov.uk
Tel: 01538 395576
Mobile: 07976 753886
Please note that my working days are Monday-Thursday

Mrs Bayliss 's words were incorporated into the case officer's report to committee.

C16 Moreover, the Chair of the PAC, Mr Ellis raised further concerns about the severity of the impact of traffic upon OCA during the pre-hearing Chair's brief on Tuesday 13th September 2016 with the legal officer Mr Walmesley and his disquiet about the no right turn's effectiveness and the road safety from counter manoeuvres where people exiting would simply turn right anyway.



(Verifiable in the extract of the email (above) from Mrs Curley to Mr Laird of Royal Haskoning on the eve of the hearing)

C17 However on the day, in the course of the discussion in 0378 ; about the fact that it was the same roads as before; same overall number of lodges and same traffic numbers as in 0682; that in terms of addressing the reasons for refusal in 0682 effectively nothing had altered the conditions pertaining to the roads and lanes; and that the numerical flows in and out of the site were exactly as set out in the TA for 0682, apart from the no right hand turn proposal, the chair was challenged by one of the speakers that the road to Oakamoor down Carr Bank had changed in the establishment of the OCA. It was pointed out that that effect should also be considered as an additional factor in assessing the detrimental impact that traffic flowing both ways through Oakamoor in order to access or egress the site.

C18 Unfortunately Mr Ellis glossed over this salient point by claiming it had been addressed by the Conservation Liaison Panel that he also chaired, and thus the PAC members did not get the opportunity to fully explore the matter properly or appreciate the implications it has.

C19 However as the minutes of that meeting show below, (Agenda Item 5) Mr Ellis was in error in saying this or possibly confused, as the only matter relating to the quarry site that was discussed was the situation at Little Eaves Farm. There is nothing relating to the road conditions or traffic impact upon OCA. The only reference to the quarry site relates to the visual impact upon the listed buildings at Little Eaves farm, which is another issue.

**AGENDA ITEM 5
CONSERVATION LIAISON PANEL
LIAISON PANEL RECOMMENDATIONS 12th JULY 2016**

REFERENCE	APPLICANT	PROPERTY	STATUS	NATURE OF WORKS	LIAISON PANEL RECOMMENDATION	DECISION ISSUED
SMD/2016/0330	Complany Mitchells Butler	Plough Inn, Leek Road, Endon	Grade II LB, Endon	Replacement of 1no internally illuminated totem sign	REFUSE: Excessively tall and over-bearing. Internal illumination is inappropriate. Concern about obstructing views of the Listed Building and highway safety.	
SMD/2016/0348	Mr Gareth Latham	10 Castle Hill Road, Alton	Setting Grade II LB, Alton CA	Proposed 2 storey rear extension and internal alterations.	Concern whether the building has been constructed in accordance with the plans approved in 2009. An intermediate floor appears to have been added above the entry as well as rooflights to the front elevation. The rear garden has been enlarged. These issues should be resolved prior to determining the extension. Some concern that the extension is not in the spirit of the simple, functional design of an agricultural conversion.	
SMD/2016/0378	Laver Leisure	Moneystone Quarry, Cheadle Road, Oakamoor	Setting Grade II LB	Outline application with some matters reserved for the erection of a high quality leisure development comprising holiday lodges; a new central hub building (providing swimming pool, restaurant, bowling alley, spa, gym, informal	No objection subject to confirmation that planting can mask/filter views of the central Hub area.	

CLP 12.07.2016

C20 It is true to say that his comment deflected attention from the point that the conservation officer had made in her earlier report and its significance was unappreciated by the PAC as a whole, as the Chair moved very swiftly on to something else in the debate without further ado and thus noticeably preventing any further discussion on the matter.

C21 As we show later, this traffic problem in Oakamoor has been underplayed, if not completely ignored, when it comes to assessing the effectiveness of the no right turn proposal.

But before we do, we should also remind ourselves of the importance of the role of Mr Ellis in all these matters as he is very prominent and astute member of the PAC in all three cases around which this appeal is based.

C22 For example, Sir, in 0682 the then Chairman of the PAC and Councillor Ellis both played a prominent part in arguing forcefully that they did **not** accept the SCC Highway Officers report about this application. They and other PAC members felt that their own knowledge of the local rural road network was to be preferred and in reaching that view they expressly relied on the two alternative traffic reports that they had seen. Before the PAC voted on 0682 they asked advice from the solicitor present to guide them. He confirmed that their approach was legally valid. They then voted to refuse 0682.

When 0378 and 0388 came before the PAC on 16/9/16 the PAC Chairman **was** Councillor Stephen Ellis.

When 0388 came to be debated and voted upon, Councillor Ellis led the argument that the effect of the proposals to alter the entrance/ exit would lead to confusion and danger and would not be effective. On that basis 0388 was refused.

Those are the indisputable facts and I submit, that as a result, on both 0682 and 0388, the PAC properly applied their own local knowledge and valuable common sense in refusing these applications and as such their reasoning should be commended to you in this appeal.

C23 Please consider two final points on the OCA and its importance in the test of thoroughness of its consideration by the officers concerned.

First of all, Mrs Bayliss's remarks in her emailed letter of the 7th September that **there is no doubt** that traffic flows are likely to increase, are crucial, as they not only describe the detrimental effect of the traffic impact upon specific areas within the OCA, but they are done with precision, identifying the exact buildings and state of the roads; quiet, winding, no pavements in places, narrow walled carriageway, and the likelihood of congestion.

C24 But also she comments upon **the effectiveness of the no right hand turn provision** saying **"despite the proposed left hand turn restriction.. there is no doubt that traffic flows are likely to increase.**

The measures do not work! Possibly because she has anticipated the difficulty of enforcing such a measure and stopping cars from turning right after they passed the site exit, but also realising that the traffic goes both ways and it cannot prevent cars coming into Oakamoor from elsewhere in order to access the site.

From her email 7th September 2016 to Mrs Curley.

Despite the proposed left-turn restriction to be placed on traffic exiting the Laver Leisure site there is no doubt that traffic flows are likely to increase within Oakamoor and this will have some impact on the quiet ambience on the Oakamoor Conservation Area, particularly on Carr Bank which in my experience is not a busy road. It should be noted that the road is winding and without pavements in parts, and there are significant stone/brick boundary walls and buildings sited close to the carriageway which might result in some congestion if traffic flows in this area increase.

Gill Bayliss
Senior Conservation Officer
Staffordshire Moorlands District Council & High Peak Borough Council

C25 Finally, in terms of how well the OCA and traffic impact were assessed, and recalling the conservation officer's remarks in her email of the 5th September to the case officer where she **assumes** that the SCC highways have taken account of it,

With regard to increased traffic disturbance in Oakamoor which has recently been designated as a Conservation Area I am aware that the proposed scheme indicates a left only turn upon exiting the site to minimise through-traffic passing through Oakamoor, and I assume that County Highways has commented on any highway risks proposed to Oakamoor Conservation Area.

Gill Bayliss
Senior Conservation Officer

We decided to investigate the nature of the traffic assessment undertaken by SCC in this regard.

C26 In preparation for this appeal, in a phone call on the 16th May this year I spoke to Mr Long in person in order to clarify the facts. I noted at the time that during our discussion on a number of queries relating to the similarity of data in 0682 and 0378 and in particular, where would be the files of the notes, memos and correspondence between his department and SMDC, his reply was consistently that 'there wouldn't be much and that it had all been seen by freedom of information requests about Mr Hurdus.'

C27 When I asked exactly how much input he (PH) or Mr Long himself as his successor, had once the TA had been submitted by Royal Haskoning, his answer was 'very little'. They (SCC) would normally just check what is given in and if anything untoward was found, they 'd query it; otherwise it went back to SMDC in the form of a formal report or comment. They didn't run any independent checks or test the evidence or models themselves. They relied upon the quality of data provided by the appellant's agents. (verbatim)

C28 On the question of the effectiveness of the no right hand turn proposal, he commented that he was concerned only in the technicalities of the right turn road access onto Whiston Eaves lane and that it was a private road, so didn't cause any problems.

He added that the appellant's agent had sent a new traffic assessment on the lane (Eaves Lane) that showed it wasn't a thoroughfare for people using it to get to the Towers and that it was not going to be a problem in that regard.

C29 When I pointed out that that would change radically once the quarry site was in full swing and that parallels for the escalation in uses of traffic and driving safety could already be seen at Farley Road, he acknowledged the problem there, but it wasn't a factor in his consideration of the application.

C30 My final question to him was about the designation OCA and had he considered the impact of the traffic that would be generated by the development upon it? His answer was that it had been done "**back in the time of Mr Hurdus.**"

It will be noted Sir that Mr Hurdus had left the authority in December 2014. The appraisal for OCA did not appear until 2015 and its subsequent confirmation was 2016.

It was clear to me, Sir, by the tone and hesitancy I noted in his reply and his actual words, his response indicated his lack of awareness of the existence of the OCA.

C31 Several further important points arise from Mr Long's responses.

Primarily, we can deduce clearly he had not taken into account the impact of traffic upon the OCA in the highway reports for 0682, 0378 and 0388.

Also he had commented upon the technical viability of the site exit junction per se, not in its effectiveness in preventing the escalation of flows down Carr bank by vehicle users who ignored the signage and subsequently carried on to the right upon by manoeuvring around the traffic island.

The key point to bear in mind now therefore is to return to the quote Mr Hurdus from earlier in this submission, that other than the weight restriction order beyond this entrance splay, there is no legal way you can prevent vehicles from travelling down Eaves lane to Oakamoor from the site exit, as it is a public highway.

C32 Consequently we now need to test the material difference between 0682 and 0378 in terms of the effectiveness of right hand turn restriction, as this is the only real change in the circumstances relating to the highways which were the grounds for refusal.

To do so, we have to examine the evidence submitted from 0388 at the same time because of its technical relationship and its intended reason for submission alongside 0378.

C33 We also need to reflect upon various aspects about the circumstances including the decisions in both 0378 and 0388 which, as we have seen already, were intended by the appellant to be considered as parallel applications (cf earlier evidence cited and this extract from the 0388 application itself.

0388 Transport statement

1. 1.1.4 The main reason for the full planning application to upgrade the Moneystone Park site access junction is to improve the existing situation for the benefit of local residents, by reducing the level of traffic visiting the site via the village of Oakamoor. In addition, although as agreed with Staffordshire County Council, as Local Highway Authority, no improvement is required to the existing access to mitigate any impact associated with a leisure development on site, **the improvement should be considered as a betterment over the original application by addressing comments made by Members of the Council's Planning Committee regarding traffic travelling through the village of Oakamoor via Carr Bank and Eaves Lane.**

The latter comment firmly links it to 0682 and thus by default to 0378.

C34 Moreover it is interesting to note that in the case evidence cited in the 0388 appeal (appeal itself now withdrawn, but the report evidence is still valid), Mr Suckley of How planning submitted the following statement in 2.27 below confirming (final para)

inquiry but, at the time of writing, this appeal is held in abeyance. HOW and SMDC are currently discussing a revised timetable with PND to restore this appeal.

2.26 In June 2016, HOW re-submitted the outline planning permission with all matters reserved except for means of access. The resubmitted application (SMO2016/0378) proposed:

"The erection of a high quality leisure development comprising holiday lodges; a new central hub building providing swimming pool, restaurant, loading area; six gym, informal screen/tennis room, children's soft play area, cafe, shop and sports hall; café; outdoor centre with farm shop; administration building; maintenance building; archery centre; watersports centre; equipped play and adventure play areas; multi-sports area; rpe/swalks; car parking; and managed footpaths, cycleways and bridleways set in attractive landscaping and ecological enhancements."

2.27 This resubmitted application, sought to accommodate the concerns of the Planning Committee, notwithstanding the Appellant's position that the concerns were not well-founded. Nevertheless, in a spirit of compromise, amendments were made to address the reasons for refusal against planning application ref: SMO2014/0682. These included a number of issues, but most particularly:

- A "no right turn" vehicular access arrangement was proposed onto Eaves Lane. This proposal has been designed to prevent visitors from exiting the scheme onto Eaves Lane to the east of the access leading on to Carr Bank. Traffic would be directed to and from the site via the A52 to the north. It is important to note that this "no right turn" proposal is exactly the same as the no right turn proposal which is subject of this appeal. In addition, the vehicular access from Blackley Lane have been Planning application ref: SMO2016/0378 was subsequently approved by SMDC's Planning Committee on 15th September 2016 and the formal decision notice was issued on 20th October 2016.

Enlarged copy of final paragraph to follow below

A "no right turn" vehicular access arrangement was proposed onto Eaves Lane. This proposal has been designed to prevent visitors from exiting the scheme onto Eaves Lane to the east of the access leading on to Carr Bank. Traffic would be directed to and from the site via the A52 to the north. It is important to note that this "no right turn" proposal is exactly the same as the no right turn proposal which is subject of this appeal. In addition, the vehicular access from Blackley Lane have

The final sentence, "it is important to note that this 'no right turn proposal' (ie the one in 0378) is exactly the same as the no right turn proposal which is the subject of this appeal (ie the 0388 one)"

C35 Whether or not the sought-after effectiveness is realised by the measures in both 0378 and 0388, is also debatable.

The evidence we will produce shows how little is achieved in terms of obviating the traffic impact in Oakamoor and that in fact its claim to solve a problem, is overwhelmed by the counter argument that it creates, equally, further problems of traffic elsewhere in the road network.

C36 If 0682 and 0378 are the same in terms of the supportive data in the TA, ie exactly the same vehicles involved, same road conditions, the same total number of lodges generating the same number of expected vehicle movements, then in effect 0378 is no better, for as we shall see later from the traffic movements, the effectiveness of the no right turn restriction is not necessarily going to happen as predicted in the appellant's documents.

C37 If we do assume it prevents people from leaving via Eaves Lane- Carr bank - Oakamoor, in effect it really only redirects part of the overall flow. It does not reduce the overall flow. The same number cars are involved but they just go in the one direction.

C38 Whereas if this appeal on 0682/ 0378 is upheld, then there is no flow at all.

C39 Also, if it were totally effective and all the traffic exiting the site went down Whiston Eaves Lane, the

impact upon Whiston itself and the problems at the A52 junction would be exacerbated.

There is nothing in the existing TA that indicates that the resulting increase and pressure on the hazardous junction of all cars in both directions has been properly assessed, as Mr Mark Boulton of PINS indicated in his letter to the appellant's agent in March of this year.

C40 If we examine the travel plans document for 0378, we find that the travel plan is based largely on notional aspirations, not practical certainties i.e. we will do this in the future as things develop and evolve.

For example :- Travel Plan document

1.1.5 Details of the future travel patterns of the development's users are not known at the initial planning application stage, however, initial forecasts have been provided within this document, which will be updated through Travel Surveys as the development becomes operational. These surveys will enable the Travel Plan to be measured as part of an ongoing review process.

3.3.16 Whilst detailed information on future travel patterns at the site is not available, this Travel Plan considers all the remaining components listed above.

C41 And later where we have more strategies such as these offered

8.1 Movement Strategy

1. 8.1.1 The leisure and accommodation uses within the proposed development will have strong linkages both internally within the site and with the wider leisure industry within the Churnet Valley area and Peak District. As such, the Travel Plan and development movement strategy will combine to manage travel demand and access to the site from a holistic perspective.
2. 8.1.2 There will be opportunities to bring forward sustainable transport measures that will directly link to the access strategy for the site and reduce the impact of the development on the local transport infrastructure.
3. 8.1.3 Traffic movements will be actively managed such that excessive traffic flows do not arise on local access roads. This will be managed through the sustainable access strategy working in conjunction with control of traffic using the site access points from the local highway network.

We know already that the sustainable alternative transport; buses, trains and cycles are not feasible given the terrain and the nature of the access roads.

C42 However even on the specifics of more viable solutions offered below, we can point to further uncertainties that will bring the actual effectiveness of the no right turn proposal into perspective.

Eg Travel plan ctd Means of Vehicular Access for Visitors

1. 8.2.2 The proposed means of access to and egress from the site will be via a modified junction at the existing site access from Whiston Eaves Lane, with traffic directed to the site from the A52 in Whiston (refer to Plan 2). The existing site access will be improved to prohibit vehicles turning right onto Eaves Lane with the introduction of a traffic island on the site access road.
2. 8.2.3 A Laver Leisure (Oakamoor) Limited's website for Moneystone Park would provide directions to the site for visitors from the A52/Whiston Eaves Lane junction. In addition, all marketing material would show access available from the A52/Whiston Eaves Lane junction. The marketing material would seek to discourage the use of other routes wherever possible.
3. 8.2.4 Alternative access routes to these site access points are also physically available via Carr Bank from the B5417 through Oakamoor (refer to Plan 2). However, use of these routes will be discouraged by the proposed transport strategy for the development including through the use of directional signage and access route instructions, as set out in the Travel Plan strategy for the site.

All three solutions suffer from the weakness in the travel plan strategy that the no right turn model has ignored the fact that the lane through the middle of the Oakamoor Conservation Area is two way, even though its carriageway is a very narrow, single lane in width terms.

C43 Unfortunately therefore it is also the most direct route to the site for vehicles coming from the mainstream directional sources for Alton Towers and will suffer from a funnel effect.

More cars than ever will come up that way using the A50- Alton Denstone corridor routes which is now proving to be the most popular from the South, the M1, A38, M42 Birmingham, South Midlands, as well as M6 –A500 –A50 Potteries to Alton or via Cheadle on the B5417, or even for traffic coming down from Cotton via Star Bank and drawing off the traditional northern access routes to Alton Towers from the Peak District via Ashbourne, A38 /M1 link to the north and eastern access routes from Nottingham and Derby.

C44 Advanced marketing and signage will have but a little effect. Signage and publicity do not work as a deterrent as on Farley road as we have witnessed earlier.

Far more vehicles will access that route regardless because of satellite technology and local knowledge. Not only will they access the site that way, but egress too. It will be a main outlet for daily excursions to local attractions such as Alton Towers from the site or on the return way home after the visit.

C45 So it is not true to say that the no right turn will prohibit traffic leaving the site or be of benefit to the village of Oakamoor or the OCA. The presence of the development is going to be a magnet bringing more traffic in via that route as a no right turn provision does not have any effect on preventing any vehicle from coming up Carr bank and Eaves Lane and turning left into the site.

There is no restriction for vehicles turning in that way so it is likely that upwards of 50 % of its prohibitive impact is ineffective because of the easterly approach route via Oakamoor village.

C46 Even more obvious to us than it seems to the traffic experts, it appears from the Royal Haskoning surveys of May/ June 2016, on the current traffic flows on the Whiston lane Oakamoor route, that they prove they are quiet lanes and are not used by visitors to Alton Towers.

That isn't surprising when there is no leisure site at the former quarry and therefore there is unlikely to be a demand for such a use of such a lane for that express purpose.

C47 However, if the development were there and the visitors and vehicles, then the transformation of those once quiet roads would be dramatic and detrimental, totally altering their tranquillity and the character of the villages they serve and would thus be running contrary to the Core Strategy and Masterplan

Royal Haskoning claims that the no right turn is beneficial to Oakamoor. People in Oakamoor do not share such optimism. They regard it as problematic and symptomatic of a development that is as likely to bring with it, in order to sustain its viability, an overburden of traffic upon the village in the same way as Alton has had to suffer traffic impact for the past 50 years.

C48 To conclude this section of evidence, let us review the physical effectiveness of the no right turn provisions and the concerns of the PAC that led to the rejection of 0388.

It is important to focus again and appreciate the significance of the appellant's statement in support of 0388 as evidence for once again it reveals much about the lack of clarity in the understanding of the overall traffic impact and its appreciation of the actual reality on the ground.

0388 Transport statement

1. 1.1.4 The main reason for the full planning application to upgrade the Moneystone Park site access junction is to improve the existing situation for the benefit of local residents, **by reducing the level of traffic visiting the site via the village of Oakamoor**. In addition, although as agreed with Staffordshire County Council, as Local Highway Authority, no improvement is required to the existing access to mitigate any impact associated with a leisure development on site, the improvement should be considered as a betterment over the original application by addressing comments made by Members of the Council's Planning Committee regarding traffic travelling through the village of Oakamoor via Carr Bank and Eaves Lane.
2. 2.3.2 As it can be seen from Plan 4, the shape of the traffic island would physically prevent traffic turning right out of the site. The improvements have also been designed for a 16.5m maximum legal articulated vehicle to turn right into and left out of the site to ensure that the largest vehicle size could

access the site. The access road would be 5.5m wide, with an 18m junction radius on the left side and a 10m junction radius on the right side.

C49 You will observe Sir that I've underlined the closing words in the opening sentence in 1.1.4 .

How is it possible to reduce the level of traffic visiting the site via the village of Oakamoor by putting in a 'no right turn' exit provision on the access junction at the entrance to the quarry from Eaves Lane?

All the traffic going to the site itself and passing through Oakamoor on the way from all the directions that have just been mentioned in C43 will not be deterred at all from using such an access as they will be turning in from the left when they approach the entrance.

C50 So as **all the volumes of traffic** generated by the development of the site passing that way, via Oakamoor , will be unaffected and thus the overall effectiveness of the measure in terms of prohibiting the traffic impact upon those lanes that were specifically identified in the refusal conditions, and which were among the several reasons concerning traffic and sustainable transport links that caused the PAC to vote down 0682, this measure has to be viewed as less than fully effective on that score of betterment.

C51 Also consider please the impact upon the local services, tradesmen, postmen, dustmen, contractors wanting to use Eaves lane to go Oakamoor or Blakeley lane in the course of their work, and who will be exiting from the site in those directions. What benefits do they enjoy? For local farmers using the area to access fields which are often scattered between their properties and their neighbours or from further afield, or other landowners /users who lend and borrow equipment, especially agricultural machinery, what betterment is there for them in this arrangement at the junction? Perhaps anyone wanting to go the medical facilities at Alton will have a less convenient journey as a result of this, or just visitors, people dropping in to see friends in Oakamoor, Moneystone itself, or Cotton, and vice versa.

Effectively these measures could be adding on extra miles in fuel usage to their local journeys if they have to detour.

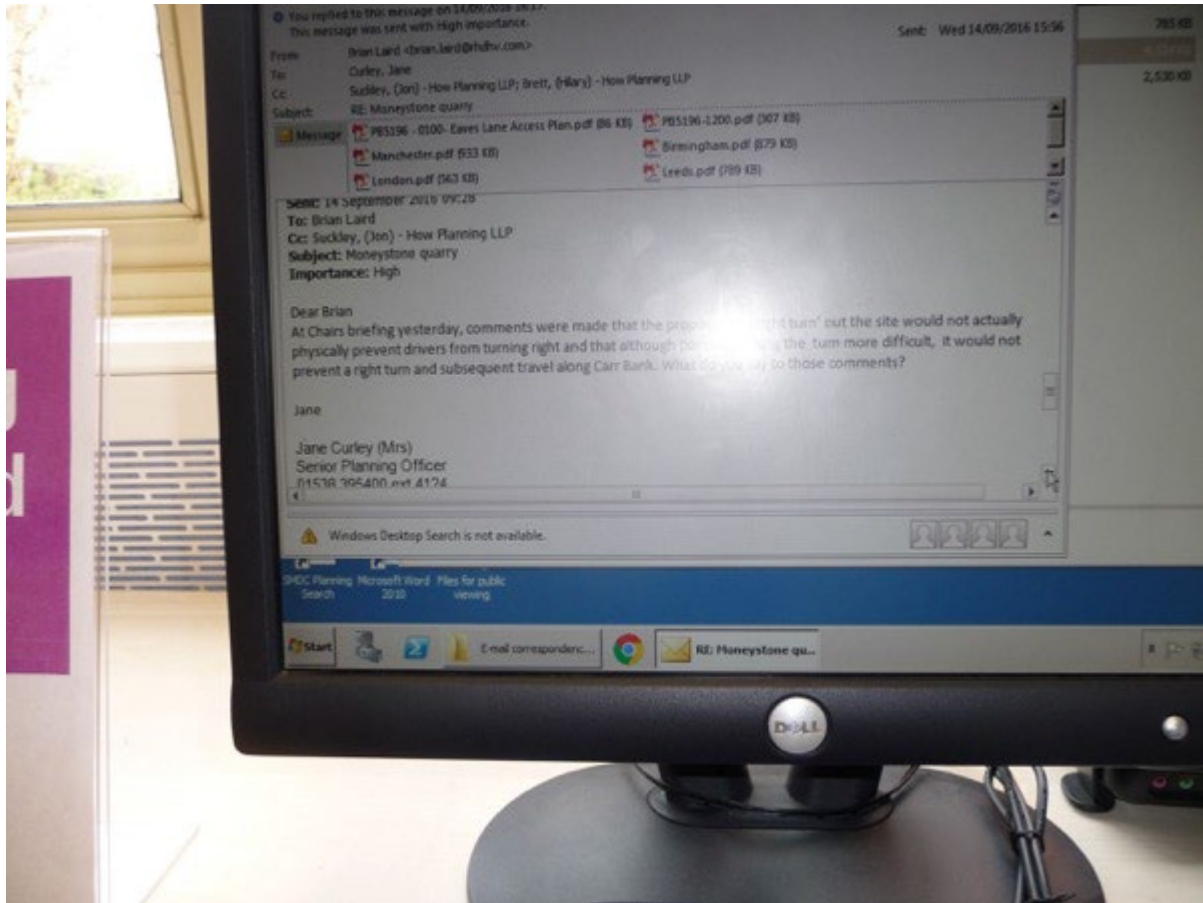
C52 To us that is not a sustainable ethos. The accumulative effect of all those extra miles may seem trivial but we are talking of lifetime practices and if you add in the extra miles per car of the visitors who, according to the appellants are going to have detour much further to go back and forth to Alton Towers for example, then that magnifies the figure somewhat.

C53 On practicalities too we would also endorse the concerns of the PAC about the effectiveness of the no right turn provision that led its rejection it as solution the problem.

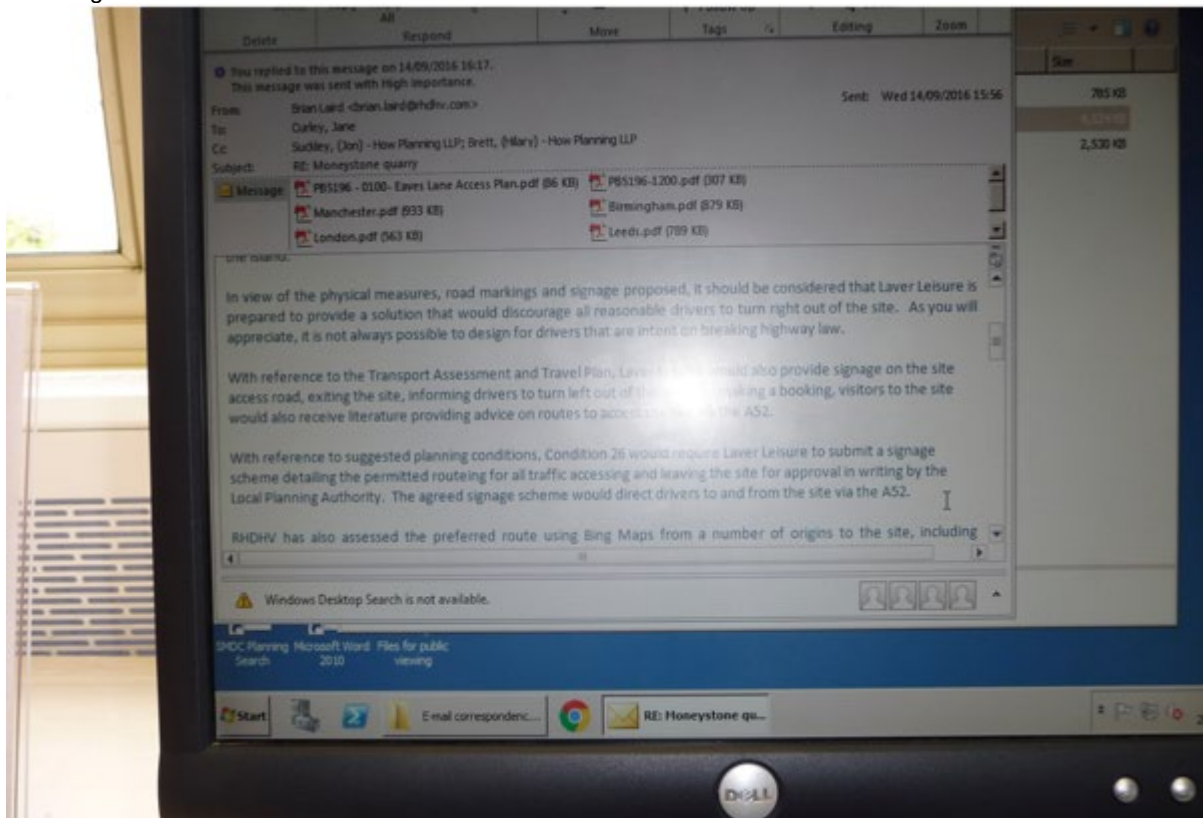
We consider their local knowledge of the roads themselves and the consideration they gave in the discussion at the hearing to the practical difficulties that could arise, to be justifiable reasons for refusing the application as confirmed by the SMDC legal officer attending the meeting.

C54 The evidence we show below confirms that on Wednesday 14th September 2016 the day before the hearing, the matter had been raised as a concern. There is file correspondence that indicates that proposal was not considered watertight a measure and that it was likely to cause more difficulties and road hazard through its ineffectiveness.

Consequently the case officer was asked by the Chair to check with the appellant's agent at Royal Haskoning about the possibility that the proposal would make it difficult to turn right, but not impossible to physically prevent vehicles leaving the site access road at the splay junction and turning right to continue east along Eaves Lane regardless of the measure .



C55 The response from Mr Laird(RH) to Mrs Curley as shown below confirms that it could happen despite the design.



C56 If you examine the extract of the design brief in the transport statement below detailing the provision, it would appear that the uncertainty about the preventative nature of the proposal, stems from the design that enables the longest articulated vehicle to negotiate the turning with ease inwards and outwards. Any cars or smaller vehicles would therefore be able to alter course and manoeuvre around the island and not be prevented from turning right if the driver was so minded.

Royal Haskoning TS

2.3.2 As it can be seen from Plan 4, the shape of the traffic island would physically prevent traffic turning right out of the site. The improvements have also been designed for a 16.5m maximum legal articulated vehicle to turn right into and left out of the site to ensure that the largest vehicle size could access the site. The access road would be 5.5m wide, with an 18m junction radius on the left side and a 10m junction radius on the right side.

C57 Unsurprisingly at the hearing itself, the concerns about such matters that would/ could lead to people cutting corners, or doing three point turns in the lane, and other awkward manoeuvres, having taken the junction correctly at first, and thus risking accidents or other road safety issues, were discussed by the PAC members, and, led by the Chairman Mr Ellis once again, the members rejected the idea outright.

C58 From the correspondence on file and the case records, it is clear that the no right turn scheme is not a well conceived idea or indeed a very practical one.

It reflects more, as the travel plan says, of a wish to appease the planning committee members' concerns about the traffic impact upon the network of roads accessing the site by adapting a perfectly good junction and access splay that meets all the current standard requirements.

C59 The fact that in the end it was regarded as a regressive step rather than improving the situation, brings into question the legality of the permission in 0378 which derived its acquiescence from that same design that was rejected upon traffic safety grounds.

The fact that the permission to grant 0378 depends upon a no right turn provision that has been rejected by the PAC, irrespective of claims that it was a stand alone application by the appellant, whereas in documentary evidence the appellant has produced elsewhere it has already been shown indicated that it is integral, makes the case for arguing that 0378 has not in fact made a material difference to the situation regarding the problems of the traffic impact upon Whiston lane Eaves lane Carr bank and the other parts of the road network.

It is patently obvious that the two applications are interlinked and interdependent.

C60 Also the question of the right of the public to be denied a right of way on a public highway is a thorny issue too. It is probably without precedent in terms of case law.

However, as we are dealing with evidence, it is clear that from what we have established as facts, instead future speculation, the traffic issues identified in 0682 are still very much unresolved or not properly addressed and therefore this appeal should be rejected on those grounds.

6. The Appellant's Full Statement of Case document February 2016 in Appeal of 0682 -a critique

F1 We would draw the Inspector's attention to the following points and our comments to these text extracts within section 4 below

4 THE APPELLANT'S CASE – HIGHWAYS

F2

b) Entry and routing is principally via an established route that has previously been used by quarry vehicles with this operating satisfactorily for many years with volumes and sizes of vehicles much greater than is being proposed. Highway improvements are proposed

b) The number of expected cars and other vehicles (volume of traffic) using the routes to the site will far exceed the number of quarry vehicles using the routes in the heyday of the quarry.

F3

b)ctd.

and changes to the speed limit will improve visibility and access to and from the junction, and the entry junction to the site itself to be controlled to prevent left turn movements towards Oakamoor to reduce traffic impacts in the village.

b)ctd. This statement makes no sense.

1) The entry junction to the site cannot prevent left turn movements to Oakamoor because the traffic from the A52 junction entering would turn right into the splay to access the site, or just proceed along Eaves Lane with no turn at all to head to Oakamoor.

2) It should be the exit junction that controls and intends to prevent no right turns to Oakamoor (in theory!).

3) It doesn't reduce impact upon the village of Oakamoor as by the site's existence, traffic will access it freely from Oakamoor

and thus the village will suffer increased levels of vehicles passing through it a result of the development.

F4

e)

- e) Whilst it is not realistic for all people coming to the site to come by other more sustainable modes of transport to the private car, the development would seek to maximise the use of alternative travel options for guests, for example supporting rail travel through the provision of a shuttle bus to local railway station(s) on changeover days and facilitating consolidated supermarket deliveries. Once guests are at the site, there are many opportunities for sustainable movement with a well-connected network of walking and

e) What evidence has been presented to prove that the shuttle bus to the local railway stations is viable in terms of timetabling, cost effectiveness and the likely percentage of visitors who would prefer such options?

F5

e) ctd

with many good initiatives that can be furthered to demonstrate how sustainable travel can be supported and encouraged at the site. A sustainable shuttle bus link to the core nearby attraction (Alton Towers) can be provided and established for those that wish to go there, so as to remove private motor vehicle traffic from the immediate local road network. It is closer than most existing hotels to Alton Towers and therefore impact on the network will be materially less for travel to and from that amenity, than were guests to stay at a more distance location and travel independently to the theme park. Finally,

e) ctd Two problems here Alton Towers transport liaison committee has ruled out the shuttle bus service and the appellant has not offered any details on the frequency of its own service and costs by comparison with the inevitable overwhelming majority of car users who would get there cheaper and faster, having admitted at the beginning of this section it is unrealistic that people will come by anything else other than cars. It is likewise unrealistic to consider such a sustainable alternative would be feasible.

The appellant has failed to notice that Alton Towers now has two hotels of its own on site, with additional spa, restaurants and several hundred lodges already available for accommodation and more planned to arrive soon, and thus is offering even less traffic impact accessing that amenity.

F6

- g) Specific to transport, the proposed development complies with the objectives for the site within the Churnet Valley Masterplan SPD (section 7.6.5; Accessibility and Connectivity) and is further supported through the findings of the Churnet Valley Masterplan Transport Study which concluded there would be no adverse impact upon the local highway network from the development of the site.

g) Contrast g) with Atkins "Churnet Valley Masterplan - Transport Study final report 2013" page 57

Moneystone Quarry development

6.31. The Draft Masterplan identifies the local highway network as a potential constraint, as does the Churnet Valley Accessibility and Connectivity Study.

Section 11 Conclusion

11.1) Finally bearing in mind the welter of evidence produced here, we believe there are a number of conclusions to be drawn as far as traffic issues and the impacts of traffic are concerned which we would respectfully ask the Inspector to consider as part of the whole body of appeal evidence.

11.2) First of all please consider the inadequacies of the SCC highway report, its brevity and elements of unfounded assertions, the lack of supportive and conclusive documentation, its dearth of objective analysis and comparative statistical analysis, its failure to examine, query and expose shortcomings in the appellant's expert 's Traffic Assessments, as first recognised by the case officer Mr Lynch back in February but not produced either within the consultation period nor during the hearing itself as part of the presentation of expert witness evidence to the members of the planning committee during discussion.

11.3) Bearing that in mind please also pursue a more forensic examination of the Traffic Assessment documents used in support of the appellant's original application and identify for yourself where errors in statistics don't conform with claims, where gaps or oversights in detailed survey are apparent or related evidence is missing. In particular please notice the failure to envisage the reality of traffic ignoring signage and using sat nav direction to access the site via Carr bank and Oakamoor village and its consequences for the local residents, their safety, the safety of all the road users in the light of such and any other matters to which your attention is now to be focussed.

11.4) The proposed development at Moneystone will only augment or intensify the current road network problems in the area around it and, contrary not only to the ideals espoused in the core strategy and masterplan, but also to the specific warnings cautioning and outlining the dangers and drawbacks identified within those planning documents as regards the impact of traffic upon the special qualities of its landscape, will result in a worsening that will in turn inevitably be to the detriment of the intrinsic beauty and tranquillity of this part of the Churnet Valley and to the quality of life for the residents in its surrounding villages.

We urge you therefore to reject the appeal.

Thank you. "

End of extract from PINS appeal document 2017

Update

That was the situation and the tenor of arguments submitted to PINS at the time .
The roads and their conditions remain the same as now.

However the situation as far the traffic impact and access to the site has not been fully resolved (please see appendix 2 document from earlier) and there has been no change in the other problems affecting the application SMD/2019/0646 in respect of the levels and connections from the internal layout of the site to the public highway as fully argued by the two reports from Paul Mews Associates and cited in the documentation.

We would therefore urge you, sir, to take account of all the discussion and comments made there and especially those critical of the details within the SMD/2019/0646 application as they still hold and are relevant to this Appeal.

Those reports also criticise the arrangements for the ghost island, visibility lines of sight etc as detailed for the road junction on the A52 in the middle of Whiston Village where the lane leading from the site (Whiston Eaves Lane) meets and intersects it..

SMD/2019/0646 cannot be viable as a permission until those items are resolved.

We also attach another report especially compiled on behalf of CVCS on road safety and the latest local accident analysis on the highway network that feeds into the Appeal site, which is intended to follow this document.

CVCS July 2024

,

At this point I should also refer you to a recent road safety report compiled by Mr John Williams our chairman (Appendix 4 in our sequence of evidence based documents)

This document focusses upon the impact upon local road safety as a result of the construction of the number of lodges now designed to fill quarry 1 and quarry 3.

The early traffic surveys and analyses were conducted way back in 2010 and just as with the need to update the EIA from that early period of compiling reports, which you have now requested, we think it is appropriate to reconsider other environmental impact contributors of which traffic pollution and congestion are major sources in the context of this Appeal.

This is a vital factor when you consider that Whiston Eaves lane is currently designated as a quiet lane by Staffordshire County highways and compare that to what it will be come if this development and the permission for SMD/2019/0646 goes ahead.

It is appropriate to remind ourselves that all roads are now busier than ever.
Indeed in his submission to the Inspector in 2017 the John Ross report, using more recent statistics from a comparable site suggested an increase of 33 percent upon the earlier Transport Assessment used by the Appellant.(JR ref 3.25) when that was compiled.

We have a trend towards bigger cars and more of them using the roads generally so that conditions that were predicted well over 10 years ago can no longer be relied upon to anticipate the additional amount of traffic that actually now uses these roads ordinarily, and that is *before* we add in the influx of extra vehicles that the development site will attract.

This safety report compiled for this Inquiry by Mr Williams contrasts the earlier traffic analysis with the latest statistics on road accidents on the main routes to the lodges and the surprisingly high spike of those for such a rural area when compared with the much larger and busier conurbations of the City of Stoke on Trent with access to motorways dual carriageways etc ,

The accident rate around this area is so high simply because of Alton Towers 3 miles away.
Too many urban cars squeezing into an unfamiliar road network of very narrow twisting rural roads. They travel too fast and basically can't cope with type of roads and the added congestion that makes them narrower and demands more skill and concentration. Those are the primary causes.

Examine Appendix 4

**Appendix 4 Road safety Analysis -witness statement compiled by the Chair of CVCS
Mr John Williams**

Churnet Valley Conservation Society (CVCS) are concerned with safety on the roads due to the increase in traffic that will flow through Froghall and navigate the adjacent banks (local term for roads with a steep gradient) not only on the A52 Stoke on Trent – Ashbourne Road and the B5053 through Ipstones but the A521 Churnet Valley Road to Kingsley Holt with its junction with the A52, and the 'C' class road through Froghall Wharf to Foxt. There are also major concerns regarding highway safety in and around Oakamoor and Alton Towers area.

There is also concern for local residents' and others' safety when using the many other narrow rural roads of the immediate area around Moneystone Park and those accessing nearby Alton Towers
Simply put, insufficient weight has not been applied to highway safety in regard to the large scale additional traffic generated by the Moneystone Park proposal and unaccounted for in the various applications
There is also CVCS concern regarding the expected traffic flows extrapolated from the Christie & Co. report (ES Vol 3 App 13.1b Transport Assessment Volume 2 Part 10 Appendix D in SMD/2016/0378) (**Ref 1**) The Christie & Co report was considering a proposal site containing a range of lodge sizes, catering for parties of between 2 persons and 12 persons, instead of the very uniform 4 person clad caravans proposed in the current 0646 application. Since the larger lodges would require multiple vehicles to transport clients to the site it would lead to an increase in two-way vehicle trips over the estimated numbers in the application. Furthermore, there is insufficient leisure activity capacity within Moneystone Park to keep people on site and therefore there will inevitably be a considerable amount of unquantified traffic coming and going during the day either to Alton Towers or to other local attractions.

Safety concerns on the road network of the area.

Fig 1 and Fig 2 below are schematic views of the area's highway routes and concerns:

Fig 1 Shows in a schematic form the roads of the surrounding area and the primary and secondary diversionary routes that are used when the A52 is closed on Whiston Bank, as it often is. It should be noted that these routes are the natural ones that drivers will take once they turn off the A52 in Froghall and are not sign posted like those for diversions off Motorways. The various sections of these rural routes will be elucidated upon in the appropriate paragraphs below.

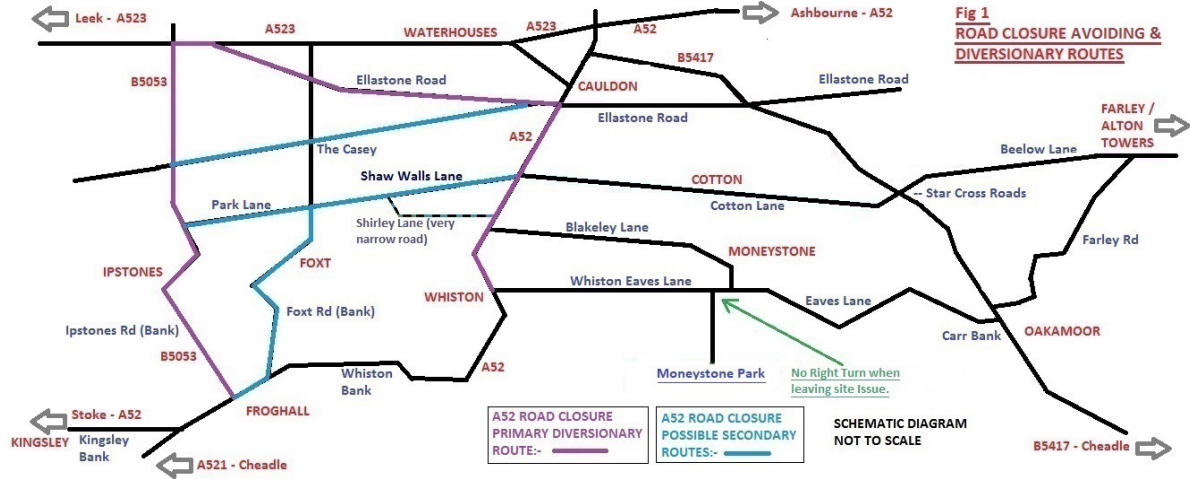
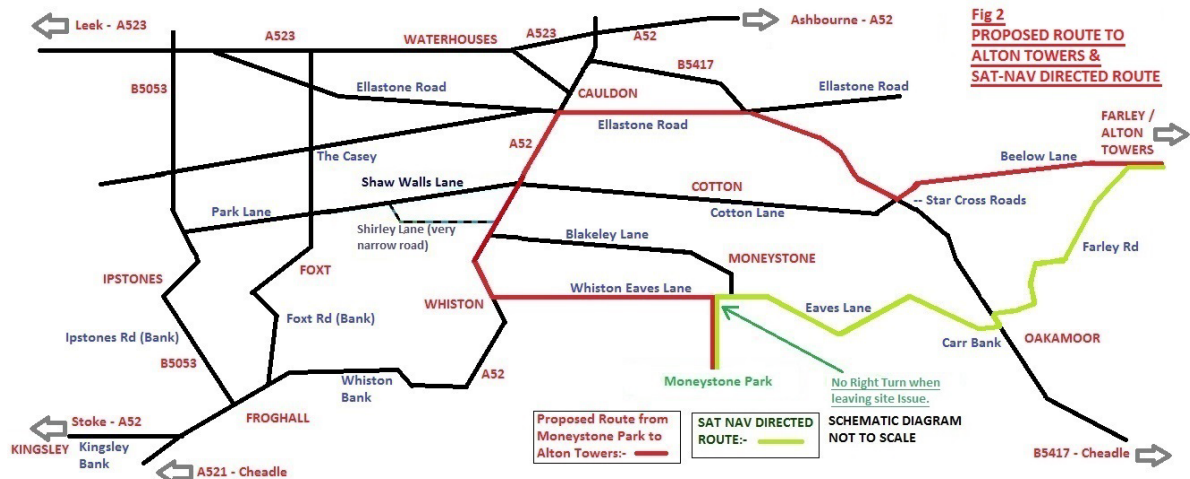


Fig 2, a similar schematic, shows the route that residents and holidaying clientele must use to travel to and from Oakamoor from the proposed Moneystone Park. The No Right Turn proposal (specifically refused by SMDC's PAC under planning application SMD/2016/0388 on 1st November 2016) is covered more fully below.



A52 Whiston Bank

Whiston Bank is particularly steep, once being the steepest trunk road in Britain until the road was de-trunked a few years ago. It is however still extensively used by HGV vehicles and the HGV traffic in particular is steadily increasing in volume.

The consequence of the gradient of Whiston Bank is that there are very regular roll-backs of stalled HGV's that fail to navigate the bank for various reasons, such as the very steep gradient, the tight corner on the steepest part, and slippery surfaces as a result of winter ice or the road surface slicked with oil etc. Inevitably these rollbacks block the road causing diversionary problems for drivers.

Most of these rollbacks are resolved by the drivers, often with the assistance of other truckers and/or car drivers, without cause to call the police, thus avoiding formal closure of the A52. For those incidents that require police involvement, using the reference years of 2014 to 2017, **Appendix 1 - FOI Ref 8269** - was gained in response to a FOI Act question to Staffordshire Police and shows that there is on average just over one rollback or other traffic issue, per month that have a police involvement.

CVCS has been unable to find the reference, but in the early 1980's before computers were readily available, there was sadly a death of an HGV driver whose brakes failed when descending Whiston Bank. The lorry failed

to enter the provided escape road and crashed adjacent to the Foxt Road junction. The animal feed load, and a crushed horse, was left to rot for around 12 months before being cleared away.

A52 Froghall Combined Rail and River Bridge

The approach from the West is down a steep hill. Immediately before the bridge the road bends to the left before kinking sharply left to cross the bridge. HGV's, particularly articulated ones, virtually always cross the white lines in order to navigate the bend and kink. This is a dangerous manoeuvre at the best of times and it is one that occurs many times a day and could well be a cause of an accident for the unwary.

Again, in the early 1980's pre common computer usage times there was a brake failure on a tipper lorry on Kingsley Bank. The lorry failed to take the bend at the kink by the Railway Inn and crashed over the south side pavement, through the concrete bridge pedestrian safety barrier into the partially flooded River Churnet. Only quick action by a passing motorist saved the driver's life by keeping his mouth and nose just above the rising water until the driver was cut free of his cab by the rescue services.

A52 Kingsley Bank

Although the gradient is somewhat less steep and the bends less severe than Whiston Bank there are nevertheless numerous problems with stalled vehicles and other incidents. One such incident was a vehicle fire.

This very recent incident was a lorry fire near the top of Kingsley Bank, just below the village boundary, and was reported thus:

Leek Post and Times News Report of Lorry Fire on A52 Kingsley Bank – 16th May 2024.

"A lorry fire has closed one of North Staffordshire's busiest roads for seven hours. The A52 between Kingsley and Froghall - shut at 10.30am today and remained completely closed until tonight's rush-hour.

Traffic monitoring system Inrix is tonight reporting that the eastbound carriageway still remains closed.

It states: "The A52 eastbound is closed. There is slow traffic due to a lorry fire from Holt Lane, in Kingsley, to the A521 Churnet Valley Road, in Froghall. The road was fully closed but sensors show traffic is now flowing on the westbound carriageway."

Staffordshire Fire and Rescue Service were called to Dovedale Road, in Kingsley just after 10am today. West Midlands Ambulance Service was stood down after the driver managed to get out of their cab.

A fire service spokesman said: "Firefighters were called to a lorry fire. Hose reel jets were used to extinguish the fire just after 11.15am and the driver was not injured. The fire was caused accidentally as a result of an electrical fault. Staffordshire Police also attended to manage traffic in the area."

The road was closed for over 24 hours and the traffic lights were operated for the week following.

Kingsley Bank is regularly used by the Churnet Valley Railway (CVR) to take delivery, and later return, of some of the heaviest loads to travel the nations roads. These loads are most commonly some the largest steam locomotives ever to run on Britain's railways The locomotives are chained to multi-axled trailers, powered and braked by very large HGV's. Kingsley and Froghall Railways Station is the only point on their CVR rail system where there is sufficient room to operate the large mobile cranes used to re-rail these, often, 70 tonne loads. The delays to road users caused by the these exceptionally slow moving deliveries cannot be understated. Typically they will move through the village of Kingsley at less than walking pace and continue at that pace or less all the way down Kingsley Bank until painstakingly turning into Kingsley and Froghall Station. These heavy railway loads are often provided for only a few weeks of the year and the subsequent delays are accordingly significant on their exit from the Railway yard and then up Kingsley Bank and through Kingsley.

A52 Junction with Whiston Eaves Lane

This is a problematic junction that the proposed improvement fails to fully address. The junction has poor sight lines now, and the proposal to improve the junction will still leave it in the position of not being up to the current standards as laid down in the Design Manual for Roads and Bridges, Volume 6 Road Geometry, Section 2 Junctions, Part 6 TD42/95 (**Ref 2**) – something admitted by the appellant in their initial application. The details of the road layout commence at para 2.3.12 (Option1) of Appendices 13.1a Transport Assessment Vol 1 Parts 1 (page 5) (**Ref 3.1**) and in Part 2 at para 3.2.2 to 3.2.10 (**Ref 3.2**) and PB1608 SK001 Proposed Layout A52 Whiston Eaves Lane (**Ref 3.3**).

It should be noted that there are large trees and bushes on private property very close to the junction on the side of the road that will not be improved by the accommodation works on the A52 as part of the Moneystone Park

proposals. The growing vegetation creates a dynamic situation that can and does reduce visibility of the A52 in both directions. The junction is dangerous now and the planned works will not improve it.

B5053 Ipstones Road (Bank) and Ipstones Village

This bank is in places as steep as Whiston Bank and the radii on parts of the bank even tighter. The main issue with this road though is the passage through Ipstones village centre. Passage is problematic at the best of times and worsens when traffic is diverted off the A52. This is due to the number of parked vehicles as well as from the passage of farm vehicles, delivery lorries and HVG articulated quarry wagons from the CEMEX quarry near Doveholes, Derbyshire. who use this road to avoid the A53 through Leek when heading South. Diverting traffic through Ipstones is the preferred option for Staffordshire Police and takes vehicles well away from the A52 route to Moneystone which leads to motorists often taking the Foxt Road, from Froghall or taking the country lanes through Foxt from the B5053 in Ipstones to reach Whiston (Moneystone Park). These secondary diversions (see Fig 1) can and do cause problems, especially when larger vehicles attempt to pass each other when driving along these narrow lanes. Having the potential to add considerably more traffic through Ipstones and then along the B5053 and the narrow country lanes will cause accidents and unacceptable delays to all, residents and drivers alike.

Foxt Road (Bank)

Foxt Road is a minor road but is all too often used by a considerable number of vehicles as the diversionary route to avoid problems on Whiston Bank, in the mistaken belief that because the road is almost flat in the valley bottom, particularly in the period after the A52 becomes blocked but before the police arrive. There are often problems manoeuvring past school coaches, and HGV's moving from and to their company garage in Foxt, on the tight bends in the cutting just below the Fox and Goose Public House, as well as at the numerous other pinch points on the three roads leaving Foxt to the North.

Furthermore, two of these roads, which are used as secondary diversionary routes and run across Foxt Road immediately north of the village – Park Lane and Shaw Walls Lane – are both very narrow with tight bends and are particularly prone to flooding and icing in winter. The road directly north out of the village is also narrow, has extremely tight bends and very steep gradients.

A52 – A521 Churnet Valley Road Junction

The Churnet Valley Road is the least steep A Class road leaving the Churnet valley in Froghall. However, the junction with the A52 is a very poor one despite an improvement some years ago by Staffordshire County Highways. The acute angle with which the two roads join each other, near the bottom of Kingsley Bank, results in it being hard to see what may be approaching the junction down the A52 from Kingsley when joining the A52 from the Cheadle direction. It is a dangerous junction for the unwary as the A521 is difficult to manoeuvre out of onto the A52 in both directions. Traffic on the A52 is too often fast moving in both directions due to the gradient downhill and the desire to climb the hill in a higher gear. However, the gradient on the bend and its radii means that sight of the junction by ascending vehicles is foreshortened and therefore dangerous. Close calls often occur.

Froghall Wharf and Ipstones and Kingsley Station, Froghall

This is a popular destination for tourists and even minicoach trips. Unfortunately, pedestrians are often mistaken that the Foxt Road is much quieter than it actually is, particularly in the summer. They often wander onto the highway in the Wharf area as well as walking between the Kingsley and Froghall Railway Station and the Wharf. Foxt road has no footpath and so pedestrians are vulnerable to being hit by cars particularly in the vicinity of the A52 junction, particularly when the A52 Whiston Bank is closed.

Access road to Moneystone Park - No Right Turn planning application (SMD/2016/0388)

Fig 2 shows the route, proposed by the developers, intended to send holiday makers to Alton Towers. Also shown is the shortest route to Alton Towers. The resubmission for the Holiday Park (SMD/2016/0378) had within it the same conjoined No Right Turn planning application (SMD/2026/0388) which PAC councillors rightly recognised as a ridiculous proposal, that if anyone chose to turn right out of Moneystone Park the No Right Turn (NRT) would be illegal. However, in reality, the NRT would be unenforceable without a continuous police presence. The 'unintended' consequence would therefore be to tempt people to break the law – and most will. The NRT should therefore not be provided. Should one turn right onto Whiston Eaves Lane and it is just 2.7 miles, entrance to entrance, between Moneystone Park and Alton Towers along this, the shortest route. The approved route is 6 miles in length and takes twice as long to traverse. Those drivers setting a sat-nav would find they would be sent down Carr Bank, through Oakamoor and up Farley Road. The return journey would legally be possible along the shortest route. The illogical and dangerous contradiction should not have been allowed to reach this stage.

It should be noted that those farmers who currently travel into the former Moneystone quarry, to cut hay for example, will also have the choice of whether to comply with the proposed NRT rule or not. If they were to comply then their slow moving equipment would proceed through Whiston onto the A52. To continue onward to the hamlet of Monestone they would then have to use narrow Blakely Lane. Currently the journey would take a few minutes over a distance of just 0.3 miles not the 2.9 miles via Blakely Lane, almost half of which would be uphill on the A52. This would obviously take a lot more time and fuel to achieve as well as put people in danger at the, to be busier, A52 junction with Eaves Lane.

It should be noted that SMDC Refusal of Planning Permission, Reason 2, Page 1 (**Ref 4**) quotes Policy T2 of SMDC's Adopted Core Strategy, Page 148 (**Ref 5**) which places great emphasis on reducing the impact of road traffic. The Moneystone proposal is the opposite of this policy.

And just one example of the dangers on site.

The following press extract confirms the hazardous nature of the proposal to build a pleasure facility, with an alcohol licence, in this dangerous former quarry with a deep lake as a major feature.

News Report posted by Derby Mountain Rescue Team regarding a fall into Moneystone Quarry. – 2nd November 2023.

“CALLOUT: The team were called out just after 10pm yesterday to assist West Midlands Ambulance Service (WMAS) and Staffordshire Police.

The police had received a report of a "fallen male" at a quarry near Whiston. The Police and WMAS were already on scene, but there was no casualty at the location given.

The team put together a search plan and searched the quarry which was heavily overgrown with dense undergrowth. During the search the team found some personal items on the ground, and focussed searching in that area when they heard faint moans nearby. The casualty was located around 20 metres away and assessed by team members. He was completely wet through from the rain, severely hypothermic and barely conscious. He was wrapped in a vapour barrier and warm layers and evacuated by team stretcher back up the steep slope.

The casualty was re-assessed by West Midlands Ambulance Service and transported to hospital for further treatment.

The team stood-down just after 01:30am.”

Travel Plan and Traffic Flow Calculations (from SMD/2014/0682

The amount of traffic expected to access and egress the site is documented in a report made by Christie and Co. available in the planning application (**Ref 1**) ES Vol 3 App 13.1b Transport Assessment Volume 2 Part 10 Appendix D. It includes an anticipated number for day visitors and holiday makers. It does not however, estimate the number of staff travelling to and from the proposed Moneystone site. Instead this number is contained in the application's Travel Framework Plan ES Vol 3 App 13.2 Transport Plan Framework Part 1 Appendix B (**Ref 6**) which is to be monitored by Staffordshire County Council (SCC) Highways Department. The appeal proposals fail to neither provide for, nor satisfactorily encourage the use of sustainable travel modes contrary to Policy T1 - Development and Sustainable Transport of the Adopted Core Strategy Development Plan Document, Page 146 (**Ref 7**).

Rising Accident Rates - Statistics

Another area of traffic impact that should have been a priority concern by SCC Highways in its report to the Planning Application case officer, is that of road safety.

Mention has earlier been made as regards to the monitoring of safety records at the A52 junction and the relative uncertainty of data used. Nothing else appears in the documentation or files as far as is known about wider safety issues that the Moneystone Park development will undoubtedly cause.

Turning to the accident hotspots emanating from the traffic already accessing this part of Staffordshire, such as on the link routes at Cotton crossroads, Farley Lane to Alton, the B5417 Cheadle to Oakamoor, Farley Road, Threelows crossroads / Ellastone road and the Windy Arbour junction on the A52 at Cauldon and Rue low junction where the B5417 meets the A52 and where, over years, accident rates have been regularly increasing.

The data map provided below (**fig 10.4a**) which concerns accident records for Staffordshire is taken from DfT statistics.

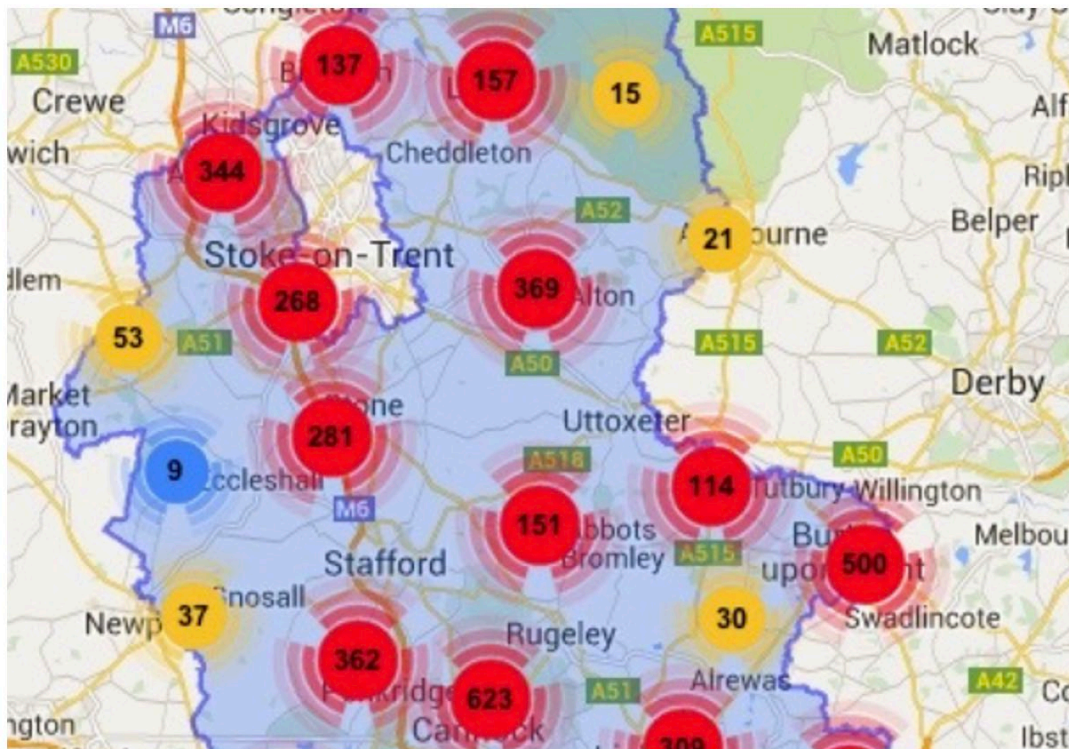


Figure 10.4a

The collision map statistics above are taken from the Dept for Transport road safety data sets for 2005 -2013 inc. Page 59.

The figures in the red circles show that the area around Alton has a significantly higher incidence of collisions than that of the Stoke on Trent conurbation and the surrounding districts. The reason is well known. These higher accident trends in this part of the Staffordshire Moorlands occur as a result of traffic volume increases related to leisure and tourism, and at the heart of it all currently is Alton Towers, one of the largest theme parks in Europe. The Alton area of Staffordshire has a disproportionately much lower population count per hectare than Staffordshire as a whole, yet this area clearly suffers the consequences of the high volume traffic usage brought about by the presence of Alton Towers.

Because of its size and popularity, the area around Alton Towers is subject to several key elements that combine to provide the reasons for such high accident rates; the huge number of annual visitors converging upon the site, its accessibility within the narrow confines of the Churnet valley which is almost totally by cars or motorised transport, the age range and experience of the drivers and of course the rural nature of the road network serving the Alton Towers area.

Many of those drivers who are attracted to the site by the thrill-seeking nature of the rides and entertainment provided, tend to be younger and less experienced.

Also a high proportion of the annual visitors to Alton Towers are from urbanised or the more densely populated areas of Britain.

Think is the name of a road safety campaign launched in November 2014 to highlight the increase in death and injury sustained by users of rural roads throughout the whole of Britain.

e.g. **11 times more** people are killed on rural roads than in towns and cities. While numbers on urban roads, **A** roads and motorways has **declined**, the number of people suffering serious injury or death **on country lanes** has risen over the past ten years. For the first time the percentage of fatalities on country roads in Britain has gone past 60 percent.

Safety experts say rural road users are taking fast urban or motor way driving styles into the country lanes and that is unsafe. These findings suggest that many drivers are failing to anticipate dangers on the road ahead and that the most commonly reported contributory factor is motorists losing control often because they are driving too fast for the road conditions. The Road Safety minister himself at the time said “On average **three people die each day on country roads in Britain.**”

In light of the above, the road safety issues in relation to the development at Moneystone, it is obvious from the size of the development, the number of visitors to be expected, the additional volume of vehicles accessing both it and Alton Towers and of course the difficulties of the rural nature of road network serving it, the worsening safety situation is going to increase exponentially.

Turning to the words of Mr Hawes for SCC Highways at the hearing back in November 2015, he said

“Because I have to remind you that people need to drive according to the road and, guaranteed, some roads are substandard in the area, but again there’s not a massive issue in terms of highway accidents that have been reported, that we monitor. That’s what we’ve got factual evidence of causes that we can assess on.”

Please note Mr Hawes admits that some roads are substandard in the area. Unfortunately he does not elaborate upon which ones, but at least we know it is more than one and can’t just be the A52 junction at Whiston village. Neither too does he provide any more details in his comment to the committee members at this point in the proceedings, nor indeed can any reference to such monitoring methods or the exact details of accidents recorded be found in any of the reports or documents that should have been used to validate his and his colleague’s report to the case officer.

In fact SCC Highways produced so little evidence about road safety statistics overall throughout the period of consultation for the application, that public concern of the increased risk of accidents, particularly in Oakamoor

village where the perceived risk was intensified by the threat of so many more new vehicles using Carr bank and the village itself, it proved to be a spur to the local residents and conservation group to try to redress the situation.

In a series of meetings and surveys, information from locals who had had recent accidents or witnessed them, was then collated and incorporated into the Hoskins document as part its own accident survey around the village and especially highlighting road conditions in Farley Road where, despite sat nav warning signs, Alton Towers traffic was still using it as shortcut and had been involved in accidents. It is still being used as a shortcut to this day.

There can be little doubt that as far as road safety and accident rates are concerned in this area, the impact of traffic generated by the popularity of Alton Towers as a resort is reflected in the high figures on the national data map shown in fig 10.4a.

Those figures will also undoubtedly increase as a result of the additional large volumes of traffic that will be generated onto the local road network by the development at Moneystone Park.

The most up to date figures showing the latest DfT Statistical Release follows below. They indicated the following trends and conclusions about the ever growing reliance upon cars.



Department
for Transport

Provisional Road Traffic Estimates

Great Britain: July 2016 - June 2017

Provisional estimates show that motor vehicle traffic was at a record high in the year ending June 2017.

The **provisional figure**, of 325.1 billion¹ vehicle miles travelled on Great Britain's roads in the year ending June 2017, was 1.4% higher than the previous year. Rolling annual motor vehicle traffic has now increased each quarter in succession for over four years.

In this publication

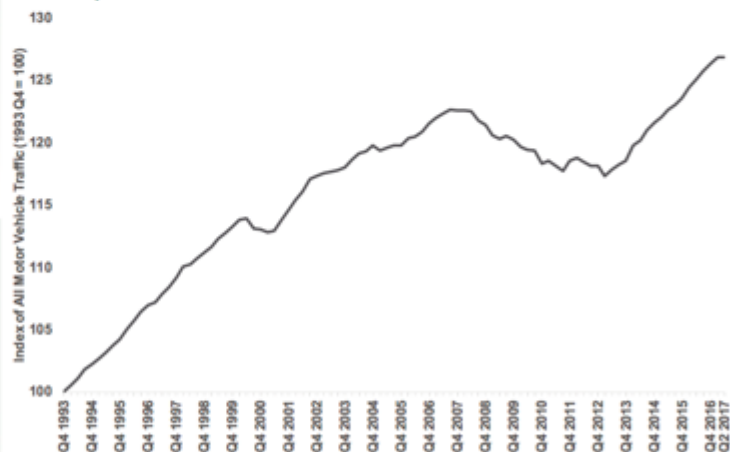
Summary Figures	p2
by Vehicle Type.....	p3
by Road Type.....	p4
by Road and Vehicle type	p5
Background	p5

About provisional traffic estimates

This release presents provisional estimates for road traffic in Great Britain for July 2016 to June 2017. Provisional estimates are published quarterly and remain provisional until after they have been constrained by the final annual estimates each year. Final annual estimates for 2017 are due to be published in summer 2018. These provisional estimates are based on traffic data collected continuously from a network of around 200 automatic traffic counters. Final annual figures also incorporate manual traffic count data.

Traffic shows a seasonal pattern at the national level, being highest in

Chart 1: Rolling Annual Indices of Road Traffic in Great Britain, from 1993



Compared to the previous year, in the year ending June 2017:

- ▶ **Car traffic increased** by 1.3% to a record 253.5 billion vehicle miles.
- ▶ **Van traffic continued to rise**, increasing by 3.6% to a new peak of 49.8 billion vehicle miles.
- ▶ **Lorry traffic fell** by 1.5% to 16.5 billion vehicle miles.

It shows that traffic on Britain's roads has reached record levels with vehicles driving 325.1 billion of miles in the 12 months up to June 2017. This represents a 1.4% increase upon last year's statistics. Rural roads saw a disproportionately higher increase in traffic, rising by 2.3 % for minor roads and by 2.1 % for A roads.

This final statistic emphasises the threat that the unsustainable alternative modes of transport within this proposal brings, whichever version of the proposal you care to consider; 0682 or 0378 or 0646 In the light of these rising trends, we are now faced with the prospect of even more cars upon the local roads with the status quo, let alone

contemplating a scheme that in order to be viable, will have to generate so many extra car journeys that it will inevitably add to the future burden of road traffic and all its detrimental effects, beyond that.

Conclusion

The Churnet Valley is known as one of the most beautiful parts of the British Isles as mentioned on page 121 of HM Government's Landscapes Review (**Ref 8**) and on page 69 of the SMDC Development Principles in the Adopted Core Strategy, Policy SS1 (**Ref 9**) it states that '...development that is undertaken in a way that protects and enhances the natural and historic environment of the District and its surrounding areas both now and for future generations.' This is a criteria stated in almost identical terms no less than 15 times within the document. The intention by the appellant to construct such large hub building on the open valley side will be to the detriment of its surroundings and possibly jeopardise the application to Natural England to gain Area of Outstanding Natural Beauty status for the Churnet Valley.

The appeal fails on almost every ground, including that of sustainability since virtually everyone will drive to and from the site thus increasing the amount of burnt petrochemical pollutants that residents of the valley will have to endure.

Because of the foregoing I therefore urge the Planning Inspectorate to dismiss this appeal.

David John Williams Chairman of Churnet Valley Conservation Society. Witness Statement
High View
Foxt
Staffordshire Moorlands
ST10 2HN

Referenced Documentation List

(Ref1) Christie & Co. report (ES Vol 3 App 13.1b Transport Assessment Volume 2 Part 10 Appendix D in SMD/2016/0378)

(Ref 2) Design Manual for Roads and Bridges, Volume 6 Road Geometry, Section 2 Junctions, Part 6 TD42/95

(Ref 3.1) 2.3.12 (Option1) of Appendix 13.1a Transport Assessment Vol 1 Part 1

(Ref 3.2) 3.2.2 to 3.2.10 of Appendix 13.1a Transport Assessment Vol 1 Part 2

(Ref 3.3) PB1608 SK001 Proposed Layout A52 Whiston Eaves Lane

(Ref 4) SMDC Refusal of Planning Permission, Reason 2, Page 1

(Ref 5) Policy T2 of SMDC's Adopted Core Strategy, Page 148

(Ref 5) ES Vol 3 App 13.1b Transport Assessment Volume 2 Part 10 Appendix D

(Ref 6) Travel Framework Plan ES Vol 3 App 13.2 Transport Plan Framework Part 1 Appendix B

(Ref 7) Policy T1 - Development and Sustainable Transport of the Adopted Core Strategy Development Plan Document, Page 146

(Ref 8) page 121 of HM Government's Landscapes Review

(Ref 9) Policy SS1 of the Adopted Core Strategy Development Principles, Page 69

Fig 1. Road Closure Avoiding and Diversionary Routes

Fig 2. Proposed Route to Alton Towers and Sat-Nav Directed Route

Appendix 1

FOI ref no: 8269

22/09/2017

Mr David Williams

Dear Mr Williams



**STAFFORDSHIRE
POLICE**

Freedom of Information request: reference 8269 first notified to us on 9 June 2017.

Thank you for your recent request under the Freedom of Information Act 2000 detailed below:

A52 Whiston Bank - Vehicle Incidents

Can you please supply the following details in relation to all incidents that involved, or were reported to, Staffs Police - for example - accidents, stalled or roll back vehicles or vehicles otherwise incapacitated on A52 Whiston Bank per month for the last 3 years?

- 1. Date and time?*
- 2. Vehicle type?*
- 3. Was the road closed or not?*
- 4. Length of time the road was closed?*
- 5. No. of persons injured?*
- 6. No. of persons treated by NHS staff (or doctor)?*

Staffordshire Police's response to your enquiry is as follows:

I can confirm Staffordshire Police does hold the information you have requested.

Please see data attached.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of this email and should be addressed to:

Tracey Brindley
Freedom of Information
Central Disclosure Unit
Staffordshire Police
PO Box 3167
Stafford
ST16 9JZ

Please remember to quote the reference number in any future communications.

Should you require any further information please contact Central Disclosure Unit on 01785 232195.

Yours sincerely

Tracey Brindley
Freedom of Information Decision Maker
Central Disclosure Unit
Staffordshire Police

Call Type Description	Date & Time	Road Closed/length of time	Injury/treated by NHS staff	Vehicle type
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HIGHWAY DISRUPTION/HAZARD	08/09/14 @ 11:05	Not Stated	Not Stated	No vehicle
HIGHWAY DISRUPTION/HAZARD	08/09/14 @ 15:01	Not Stated	Not Stated	No vehicle
HIGHWAY DISRUPTION/HAZARD	21/10/14 @ 08:18	No	N	No vehicle
HIGHWAY DISRUPTION/HAZARD	30/10/14 @ 09:50	Not Stated	N	Lorry
HIGHWAY DISRUPTION/HAZARD	08/11/14 @ 07:24	No	N	No vehicle
HIGHWAY DISRUPTION/HAZARD	29/01/15 @ 12:24	Not Stated	Not Stated	Car & lorry
HIGHWAY DISRUPTION/HAZARD	09/02/15 @ 17:04	Not Stated	Not Stated	Van
HIGHWAY DISRUPTION/HAZARD	14/02/15 @ 10:27	Not Stated	Not Stated	No vehicle
HIGHWAY DISRUPTION/HAZARD	27/02/15 @ 09:08	Yes	Not Stated	Lorry
RTC DAMAGE ONLY	24/05/15 @ 16:49	No	N	Car
HIGHWAY DISRUPTION/HAZARD	10/06/15 @ 22:58	Not Stated	N	Lorry
RTC DAMAGE ONLY	06/07/15 @ 14:49	Not Stated	N	Car & Truck
HIGHWAY DISRUPTION/HAZARD	01/08/15 @ 11:34	Not Stated	N	Car
HIGHWAY DISRUPTION/HAZARD	07/08/15 @ 21:03	Not Stated	N	No vehicle
RTC SLIGHT INJURY	25/11/15 @ 14:53	Not Stated	Yes - no details on treatment	Car
HIGHWAY DISRUPTION/HAZARD	03/12/15 @ 08:16	No	N	Lorry
HIGHWAY DISRUPTION/HAZARD	12/01/16 @ 13:33	No	N	Truck
HIGHWAY DISRUPTION/HAZARD	14/01/16 @ 20:48	Yes - not state how long	N	No vehicle
HIGHWAY DISRUPTION/HAZARD	28/01/16 @ 18:52	Yes - 30mins	n	Lorry
HIGHWAY DISRUPTION/HAZARD	04/02/16 @ 08:30	No	N	No vehicle
HIGHWAY DISRUPTION/HAZARD	05/02/16 @ 22:47	Not Stated	N	Lorry
HIGHWAY DISRUPTION/HAZARD	17/02/16 @ 17:34	Not Stated	N	HGV
HIGHWAY DISRUPTION/HAZARD	18/03/16 @ 16:27	Not Stated	N	HGV
HIGHWAY DISRUPTION/HAZARD	20/04/16 @ 14:44	Not Stated	N	Caravan
HIGHWAY DISRUPTION/HAZARD	11/07/16 @ 09:19	Not Stated	N	Lorry
HIGHWAY DISRUPTION/HAZARD	02/08/16 @ 09:11	Yes - not state how long	N	No vehicle
HIGHWAY DISRUPTION/HAZARD	07/10/16 @ 17:44	No	N	No vehicle
RTC DAMAGE ONLY	18/10/16 @ 16:23	Not Stated	N	No vehicle
HIGHWAY DISRUPTION/HAZARD	08/11/16 @ 15:00	Not Stated	N	Lorry
HIGHWAY DISRUPTION/HAZARD	17/11/16 @ 12:27	Yes - not state how long	N	No vehicle
HIGHWAY DISRUPTION/HAZARD	12/12/16 @ 22:19	Yes - from 22:32 to 01:35	N	Lorry
HIGHWAY DISRUPTION/HAZARD	08/02/17 @ 18:24	Not closed	N	Car
HIGHWAY DISRUPTION/HAZARD	07/03/17 @ 18:411	Yes - not state how long	N	Lorry

HIGHWAY DISRUPTION/HAZARD	22/03/17 @ 10:18	Not Stated	N	Lorry
HIGHWAY DISRUPTION/HAZARD	29/03/17 @ 08:44	Not closed	N	No vehicle
HIGHWAY DISRUPTION/HAZARD	22/04/17 @ 14:281	Not Stated	N	Car
HIGHWAY DISRUPTION/HAZARD	17/05/17 @ 13:351	Not Stated	N	Lorry
HIGHWAY DISRUPTION/HAZARD	31/05/17 @ 22:42	Not Stated	N	No vehicle
RTC	19/07/17 @ 11:12	Not Stated	N	No vehicle
HIGHWAY DISRUPTION/HAZARD	17/08/17 @ 15:50	Not Stated	N	Lorry
RTC DAMAGE ONLY	25/08/17 @ 13:57	Not Stated	N	No vehicle

End of Appendix 4

Of course there would not be such an expected concentration of vehicles, accidents and emissions unless there was such a large development being planned and designed at Moneystone. We have to accept that as an inevitable consequence of this size and scale of development being sited here via the SMD/2019/0646 application.

However, that does not stop the local councillors such as Mrs Malyon who spoke about it fervently at the PAC hearing, wanting to continue to raise the safety concern as a genuine fear of the increased risk of danger to the travelling public.

For her it is the size of the lodge settlement with so many people focussed into such a small area that has alerted her to continue to consider the dangers both in access and egressing the site by car and, as we will come to shortly, the dangers within the lodge complex itself.

That persistent unease has continued ever since the outline plans were mooted over 10 years ago and it prompted her to request Mr Williams' assistance to produce his up to date analysis.

Sir you will read/ hear some interesting and somewhat contrasting claims in this case.

For example, the Appellants for their part have made a big issue of the leisure cycling opportunities in and out of the site onto the local lanes.

Yet the biggest number of people on bikes that are killed each year or road accident fatalities, occur on c roads such as the steep and winding lanes that feed into the development site.

It is also a cold, hard fact that when the first outline plan for the development was brought forward by the Appellant in 2014, that was SMD/2014/0682, it was refused on highway safety grounds because of the nature of the local road network.

In 2016 there was no such opposition to the outline permission SMD/2016/0378 and yet the roads were exactly the same.

Weirder still, in 2016, access to the site was granted on the strength of a no right turn provision at the exit. Yet 20 minutes later that same no right turn provision was refused on highway safety grounds.

However, before we investigate that further and other aspects of access within the levels from outside the site and among the lodges, I would recommend that when you do venture around on your site visit, that you do at least travel the access route and very carefully inspect the road junction and layout at the end of the Whiston Eaves Lane in Whiston Village where the access turn off the A52 is proposed.

This junction is purportedly to be the main conduit for all the traffic visiting the site in both directions.

It is a very contentious matter whether the proposed junction plans that were drawn up initially 14 years ago, are suitable for the purpose and are sufficiently safe.

There were three independent reports commissioned to check on the submissions by Royal Haskoning and later Mott McDonald who acted on behalf of the Appellant, and the latter of these is attached below for reference. We know it as the John Ross report and it is included within the core documents.

This survey and report was carried out in 2017 *after* the outline permission SMD/2016/ 0378 had been granted but is more up to date account /critique of the situation with regard to the current safety situation at the junction today.

It contains very useful and informative evidence of the roads and in particular the A52 junction with Whiston Eaves Lane in section 4 of the report.

I attach key conclusions from the report below as an aide memoir only.

6.0 SUMMARY & CONCLUSION

- 6.1 The proposed development site is not EASILY ? accessible by modes of transport other than the private car. Local public rights of way do not provide direct access to the site or follow likely desire lines for journeys to work by staff, or access / egress routes for guests. Limited levels of local bus transport do not serve the site itself, rather calling at bus stops at least 1.5km from the site with onward connection to the site being required on foot. Aspirations for a dedicated bus service between the site and Alton Towers and the reopening of a disused railway line are not supported by any formal agreements.
- 6.2 The traffic generation assessment set out in the original application Transport Assessment fails to adequately assess vehicle trips made by guests during their stay, explain where day visitor vehicle trip information has been sourced or assess staff parking demand and hence staff vehicle trip generations.
- 6.3 The current layout of the junction of the A52 with Whiston Eaves Lane provides substandard sightlines. Neither of the layout options proposed by the applicant would improve sightlines sufficiently to meet the required distances. In addition, with the intensification in use of the junction relating to the proposed development, the issue of sightline provision is even more important. In terms of road safety, the options proposed by the applicant could increase the risk of collision as identified in the Road Safety audit.

It is also interesting to report that there is no record at SCC highways of any scheme to improve the junction and at the moment there is no provision whereby this condition of access has been discharged.

Another red herring that can easily be discredited is the argument that the junction is safe as bulk tankers regularly emerged onto the A52 from the lane exiting the quarry when it was in use and there were no accidents. However, what has been overlooked in the past is that these tankers were heavy and huge, but the driver's vantage point was higher than normal vehicles so their vision was better and they were regular local drivers who were used to the junction, so knew its difficulties and took account. They were not visitors in huge numbers, unfamiliar to the turning and with low sight lines from their driving position in their cars . Being big and bulky also meant those lorries were much more visible to approaching traffic.

A similar problem to consider awaits at the entrance to the site where it is alleged that access has been permitted via the grant of outline planning permission.

The argument is explained in appendix 2 of the CVCs submissions.

Appendix 2 The case of the no right turn and no access

In 2014 the outline application SMD/2014/0682 was heard and refused.

In response to this set back a few alterations to address some of the reasons for the refusal were incorporated into another application in 2016 ref SMD/2016/0378 which was successful. However 20 minutes later a second application for a right hand turn restriction out of the exit to the quarry ref SMD/2016/0388 was immediately rejected.

This was a strange outcome as one of the main aims in the applications was to avoid traffic impact upon the newly designated conservation area of Oakamoor village into which traffic would flow, both arriving at the quarry site from Oakamoor, up Carr bank, a very narrow, windy, single track road with a 1 in 5 climb directly out of the village, and using the same route to depart as indicated via by Sat Nav in order to reach the popular destination of Alton Towers.

CVCS had campaigned vigorously through 2014-2016 that insufficient attention had been paid to the number of additional vehicles that would be using the narrow lane to access the site both from the Whiston turn off the A52 along Eaves Lane and from the other end via Carr bank.

In 2014 that was acknowledged as one of the reasons for refusal by the PAC but in 2016 it was hoped that a no right turn measure would suffice to overcome that problem.

Unfortunately the two decisions in quick succession by the PAC in 2016 has caused confusion that still remains contentious and unresolved to this day as will be explained further later.

The approval of SMD/2016/0378 was subject to a judicial review but upheld.

The refusal of SMD/0388 was subject to a conjoined appeal with the refusal of the outline application SMD/2014/0682 in June 2017, but both were withdrawn when the High Court denied any further action on SMD/2016/0378 which was then finally confirmed.

Access

One of the legacies of the decisions in 2016 to approve the outline permission but refuse the no right turn application has implications as regards the current appeal of SMD/2019/0646 (0646 herein after for brevity)

This concerns the validity of the access to the site upon which 0646 depends.

The outline permission SMD/2016/0378 was approved with an access plan for a no right turn

ref no, Eaves Lane Access Plan PB5196-0100 rev C.

However exactly the same plan was used in the refused application SMD/2016/0388, a full application, which was interrogated by HJ Pilling in his judicial review hearing of SMD/2016/0378 and pronounced as exactly the same in the consideration of his eventual verdict.

Judge Pilling's verdict was upon the validity of the approval of SMD/2016/0378 which he upheld, but the evidence from that hearing confirmed that the two access plans used in each were identical and that has presented a problem.

SMDC have maintained that the outline permission SMD/2016/0378 was granted with access via the plan. But the plan was the identical plan that Judge Pilling had accepted as perfectly valid for the purposes of the submission of SMD/2016/0388 for the full no right turn provision which was refused.

The dilemma is that we have two identical plans used for identical planning purposes in restricting or enforcing a no right turn exit from the site on to a public highway, but one is acceptable and approved by the council and the other, the same, has been refused by the council.
A quandary!

The importance of securing that full permission SMD/2016/0388 was not lost upon the Appellant in this case who had submitted it in the first place and then used it in the conjoined appeal in July 2017.

File records indicate that both Royal Haskoning, the traffic experts acting for Laver and the Staffordshire County Highways officer, Mr James Long, discussed the matter in the understanding that the District Council had requested that the full permission was to be obtained for the purposes of solving the problem of the increased volume of traffic flowing down into the village of Oakamoor with its newly established conservation area and the difficulties of the nature of the lane involved as identified earlier above.

Finally, another major stumbling block is the fact that in the approval notice for the outline permission issued by the Council, it is clearly stated that condition 23 cannot be discharged without written approval from the council that has to be obtained in advance, for the plan, the same plan already discounted by the refusal notice of SMD/2016/0388.

How can the condition 23 be discharged if the approval needed in writing has already been refused in writing via the notice issued by SMDC?

Until condition 23 of the consent notice for SMD/2016/0378 is discharged, no development can take place.

It is contended therefore that access permission has not been granted and as such the appeal application SMD/2019/0646 has no validity upon which it can be based or considered.

To that extent SMDC is fully justified in its refusal of 0646 notwithstanding all other reasons being examined in this appeal hearing.

Compiled on behalf of CVCS. 4th July 2024

As far as we can observe there appears to be no access or rather the access that has been claimed to be permitted, seems inoperable because of condition 23 and the refusal of the no right turn application.

However, there are other access issues that are problematic too. Linkages have to be made for the connectivity of internal levels and access within the site to the main access to the public road network.

The John Ross report noted that the interior levels and access to the outside site entrance or main access have not been sufficiently clarified or allied, so that the access component of the design and access statement for SMD/2019/0646 does not specify how all users, regardless of age and ability, will be able to access the development that has now been proposed.
Relevant policy should be referenced specifically to diversity of ability.

The linkages and levels have not been established or clearly shown in the plans.

For example, bearing in mind when the traffic assessment was originally done prior to the submission of the first outline plan in 2014, we have to ask is the information provided up to date on its data for linkages to the public transport network, such as they are now, 10 years on, and how will prospective users be able to gain access from them?

Also, why has the internal layout on the site or roads and linkages within it been chosen and how will the layout of routes within the site be identified and how will it be possible to ensure that they will be maintained?

The John Ross report has a critical analysis on these matters which have not been revised or addressed in the submission documents for SMD/2019/0646
For example

- 2.9 Appendix B of the original application Transport Assessment shows a series of potential cycle routes identified by the applicant and their consultants. These are largely leisure routes, rather than commuter routes, and follow existing footpaths which have no designation for use by cyclists or other existing tracks. Land ownership issues are also identified as areas where further work would be required. As such there is no guarantee that the potential cycle routes shown would be provided.
- 2.10 Direct access to the site on foot or by bicycle would be via Whiston Eaves Lane which beyond Whiston village does not feature footways or street lighting. Eaves Lane to the east of the site towards Oakamoor is narrow and steep in places and also does not feature footways or street lighting. Neither approach route is particularly suited to pedestrian or inexperienced / child cyclist access.
- 2.11 Section 3.6.5 of the original application Transport Assessment sets out that the proposed development site is *'exceptionally well located in context with... footpaths, cycle routes and equestrian routes'*. On the basis of the observations detailed above, this may be an over exaggeration of the site's pedestrian and cycle connectivity.
- 2.12 Section 3.6 of the original application Transport Assessment details public transport accessibility and sets out that there are 4 regular public transport services from bus stops in either Oakamoor or Whiston. These include:
- 10 services per day on Route 32A from Oakamoor (1.5km from the site),
 - 2 services per day on Route X39 from Cotton (2.0km from the site),
 - 17 services per day on Route 32 from Kingsley Holt (4.2km from the site), and
 - 7 services per day on Route 235 from Cheadle (2.0km from the site).

What is the situation for these services now given that the bus routes in the area have radically altered or no longer exist ?

- 2.13 It must be noted that the nearest of the access locations detailed is 1.5km from the site meaning that anyone using these services would have to complete their journey on foot. As noted above, the approach route to the site via the local road network is not particularly suited to pedestrian access due to the lack of footways and street lighting.

And later it adds

- 2.16 Even with this new service, the site remains largely inaccessible by bus without passengers having to complete their journey on foot. In periods of poor weather and during hours of darkness, the walk to the site from bus stops some 1.5km to 4.2km from the site is not considered to be particularly practical or indeed safe.

- 2.17 Para 3.6.2 of the original application Transport Assessment sets out that:

'They key to successful integration of the site into the public transport network will be to connect services to the site hub, which acts as the main point of arrival and departure for the site'

- 2.18 Para 9.4.1 of the original application Transport Assessment goes on to set out that:

'The proposals would require physical bus stop infrastructure to enable the site to be connected to services linking the site with other local destinations, such as Alton Towers, or potentially public bus services. The detailed design of such infrastructure would be dependent upon the level of utilisation of the existing bus service and hence, available capacity'

- 2.19 No further mention is made in the original application Transport Assessment or the Transport Plan Framework (Travel Plan) prepared in August 2014 by Royal Haskoning DHV of the measures taken to secure public transport service provision at the site. As such, it cannot be assumed that local public transport operators would serve the site and as such the suggestion that the site would be linked to other destinations by public transport services is an aspiration rather than guaranteed by a formal agreement.

- 2.20 The original application Transport Assessment at Para 3.6.3 sets out that;

'Alton Towers has confirmed that they would operate a bus service between the site and the leisure park for lodge residents wishing to visit Alton Towers for the day'.

- 2.21 Again, while this may be an aspiration of the proposed operator, there is no evidence of a formal agreement between the operator and Alton Towers to provide such a service. As such, the provision of such a service cannot be guaranteed.

- 2.22 The original application Transport Assessment at Para 3.6.6 sets out that;

'The site also has a highly significant opportunity to connect the site to the prospective Churnet Valley Railway. The consequential support that linkage of the site to that rail service would provide, as a feature of the local tourist industry in its own right, would be a further material benefit of the proposals.'

- 2.23 Again, this is an aspiration of the operator and no formal agreement has been entered into for such an extension of services to Oakamoor. It is also questionable where funding for such an extension would be sourced. The Churnet Valley Railway website makes no mention of the proposed extension of services to Oakamoor, instead detailing plans to extend to Leek - which would not benefit site users.
- 2.24 In summary, the proposed development site is not currently particularly accessible by modes of transport other than the private car. Local public rights of way do not provide direct access to the site or follow likely desired lines for journeys to work by staff, or access / egress routes for guests. Limited levels of local bus transport do not serve the site itself, rather calling at bus stops at least 1.5km from the site with onward connection to the site being required on foot. Aspirations for a dedicated bus serves between the site and Alton Towers and the reopening of a disused railway line are not supported by any formal agreements.

Moreover we would add that the question of whether emergency services being able to reach the whole site is not resolved.

The site should provide access and facilities for the fire service in accordance with Approved Document B5 of the Building Regulations Section 15 (Fire Mains and Hydrants) and Section 16 (Vehicle Access).

We are concerned that access roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any property, should be capable of withstanding a load of the new generation of pumping appliances used within Staffordshire which have a G.V.W of 17800Kg. according to the Chief Fire Officer.

There are several problems that will arise therefore on the matter of vehicular access and weight limit.

For example, Whiston Eaves Lane has a weight restriction of 7.5tons at the quarry entrance.





How will emergency fire service vehicles get to any wooden clad lodges situated down in the quarries, especially quarry 3 which is 1/2 a mile away from here by a narrow, circuitous, internal route, when the site lacks obvious signage.

On the basis of fire risk, this is potentially lethal hazard in the scheme's design and layout.

Another point worth a mention is the lack of an additional emergency exit from quarry 3 which is only accessible in or out via the one narrow point in the south east corner in the event of a fire in the quarry 3 lodges.

It is likely too that emergency services might be required in the event of a person or child falling into deep water in the quarry 3 especially when so many lodges are to be built on piles just above the water, or clustered around it.

When siting a development in such surroundings of a confined, steep sided quarry with so many similar looking lodges squeezed in together and so near the hazard presented by the water body, we would have thought that matters of the internal access and signage would have been prioritised and made more obvious but it seems from the evidence in the documentation and the physical nature of the terrain within the site and from the location and the design of the lodges, we are wrong.

We will now examine the nature of the large body of water that has formed in quarry 3 and its role in the design and layout of the lodges.

As we were reminded earlier, changes in the outline plans must be considered very carefully in reserved matter applications.

Another material change in the scheme since the outline plan was passed is the recognition by the Environment Agency of the water body in quarry 3 as a large raised reservoir.

This has implications which were not dealt with in the reserved matters application and in turn raises other connected issues regarding water borne contamination and stability and above all as regards the direct influence on the siting/ layout of the lodges, public safety which has to be considered.

These matters are raised in more detail in Appendices 6-9.

To begin however let us present the latest confirmation from the EA

creating a better place
for people and wildlife



Mr Walters

Our ref: NAT/CCS/14046

Your ref:

Date: 15 June 2023

Dear Mr Walters,

I am writing to update you with our recent decision regarding Moneystone Quarry and the ongoing query regarding the Reservoirs Act 1975.

Firstly I'd like to apologise for the delay in responding to you and to thank you for your patience regarding this matter.

As you'll be aware we received advice from James Penman, an All Reservoir Panel Engineer (ARPE) in 2021 advising that Moneystone Quarry did not constitute a large raised reservoir under the Reservoirs Act 1975. We were challenged on this decision so sought a second opinion from a different ARPE Rachel Pether, who gave a difference in opinion and recommended that Moneystone Quarry was a large raised reservoir.

The inconsistency in recommendations given by the ARPE's appointed by the Agency is due to differences in technical opinion on the definition of 'surrounding land' which is currently not defined under the Act. Mr Penman's interpreted the natural ground level of the surrounding land was the high point on the base of the outlet pipe trench before the overflow weir was removed. Mrs Pether's interpretation was that the natural ground level of the surrounding land was the level of the downstream bed, which was significantly lower – in theory allowing for more storage above that point.

We have decided that Moneystone Quarry does fall under the ambit of the Act and therefore will be registered accordingly. We are currently working with the undertaker regarding appointing engineers.

When registering a reservoir, the undertakers have a process to follow with appointing Engineers and issuing certificates before we then carry out a formal risk designation whereby we determine if the reservoir is high risk or not high risk.

As previously agreed I have provided a copy of the recent report of the site visit in October 2022. The report was finalised in March 2023. The report does contain minimal redactions under the National Security exemption following guidance in the National Protocol for the Handling, Transmission and Storage of Reservoir Information and Flood Maps

customer service line 03708 506 506
[gov.uk/environment-agency](https://www.gov.uk/environment-agency)

Appendix 6 gives the history and background and summarises the position to date.

Appendix 6

Appendix 6 The quarry 3 reservoir and its significance to the design and lay out in application SMD/2019/0646

A major factor of the design and layout in the SM/2019/0646 application is the presence of a large body of water in quarry 3.

Its central location has been instrumental not just in the siting of the lodges which have had to fitted in around it in the space between the water's edge and the steep quarry cliffs but also their shape and structure. The stability of the piles upon which those nearest the surface of the water have been proposed to rest upon has been a concern for the PAC members for the several years, but another more immediate concern was the proximity of the people using the lodges, and especially families with young children, to the deep water and the quality of the water itself.

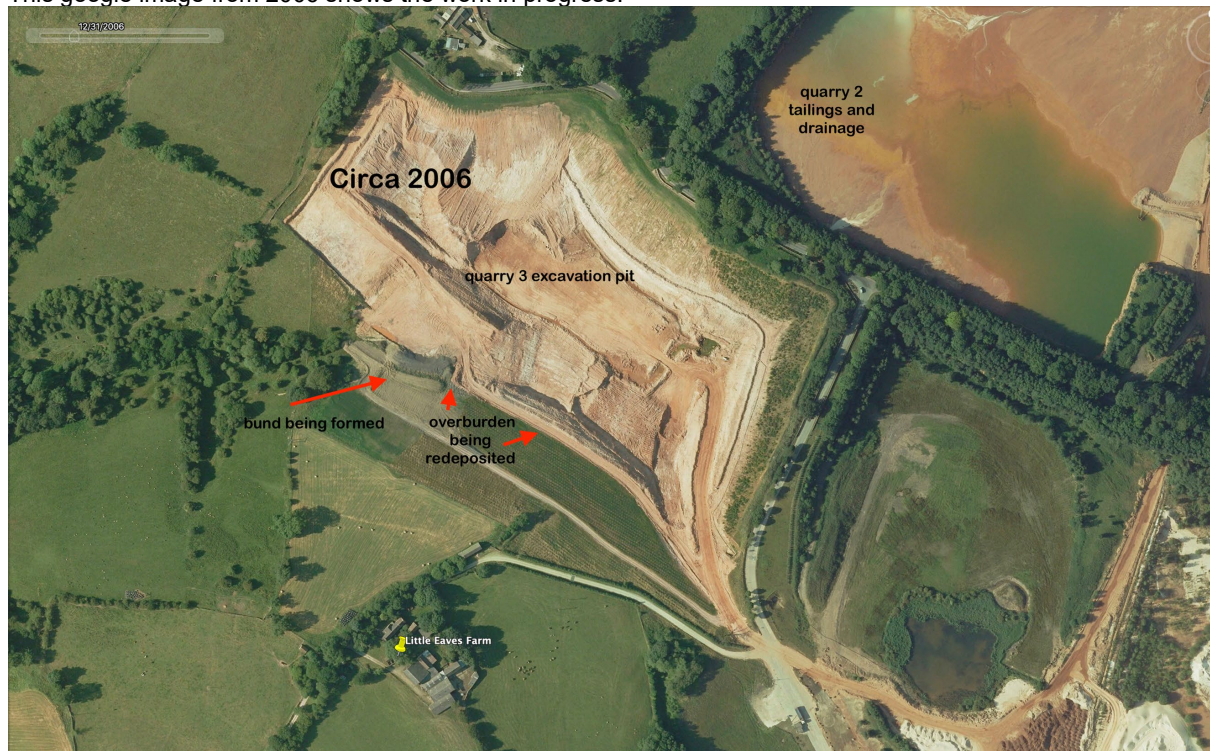
We believe that this is a very important consideration in terms of public safety that has been overlooked by those wishing to use the lodges in their delivery of accommodation space and how they have incorporated them in the layout plans.

The second tier of lodges around the water that has to be stepped back higher up into the cliff in order to provide more accommodation space is another risk in that it is also temptingly close.

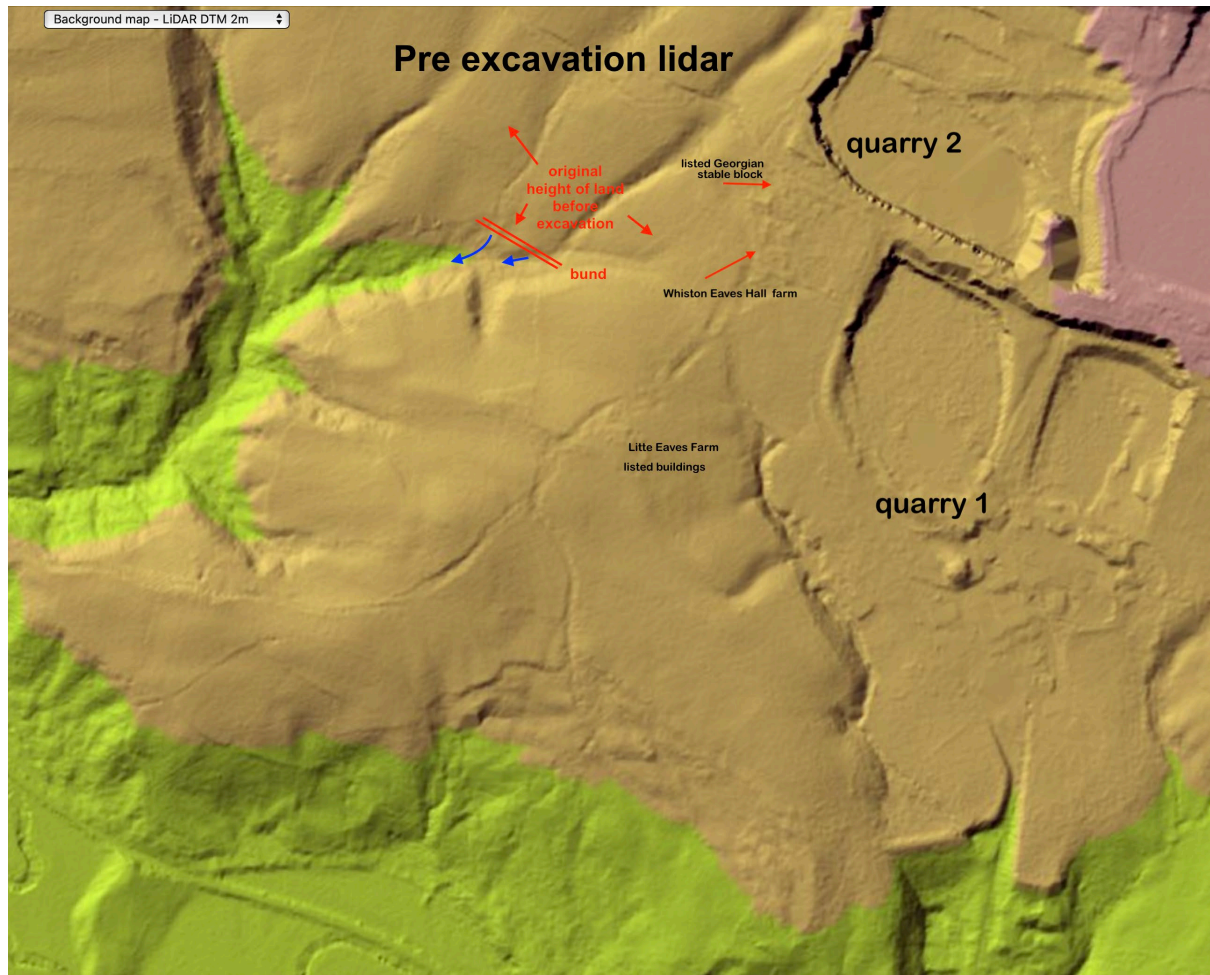
We note too that in the south west corner of quarry 3 a bridge has appeared in the planned design in order to cut off the route of an access road that encircles most of the space around the perimeter of the quarry more or less at water level and divert it away from the bund in the south west corner where the lowest and most vulnerable edge of the former quarry pit lies.

This area and the southern flank of quarry 3 has been shown in early reports to be potentially unstable, being areas where redeposited loose material, overburden and the waste from other parts of the quarry has been used to landscape the sides and lower slopes of the land bridge or natural bedrock.

This google image from 2006 shows the work in progress.



Below is a pre excavation lidar image showing the original landforms and heights before the quarrying began. It also shows the cloughs and locations of the original listed buildings before quarry 3 was formed.



So the whole interior lay out of the lodges in quarry 3 have had their localities governed by the formation of the lagoon/ reservoir and its surface level and mass.

Although this water is portrayed as a naturalistic lake facility in the models and visionary images of the designers, the reality is very different.

Most water bodies associated with sandstone quarries are those formed in wide river valleys where lagoons have occupied the voids created by large areas of extraction and filled by the local hydrology or water table.

Moneystone quarry 3 is unique in that it was for most of its working life, a dry extraction pit. However, as a result of its history and landform, it is now a perched reservoir hemmed in its southern edges where the natural land falls away into Churnet Valley to the west and surrounded elsewhere by the remnant cliff faces that hold in the volumes of water that has accumulated since the extraction pit closed. The south west corner has a raised embankment or bund to control the water levels and where, in the likely event of sudden and excessive rainfall events, overtopping would take place.

It is a pressure point and did have an emergency release valve by way of an overflow system that was installed by the previous owners, Sibelco, but destroyed in 2021 by one of the Appellant's agents in an unauthorised excavation.

Background

Timeline - the EA and the reservoir issues

When the quarry ceased extraction circa 2009, the deep extraction pit at quarry 3 began to fill with water from quarry 2 and other sources as Sibelco turned off their control pumps. As a result the former, dry pit filled up and a quarry lagoon was created, or a large quarry tip under the Quarries Act as water is classed as such and should be subject legislation under that Act .

Various inspections and desk top reports were compiled by Abbeydale BEC as background information to the eventual plans for the holiday development and remain the basis upon which the reserve matters SMD/2019/0646 are founded.

However whether any quarry closure reports or Health and Safety Inspections by outside bodies were carried out is unclear as there are no extant records available at Staffordshire County Council, which is the Mineral Authority overseeing the quarries in its area, or any record of inspections of such, as far as we could tell.

Concerns about the stability and safety of the quarry sides and possible tsunami dangers came to light when the reports by the Appellant's agents Abbeydale BEC were revealed to the public and this will be raised again elsewhere.

Further background scrutiny by CVCS and Whiston Action Group was carried out into the ground conditions around the lagoon or lake as it was then termed, as plans for its use as a water sports centre were being considered, and in the 2014 refusal hearing of the outline plan SMD/2014/0682 many of the PAC members raised serious concerns over the safety of the waterside lodges and their location and design which was a very important factor and influence in their subsequent refusal decision.

As in the case of this Appeal, the reasons for the eventual refusal of the 2014 outline permission as listed on the notice issued, did not accurately reflect the depth of discussion and concern over the actual design, location and lodge construction that was evident and influential in the PAC's decision.

By addressing the other specific problems raised in the 2014 notice as reason for refusal, the Appellant re-applied with the minor alterations and by concentrating solely on those, persuaded the PAC to accept a new outline plan in 2016.

Like many other issues that have been and continue to be reasons to refuse the application, these types of concerns became sublimated in the overall mass of arguments and tended to be overlooked when in truth they are still very relevant and should be prioritised.

Consequently the precise legal definition of the water mass in quarry 3 remained unclassified. This classification was important to establish but had hitherto been just accepted by the case officers as just a lake or lagoon. However, the legal responsibility around it became more prominent in the ongoing discussions leading towards the reserve matters applications and the question arose as to its precise legal classification.

Reservoir issues

Between 2016 and 2020 investigations by CVCS members into the capacity of the quarry 3 lagoon and whether it and the quarry itself had ever been inspected by the HSE since closure and the subsequent flooding, brought attention to the safety of the bund in the south west corner of quarry 3 and the possibility that quarry lagoon was not subject to the Quarry Safety Act after all, but in fact was an unclassified raised reservoir.

Seepage from the bund into the SSSI immediately adjacent was evident in the type of vegetation prominent below it and as this was shortly after the the Todbrook Reservoir Incident up in the Peak District in 2019 and led to the Bamforth investigation and report into the aftermath of that near catastrophe, CVCS researched into the matter and sent evidence to draw it to the attention of the Environment Agency.

Here is a detailed timeline of events that ensued.

Early in 2021 after investigations by Jarrod Ford and other CVCS members as to whether the quarry lagoon constituted classifying as a reservoir or just a quarry tip, contact was made with Myles Cooper Bradley (MCB) the Reservoir Enforcement Officer at the Environment Agency (EA) about concerns with the bund safety and general stability of the area in the SW corner of quarry 3 having picked up on suggestions from earlier Abbeydale reports of potential instability arising from landscaping and redepositing of quarry waste and the underlying geology.

As a result of correspondence between us and the EA, MCB commissioned an inspection by an independent panel engineer and on the 2nd March a site meeting was arranged at which the following were attendees:-

James Penman(JP) from Mott McDonald All Reservoir Panel Engineer
MCB from the EA)
Steven Haywood (EA)
Peter Lloyd Abbeydale BEC on behalf of the land owners/ Appellant, Laver Leisure (LL)

As a result of which JP produced a report which established that it was category D raised reservoir ; it needed licensing but was regarded as not high risk issue.
However if certain works were carried out to reduce the lake levels so that the total volume of water above land level to be retained behind the dam and estimated at the time to be circa 50,000m³, was lessened to 10,000m³ it would take the quarry out of the ambit of the Reservoirs Act.

18th March MCB informed Abbeydale that they had until 17th June to act. Either the Appellant licensed it in accordance with law under the Reservoir Act or obtained permissions to carry out measures to reduce the volumetric size of the water in the lagoon.

On the 28th April, the Penman report was redacted by Roger Lewis at the EA before being released in a FOIA response to our request.
Requests for the full report had been repeatedly turned down, principally on the grounds of public safety from potential terrorism.

6th May Abbeydale told EA they were consulting with JBA and Natural England.

27th May MCB wrote to Abbeydale for news on progress as deadline approaches. Peter Lloyd was on holiday.

1st June Abbeydale informed MCB that they are meeting with the JBA.

4th June 2021 further info. on the site meeting inc. notebooks were released to us under an FOIA disclosure.

11th June MCB asked for update as the deadline was the next week !

14th June Abbeydale revealed plans but Abbeydale also requested more time, ie a further 6 months to carry out the work.

14th June MCB replied to say that three months grace had been unusually generous enough and enforcement was threatened if deadline was not met i.e. registration by 17th June.

16th June MCB questioned if they are registering the reservoir or not.

MCB reminded Abbeydale by email of the need to meet the deadline set for either registration or works to be completed in accordance with the report.

17th June Rick Saville (RS) of Abbeydale replied on behalf of Peter Lloyd to confirm if it was ok for works to go ahead next day.

Later that day MCB replied that he understood that only minor works were required and certainly not trenches as suggested by RS. If not carried out then, it must be registered as a reservoir.

18th June RS replied that the works are done and sent poor quality photos to prove it.

28th June MCB informed CVCS that the work was completed and the lagoon/lake was no longer a reservoir.

29th June CVCS inquired about the supposed report and more importantly the proof of permission being granted via LPA etc

30th June we requested more info. on the inspection of the bund buffer zone and height of stream as shown on Hepworths' plan(earlier quarry owners).

4th August we received a reply from EA who sent a FOIA response including an email string of correspondence between the parties.

15th September we alerted MCB to the illegality of Abbeydale's works and stressed instability dangers as they had damaged the weir and bund.

21st September further questions are sent to EA regarding consequences of Abbeydale and EA action, and again making the case for further inspection etc

Photographic evidence on site shows clearly the crude and destructive nature of the hastily excavated work. There had been no proper permissions obtained from both the EA or the LPA (SMDC) or preliminary assessment reports; no prior notification to the EA about reduction of levels as is legally required.

In short it was destructive mess and completely unauthorised or illegal.

Here are a few sample photos from the aftermath showing the complete destruction of the original safety overflow system and underground pipes lying by the hacking through of a quick trench.



No other correspondence from MCB.

10th December we sent him another email about risk with examples from EA reports of collapsed earth dam from water action and stressed need for inspection and stability check.

However a FOIA response from the EA on the 15th December notified us of the following :

“The works have been assessed by an All Reservoir Panel Engineer (APRE), James Penman, in the company of the Environment Agency National Reservoir Safety Team Leader (Mark Aford), Enforcement Officer (Abi Bates), Bolerstone Group PLC (Peter Swallow) and Abbeydale (Peter Lloyd). The visit took place on 21 October 2021. We found that a channel 1.2 wide had been cut adjacent to the original outlet weir. The depth of the channel was 1.4m from the side wall of the outlet weir, making the invert level of the channel approximately 157.34m AOD. The channel had been cut with vertical sides, but these had degraded partially, blocking the invert of the channel. We (specifically the APRE and the Environment Agency) were satisfied at the time of this visit that the works completed meant that there was no longer an impounding structure and that the quarry did not constitute a large raised reservoir as it is not capable of storing water above natural ground level. The trench has since been cleared out and modified such that the sides have been battered back to prevent collapse.” It also included

Record of discontinuance of reservoir dated 02 November 2021 including Certificate of discontinuance of reservoir dated 02 November 2021

It stated that the trench has been formalised to the satisfaction of James Penman and no further works are deemed necessary.

We replied on the 22nd December to EA

“Dear Karen

Thank you for the recent update on the reservoir at Quarry 3.

We have taken note of all the information within the reports and the details in the photographs and as a result of showing the latest information to our legal team and advisory engineers, we make the following responses which we think need to be considered asap on two fronts; one legal and the other technical.

Part 1

Illegal and unregistered reservoir at Quarry 3 - Moneystone Quarry.

We would refer you to all previous correspondence passing between the Environment Agency and myself on behalf of the Churnet Valley Conservation Society and other residents, concerning the presence in Quarry 3 at the Moneystone Quarry of an unregistered and illegal Reservoir.

As a matter of the ongoing concern we raised about the instability of quarry 3 and its SW flanks, we drew the attention of the Environment Agency, Staffordshire Moorlands District Council (SMDC) the LPA dealing with the development at the quarry, and Staffordshire County Council (SCC), as both the Leading Local Flood Authority (LLFA) and the LPA in charge of the restoration plan and after care of the former Moneystone Quarry, to the fact that the owners, Laver Leisure, have been operating a large raised reservoir for the past ten years without a licence and appropriate safety checks.

You will be aware of the following matters that I and others have raised with you:-

- a) The clear and obvious conflict of interests between the EA agent Mr. Penman acting on EA instructions in a matter where Mr. Penman is part of Mott McDonald a firm which has acted already to advise the reservoir operators / owners in planning applications relating to the development of the Moneystone Quarry site.
- b) The ongoing refusal of the EA to disclose an un-redacted copy of a report prepared by Mr. Penman dated 17th March 2021 on the instructions of the EA, thereby keeping important factual details secret from the residents in a manner that does and/ or may affect their Human Rights under the HRA.
- c) That the Applicants had acted unlawfully on or about the June 17th-18th 2021 by ‘trenching’ an important retaining bund at Quarry 3 claiming expressly and/ or implicitly to be acting with the authority of the EA, a ‘fact’ subsequently denied on the record by EA its enforcement officer, Mr Myles Cooper -Bradley who reminded the agents, Abbeydale, acting on behalf of the reservoir operators Laver Leisure, that before any such works could take place, they needed first to have correctly obtained the necessary planning permissions from the LPA’s responsible for the quarry.
You will also be aware that
- d) Despite the EA's stipulations, no such consultations or permissions were obtained from the LPAs involved, or from Natural England (NE) as the Statutory body concerned with the hydrological impact upon the SSSIs immediately adjacent to the reservoir.
- e) That however on the 18th June, **without** the aforesaid approval or consent of the EA, and /or NE, and/or the LPAs, unauthorised engineering works took place in a hasty, last minute attempt by the engineers, Abbeydale, on behalf of the owners, to avoid the costs and implications of licensing the reservoir by claiming that in doing so

they had reduced the overall water level of the reservoir to the extent that the capacity of water retained in quarry 3 would no longer deem it to be classified as a raised reservoir.

Suffice to say that an open trench was machine dug through the bund destroying the existing outfall piping from the weir and the safety overflow provision that had been installed by Sibelco, the previous owners of the quarry. The work failed to be properly supervised and no proper reports were provided to prove the claim that the works had been successful in terms of fulfilling the panel engineer's requirements.

f) The EA denied that the work had been properly carried in accordance with the correct procedures.

g) In subsequent correspondence I drew to the attention of the EA the photographic evidence demonstrating damages caused during the 'trenching' to the then extant water overflow pipe.

(h) That on the 9th August I put the EA on notice of the weakening of the retaining bund by the said action of the operators which was carried out without appropriate planning permission.

i) The EA are on the record as being aware that the Staffordshire County Council Mineral Planning Authority (SCC MPA) have the legal responsibility under an extant Restoration and After Care plan and that two named EA Officers attended the Quarry in 2016 to consider issues of instability.

j) The EA via Mr Cooper Bradley stated that the fully disclosable report made by the panel engineer back in March explaining how the matter would be handled and the goal achieved, was promised by the EA to be sent to SCC as the leading local flood authority (LLFA)

However a Freedom Of Information request for a copy of the report sent to SCC, elicited the following response from SCC on the 18th November as follows:-

(ref F0006100) 'We have checked all our files and cannot find any report produced by James Penman from Mott McDonald for Moneystone quarry. "

k) In the meantime, since June the damaged bund has remained unprotected from the elements with onsite evidence of the unauthorised trench at greater risk of collapsing and, despite Natural England requesting that Laver/ Abbeydale restore the dam's integrity by filling it in, it has remained open.

l) However it is now apparent from the disclosures in the latest report sent to us by the EA, that in October (despite what its own Enforcement Officer had warned against in June) further unauthorised excavation work was carried out on the same site again, once more **without** the perpetrators **having obtained proper planning permission**. The result of this action widened the opening through the dam wall and made it more vulnerable to uncontrolled overflows and erosion risks.

m) SMDC also has responsibilities with regard to planning enforcement of which fact the EA is also cognisant. The SMDC Planning Officer opined on 23 rd September that **"The works do appear to amount to an engineering operation requiring planning permission."**

n) The EA is, via its role as a statutory consultee with regard to planning applications at Moneystone Quarry, also on the record in making representations in 2020 in the planning application SMD/2019/0725 as to the Applicants lack of necessary planning permissions to carry out its stated intentions with regard to the Quarry 3 reservoir.

(o) On the 21st October 2021 the EA attended a meeting on site at Q3 with others including Mr. Penman and the Applicants which has resulted in the production of a further report from Mr. Penman, again acting seemingly in the joint and plainly conflicted role as a member of the firm Mott McDonald on behalf of their client and as Agent for the EA.

I submit that the evidence on the record demonstrates actual and or apparent bias.

p) As SCC is both the Leading Local Flood Authority and the LPA responsible for the restoration of the quarry and its five year after care, it is disturbing to discover these engineering works are taking place in an area demarcated on the SCC's current plan as to be left undisturbed and even more so, **without any planning permission gained beforehand** and that the LLFA has **no record of such works or its outcome**.

q) Nor is there any reference at all to the new and higher standards of ecological and environmental standards imposed by the COP 26 process and the Ecological / Environmental Covenants now legally part of the Environment Act validated on 09/11/21, given that the works are being and have been carried out in such a sensitive area where the impacts upon the water tables are critical to the SSSIs immediately adjacent.

r) Natural England were never informed of Mr Penman's reports or aware that the trenches had been cut.

It seems singularly negligent of the operators of the reservoir and its agents Abbeydale who were well aware of the interest and concern of the NE over the impact that lowering the levels in the reservoir would have upon the SSSIs and SBI immediately adjacent.

Likewise the EA were also aware of the concerns from earlier planning consultations in which they had been involved.

In view of all of the above, we would also endorse Natural England's request yet again that the trench be filled immediately as a safety precaution and we ask why it is that the owners of the quarry are being allowed by the EA to flaunt statutory regulations (ten years of unlicensed use of the reservoir without safety checks; no flood plan as required by from March that year, or any indication /knowledge of the Government plan recommended in the June 25 update viz a viz

Reservoir owner and undertaker responsibilities: on-site emergency flood plans dated 25 June

as the reservoir classification had not then been officially discontinued, and that in June the EA were already aware of the illegality of the actions by the operator and its agents in a bid to avoid licensing it.

As a Statutory Agency having responsibilities to the public it serves, the EA is deemed to know the law. With regard to both general principles of the legal doctrine of 'Conflict of Interests' and with regard to Case law, the EA failed to take account the principle of ' **[actual] and/or Apparent bias as determined in High Court authority ' Good Law Project- v- Cabinet Office (2021) in which the relevant law was fully reviewed and confirmed with regard to ' apparent bias'** .

We submit that throughout the involvement of the EA and its officers in dealing with issues of instability at MQ and of illegality in failing to enforce the registration of the Q3 Reservoir under the Reservoir Act of 1975, the EA has demonstrated on the record actual and/or apparent bias.

The involvement of the EA and of Mr. Penman in the meeting, conclusions and report of October 2021 are an additional and aggravating feature which makes the failures of enforcement more serious.

Part 2

On the technical side a study of the before and after photos* provided by the agents Abbeydale and seemingly with the approval of Mr Penman, indicates that the new, widened trench as modified and referred to in the second report, does not provide any evidence of sampling, or recent records to prove that the alleged bedrock shown in the unsupervised excavation of June is verifiably true.

***NB photos from the original letter not included here**

It is labelled as such by the arrow shown on the slide used in the report as seen below. However on close examination of the visual evidence as presented, it is clearly inaccurate as both views are taken **in the same direction** and not as labelled, upstream and downstream

Photos, however, which were taken **after the June excavation** when Abbeydale claimed to have reached bedrock, clearly show that the trench has cut through re-deposited material or found material that was used to compose the matrix of the bund. The layers of composition are visible both in the section itself and in the loose material heaped upon the side of the trench.

However, there is no clear, visible evidence that bottom of the trench reached bedrock.

Also it is interesting to see that from the rear view of the bund and trench above, how the new trench lies above old outflow or overflow piping which it has damaged. This is a point to which I will return in a moment on another issue.

The photographic evidence on the ground at the time of the excavations therefore does not suggest conclusively that bedrock was breached to a sufficient depth along its entirety to warrant a claim that the invert, as required by Mr Penman, will prove successful.

However in his October report Mr Penman asserts that it is true and on that basis he concludes that the illegal works constitute grounds for a discontinuance order.

In his assessment though at 3.2 para 2 he remarks that '*The channel had been cut with vertical sides, but these had subsequently degraded partially blocking the invert of the channel. Whilst this material should be removed it is not significant to this assessment as it would be washed out in a flood.*'

The nature of an open cut channel through a composite bund was the very point that was made earlier on in the correspondence to the EA and Mr Cooper Bradley as it increases the risks of further erosion in times of flood events as where the passage of water increases the likelihood of an exponential increase of flow through the gap resulting from the widening of the opening as material on its sides is carried away, and leading eventually to a greater collapse and potential failure of the bund structure itself.

This is why in their wisdom and as a safety measure the quarry engineers for Sibelco encased their outflow channel in pipes so that the overflow was fed well away from it in times of flood.

Mr Penman puts his reliance upon the flood clearing its own way out perhaps overlooking the fact that if the outflow is that strong to clear the debris from its path it might also remove further material from the unprotected sides of the channel at the same time.

Also an inspection of the old system by the weir shows that the overflow pipe is carefully positioned at a steep angle behind the concrete spillway so that the water overflowing into it descends so abruptly that it would gain

such increased velocity to flush the system clear by its force and travel along a greater distance underground before it debouches well away for the rear of the bund.

These next photos with a longer view across the water in the lagoon/ reservoir in quarry 3, show the difference in geological terms and the material composition between the natural rock exposures in the north side faces, as compared to the length of the bund that was constructed during the extraction pit era along the SW corner. It is reflected in the smoother slopes of the artificial barrier of the bund on the left and shows how the length of the dam material overlies the dipping bedrock exposures. Again this is particularly significant as far as the depth of the trench bottom is concerned and how much of the upslope of the bund has to be removed in order the trench to penetrate the bedrock layers which are heading downwards below it in order for the invert to work as now being asserted.

A further aspect of the inconclusive evidence and hence the doubts of the merits and viability of the scheme overall, lies in the lack of accompanying documentation that would normally be expected as proof of a well-planned operation.

Significant lack of evidence of pre -planning/ accurate surveying.

We do not seem to have any plans of any sort in use or for guidance and scrutiny, no proper scale drawings of technical detail to show the levels and gradients required, no photos of surveyors poles or stakes, just a trench roughly hacked out for convenience and of course without any planning permission.

This is again unconvincing proof that the claims being made according to the second Penman report of October 2021 and its discontinuance provisions are not properly verifiable.

Accordingly we would appreciate an urgent and thorough review of all the evidence provided and to learn how you propose to deal with all the individual issues raised.

Yours sincerely,

David Walters
Secretary
CVCS

****NB photos from the original letter not included above***

Timeline ctd.

2022

16th February the EA sent an FOIA response with Anthony Deakin's review exonerating their decision not to divulge info.on redacted report by Penman

17th February we sent further letter with more points following the Anthony Deakin response. These were now in complaint mode

12th April we sent reminder to EA as have not heard .

13th April EA reply to say review of 'complaint' pending.

However, since then, in 2023 the EA changed their minds as a result of our persistence and a fresh inspection by Binnies using another independent panel expert and have decided that the lagoon / lake in quarry 3 is to be registered as a raised reservoir.

The discontinuance order has been revoked

SMDC were informed of the decision and we currently await the final stages of registration which involves safety checks, payment of licence by Laver etc .

Technically this has been a raised reservoir since 2011 when quarry 3 was flooded when Laver switched off the previous control pumps. It should have been subject to two year safety inspections and flood plan updates where appropriate

The facts that appear to have been overlooked with regard to the Appeal application SMD/2019/0646.

It is important to note that government regulations stipulate that to

Build or modify a reservoir

You must tell the Environment Agency if you intend to build, bring back into use or alter a large raised reservoir. Check also if you need planning permission or an environmental permit. Whether you need one or both depends on the type of reservoir and its intended location.

When the Appellant's agents altered the reservoir they did not obtain the required planning permission or an environment permit.

SMDC were informed but have done nothing. This was prior to any recent planning approval.

Also when you register a reservoir

You must register all large raised reservoirs with the Environment Agency.

You do not have to register a reservoir with a capacity of under 25,000 cubic metres of water above ground level.

Whether you need to register your reservoir or not, you must follow Health and Safety Executive regulations and local council building regulations.

Reservoir Planning:

Reservoir planning means an orderly consideration of a reservoir project from the original statement of purpose through the evaluation of alternatives to the final decision on a course of action. It is the basis for the decision makers to take up or abandon the project.

This is what is termed a multi purpose reservoir.

CVCS have argued that these considerations and precautions should have precedence and that they should have been brought to the attention of the PAC when it was considering the reserved matters application as it involved safety issues and they should have known the full facts.

=====

Summary and the effect and importance upon the reserved matters Appeal.

The reservoir

In 2020 after researching CVCS informed the Environment Agency of their concerns over the dam or earth bund in the sw corner of the large water body in quarry 3. This lagoon or lake was created by flooding the former extraction pit after Laver took charge of the site. It has never been properly investigated by the HSE or the EA but has been allowed to accumulate over years as the quarry pit filled in. We had considered it to be either subject to the quarries act governing tips as water is classified as such or as a reservoir under the Reservoir Act. The EA took notice and investigated.

As a result the Appellant's agents were told either to register it asap or take appropriate steps to lower the level so that the volumetric capacity was sufficiently reduced so that it would no longer be required to be so classified. By that they expected a properly planned and authorised scheme to be passed with the right permissions . Nothing was heard until the day before the June deadline and fines were threatened to be imposed by the EAs enforcement officer when suddenly Mr Rick Saville of Abbeydale BEC emailed to say that a machine trench would carry out an excavation through the bund the following day. This took place the next day much to the opprobrium of the officer who had not authorised the action and had expected it to be done with the correct permission garnered beforehand.

The EA informed Abbeydale accordingly.

When inspection on the ground was carried out, the excavation turned out to be just a crude and somewhat hasty and desperate measure to avoid payment and had destroyed the existing overflow system in the process.

The existing system had been built by the previous owners Sibelco with a spillway and underground pipework to conduct excess water away into the clough below in the event of a flood. Now there was just a rough trench that been gouged out and had smashed the pipework in the process.

Abbeydale had carried this out without any authority from the EA and no planning permission from the LPA, SMDC, contrary to specific instructions.

Subsequently a panel engineer was sent out to inspect the site and a redacted report produced as reservoirs are subject to the Secrecy Act.

A discontinuance order then followed in October but CVCS found out that the panel engineer who was supposed to be independent was an employee of Mott McDonald a company that had acted on behalf of Laver in the 2017 planning appeal. Not only that but he had not produced his own data but had used material and information that had been supplied by Abbeydale .

As a result of our complaint the EA commissioned a new panel engineer from Bonnies who reported in 2023 that it was large raised reservoir.

The LPA were informed of the planning breach by Abbeydale which they acknowledged, but no action was taken by them. In 2023 we also told them that the EA were in the process of licensing the site and still had to carry out safety checks to ensure that compliance of flood plans and emergency evacuation plans had been agreed with Laver and that these measures needed to be finalised **before** the planning application for the lodges around the lake was to be heard.

Also there had to be reassurance that any problems arising from the incomplete flood and evacuation plans would not lead to damage to the SSSIs and land below the reservoir dam.

Our latest information from the EA is that that is still pending and not yet completed.

As the presence of the reservoir is crucial to the siting and safety of the lodges, we consider the refusal notice from 0646 to be valid, irrespective of any other measures or reasons for refusal provided by SMDC in its notice, as it appears that the hasty actions of Abbeydale to circumvent the rules have not proven to have been carried out correctly and in doing so have imperilled the existing system that was properly designed to accommodate the levels in the reservoir safely.

It is also worth mentioning that the hydrology report submitted by JBA in support of the application specifically states that their report is not suitable for any reservoir reference. That being the case the submission of another report specifically geared to such would be appear to us to be essential if it is to be trusted as definitive and acceptable.

5 Assumptions

The following project-specific assumptions have been made during this modelling project (beyond those inherent across all modelling projects):

- The results are based on an outline drainage strategy. If there is further development of drainage strategy, where significant changes to the routing of flow through the site, or the levels of the lakes, the modelling may need to be re-evaluated.
- Pre-quarrying flows are based on a catchment area which is thought to reflect the area pre-1957. There is clearly some uncertainty in the true nature of the catchment some 60 years ago.
- The LIDAR represented up to date and accurate ground levels in areas where no topographic survey information is available.
- It is assumed all lakes within the system have a starting water level matching the invert level of the culverts / orifices draining each lake.
- The hydrology and modelling have not been designed to cover the requirements of reservoir studies as per the Reservoirs Act (1975), such as modelling of the Probable Maximum Flood. It is JBA's understanding that the recent construction of a spill way channel means that the Q3 no longer comes under the Act.

6 Conclusions

The following conclusions can be drawn from the current modelling project:

- Modelling indicates that peak flows down the SSSI catchment have been reduced by the changes in catchment shape and the attenuating effect of the lakes. The effect of the extensive lake system is to lower the peak flows and extend the hydrographs. This is evident in the non-exceeding peaks occurring at around 2.5 hours with the

Also that there is a requirement for LPAs to discuss their proposed site allocations with reservoir undertakers/owners to:

- avoid an intensification of development within areas at risk from reservoir failure; and
- ensure that reservoir undertakers can assess the cost implications of any reservoir safety improvements required due to changes in land use downstream of their assets.

We believe that this consultation has not taken place because of the delays in the processing by the EA. However it should have and therefore the application SMD/2019/0646 lacks of the essential elements of a flood plan and other requirements described in the government guidance for operators of reservoirs, such as risk assessments for reservoir safety management and how to design, inspect, monitor and maintain impounding reservoir spillways so they are safe.

It is therefore a weakness of the design of the plans put forward to the Council last October and as such should be another reason to refuse the Appeal .

CVCS July 2024

Following on from that, we return to the moot case of stability.

Stability issues

We consider that the effect of water on the stability of the sides of the reservoir where the lodges are going to be sited is another aspect of the design and layout of the development that needs additional scrutiny.

Appendix 8 will explain why this is important as no one has examined the under surface conditions or produced accurate profiles of the edges and steps that formed the perimeter boundary of the former excavation pit in quarry 3. There have been fluctuations in the reports by Abbeydale BEC over the years and a variation in its findings that have not inspired total confidence in these matters, especially where the long-term effects of water and saturated sand are concerned.

Appendix 8

Appendix 8 Site Stability

In this regard we have to beware of the unique geological ground conditions that made this quarry so successful in its operational days and CVCS has raised the issue of stability assessment on many occasions over the years.

However even at this stage, stability is still an essential ingredient in such a large scale plan involving so many lodges and accommodation.

It was also as a result of Abbeydale reports 2011/12 on behalf of the Appellant where it first identified areas of the quarry which were so concerning for the nascent planned development of the whole quarry site and in particular the area around the quarry 3 where the waterside lodges are to be located according to the layout and design of SMD/2019/0646.

In 2011-2 Laver's engineering consultants Abbeydale had raised serious concerns over the stability of quarry walls and its floor.

They claimed that increasing pressure from the newly formed lagoon perched high within it and the effects of water rebound and saturation of the sand below its surface threatened to cause a complete collapse of the northern side of the quarry and Whiston Eaves Lane which passes along the top of it.

Also faults and increasing instability factors were detected elsewhere on the other flanks of quarry 3 now holding back thousands of tonnes of water which had the potential to cause a major flooding catastrophe pouring down the steep slopes into the River Churnet.

Their anxiety back then was such that it prompted a request for a change of restoration plan from the County Council and after 2 other inconclusive reports by independent experts commissioned by the County Council, matters continued but with no clear resolution and no further definitive explanation as to how to solve the problem.

Minutes from SCC PLANNING COMMITTEE – 6 MARCH 2014

MINERAL COUNTY MATTER

District: Application No. STAFFORDSHIRE MOORLANDS: SM.96/935/122 M D4 Date Received: 14 NOVEMBER 2012

Date Revised/Further Details Received: 7-8 MARCH 2013 - amended Restoration Plan and Ecology Report; 15 MARCH 2013 – response to further consultation comments; 15 JANUARY 2014 – withdrawal of earlier submissions and replacement with a revised Restoration Plan (December 2013); 20 FEBRUARY 2014 – response to further consultation comments.

- 5. Laver Leisure initially proposed to revise the approved Restoration Plan to address concerns that their own geotechnical engineers had identified related to the potential longterm instability of slopes within the former quarry. To rectify this concern proposals were submitted involving the removal of parts of 'Moneystone Tip' (Tip 3) and 'Black Plantation (Tip 4) in Quarry 3 and depositing the material against slopes in Quarry 2.**
- 6. The risk of instability was disputed by a number of representees and the former quarry geotechnical engineers. To try to resolve the dispute your officers appointed independent geotechnical engineers to evaluate the submitted geotechnical report. On 15 January 2014 Laver Leisure's agents HOW Planning wrote to advise that their client had now considered additional**

information provided by the former quarry geotechnical engineers and wished to withdraw their earlier submission and replace it with a 'Revised Restoration Plan (December 2013)' to fully comply with the requirements of the Delegated Letter which approved the Restoration Plan in 2009 (see Plan 2). The latest proposals no longer include any site stabilisation works or disturbance to 'Moneystone Tip' (Tip 3) and 'Black Plantation' (Tip 4).

So *four* experts examined the data and no one knows for certain or can give a definitive answer!

The report from 2011 was still used in support of the 2016 outline planning permission granted by SMDC and the instability issues were never raised as a problem despite caveats within the report itself upon the risk of siting of lodges and associated activities at lakeside level.

Since 2016 the detailed plans for the quarry have changed considerably and an application now for 60 plus lodges around the lakeside has been proposed for approval by SMDC

More recent forensic examination of all the reports concerning the instability in the quarry carried out on behalf of the objectors have revealed the dangers to public safety, not just of building flimsy holiday lodges at the foot of the slopes and at water level, but also the threat of a sudden destructive flood upon the neighbouring SSSIs and villages and households in the Churnet Valley below.

Justification for these serious concerns stems from the fact that no detailed surveys have been carried out in recent times to assess the hidden conditions of the submerged quarry floor and the quarry sides below the water level using modern high tech underwater survey equipment.

When challenged over the instability dangers the experts Abbeydale BEC said recently

'Quarry 3 had been originally excavated with the expectation that it would be later infilled and side slope angles were appropriately designed for short term stability. However concerns of a mass landslip and tsunami type wave are unfounded.'

Whereas in its earlier key report it had said

'Examination of the existing quarry face at the quarry's west end shows that some of the steep 45° to 52° quarry face is formed of highly weathered sandstone, in parts completely weathered to sand. Wetting of a weakly cemented sandstone will result in a reduction of its cohesive strength, particularly where unconfined. Consequently, with the flooding of the quarry, our observations would suggest the over steep quarry side faces will decay and cause localised instability into the lake. Analysis would suggest that instability would not initially affect the ground beyond the quarry crests, but if unchecked this might be a concern, although, provided it is not removed, slipped debris in the lake floor would have the effect of improving the stability of the side slopes. Although this scenario may be acceptable in a quarry setting where public access is limited, in an area developed for lake activities and lodges on the quarry sides, localised slipping could not only affect the areas of movement, but displaced water in the lake might be expected to surge in a wave across the lake and endanger lakeside activities.'

Worryingly too, the company has also disclaimed all liability for the results of its reports failing to meet meeting regulatory standards and being unsuitable for use in a planning application.

There are also additional points to stress;

1. 'wet floor' gravel or sand quarries are renowned for instability but are usually located in broad flat river flood plain areas where waterlogged lagoons are easily controlled, whereas Moneystone was cut into a steep valley hillside and intended to be kept dry.

2. The depth of the spring fed lake around which the lodges will be sited is such that the water is dangerously cold for anyone unfortunate to encounter it however good a swimmer they maybe.

3. Collapses in former sandstone quarriers occur .<https://www.bbc.co.uk/news/uk-england-nottinghamshire-55468512>. as seen below

This is a classic example of the problems and dangers that occur with sandstone quarries that have been highlighted in recent detailed engineering reports and which have been submitted to the case officer on

behalf of local residents and parish councils concerned about public safety and opposed to the idea of the development in such a precarious place.

BBC News

More

Mansfield landslide: Families evacuated for second time in a year

- **Published**

28 December 2020



Image caption,

Four properties on Bank End Close in Mansfield were evacuated on Wednesday night following heavy rain

Families who were evacuated after a second landslide at the same spot in just over a year have said they are now "terrified" of it happening again.

The residents living on the housing estate, which sits on the site of a former quarry, returned to their homes the following day.

Mansfield District Council has asked them to "remain vigilant".



Image caption,

Toby Herring, whose home backs on to the cliff wall, said he was "worried and terrified" of it happening again

Toby Herring, whose home backs on to the cliff wall, said: "It felt like a big gust of wind and our dog started barking.

"There were loads of sirens and police cars outside. We then thought it's not happened again, has it?"

He added: "It's really worrying. It's terrifying.

"When we moved back on Christmas Eve it was hard to go back to sleep knowing it's sort of still there."

Another resident Jai Krishnaa said: "We thought it was fixed and it will be OK, so never thought of it as a worry.

"But to see it slip again - now I'm constantly thinking about it."

The district council said the debris was cleared and people were given temporary accommodation before being allowed to return to their homes on Thursday.

A spokeswoman had said previously, soil had slipped at the rear of two properties, but this had been "contained within the defined drop zone and behind the barriers that were installed by the council in November 2019".



Image caption,
This aerial shot from 2019 shows the housing estate sits on the site near the former Berry Hill Quarry. Last November, another landslide led to 35 homes being evacuated at the same spot near the former Berry Hill Quarry.

Nobody was injured, but about 19 households spent two weeks in temporary accommodation.

An independent consultant concluded in August the site should not have been developed until the quarry face was secured.

Following repair work, the cliff wall was last inspected by the district council in early November, external and no issues were reported.



IMAGE SOURCE, MANSFIELD DISTRICT COUNCIL

Image caption,
This photo from November 2019 shows work being carried out following the previous landslide.

4. This area of the Churnet Valley has underlying shale beds and geological evidence abounds showing clear evidence of slump land and movement of earth above it .eg the recent Oakamoor landslip



and sinkholes and the need for extensive remediation work .

LANDSLIP REMEDIATION
OAKAMoor
ST10 3DF

DESIGN STATEMENT

1 **GENERAL**

A previous Planning Application, Reference 13/00163/FUL, gave permission for development of two properties on land adjacent to Threeways.

During the construction of the properties a major landslip occurred.

This Planning Application relates to the change from reinforced concrete retaining walls to support the adjacent ground to reinforced earth bunds to support the ground.

2 **SITE AND SURROUNDINGS**

The site is on the edge of the village of Oakamoor and abuts open pasture land, which is steeply sloping from the east to the west.

As a result of the landslip the slopes to the east and south side of the development site are unstable.

3 **CONSULTATION**

Extensive consultation has been held with the adjoining owners of Threeways, The Laurels and the field. They are all supportive of the proposals.

Informal discussions have also been held with the Planning Officer regarding the proposals.

5 The occurrence of sinkholes and landslides nationally has increased in recent years because of climate change and wetter weather. see link <https://www.bbc.co.uk/news/av/science-vironment>

6. This site is the wrong location in many respects for this type of development and its original restoration plan never intended it to become a lakeside holiday resort. Its perched location and underlying geology presents too many unresolved problems particularly when it involves public safety, not just to the would be customers using the lakeside lodges, but to the local community living in the valley below and in its watershed.

7. We know that climatic rainfall patterns are rapidly changing with increasing storm events and we have plenty of evidence in the current news of the occurrences of major landslips, sinkholes and fatal disasters caused by the effects of groundwater saturation of shale, clays, sandstones and mudstone in various bedding and subsoil combinations and which significantly, are also present within the geological matrices in Moneystone Quarry.

For instance, the recent landslide and flooding at the Eden Project in Cornwall; the emergency evacuation situation at the reservoir at Whaley Bridge; the Mansfield sand quarry collapses; Oakamoor housing landslides in 2014-16; the Scot Rail landslide disaster at Stonehaven, and most recently the tragic death toll in Gjerdrum in Norway, all of which can be traced back to a common cause of ground instability from water saturation.

Wardle Armstrong Intervention on stability

The details of instability concerns described earlier above were not addressed in the case officer's outline permission report in 2016 but were subsequently highlighted by CVCS when the eventual plans for SMD/2019/0646 emerged and to the extent that the Council agreed to an independent review of stability issues by Wardle Armstrong (WA)

However the most serious problems that were not addressed by WA or Abbeydale was that of saturation and its effects upon the stability of the quarry 3 edges where piles will be driven into the subsurface of the lagoon in order to secure the location sites for lodges.

Back in 2011 Abbeydale BEC had drawn attention the possibility of the weakening of the joints in the sandstone especially the uncemented redeposited materials that were used in the southern flanks of the quarry where the outward pressure from the water volume contained in the quarry lagoon would be exerted most.

Also as Abbeydale had commented early on in their reports, the cohesive strength of the sandstone submerged in the reservoir with the quarry 3 benches, edges and ledges from former excavations will after so many years of immersion in water, not be a necessary guarantee of stability for the construction of lodges.

We know also that saturated sandstone, especially the sort at Moneystone which is silica sand, makes excellent quicksand especially where springs seep into it as are evidenced in the numerous signages around the site.

As mentioned by us elsewhere, nor does that offer a necessarily easy escape for any unfortunate person trying to clamber out of the reservoir in an emergency.

In design terms also, there is no obvious emergency exit from the narrow confines of quarry 3 with its one road access in the event of a fire, or a need for evacuation of the site and the narrowness of the roads leading upslope to reach those second tier lodges would be very difficult to navigate given the Chief Fire officer's warning comment last year that

“The site should provide access and facilities for the fire service in accordance with Approved Document B5 of the Building Regulations Section 15 (Fire Mains and Hydrants) and Section 16 (Vehicle Access) .

I would remind you that access roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any property, should be capable of withstanding a load of the new generation of pumping appliances used within Staffordshire which have a G.V.W of 17800Kg.”

There are several problems that will arise therefore on the matter of vehicular access and weight limit. Whiston Eaves Lane has a weight restriction of 7.5tons at the quarry entrance. Where the tunnel between quarry 1 and quarry 2 are linked.

The government guidance emphasises why should planning authorities be concerned about land stability stating that

The effects of land instability may result in landslides, subsidence or ground heave. Failing to deal with this issue could cause harm to human health, local property and associated infrastructure, and the wider environment. They occur in different circumstances for different reasons and vary in their predictability and in their effect on development.

It warns that the planning system has an important role in considering land stability by minimising the risk and effects of land stability on property, infrastructure and the public and helping ensure that development does not occur in unstable locations or without appropriate precautions.

“When dealing with land that may be unstable, the planning system works alongside a number of other regimes, including Building Regulations, which seek to ensure that any development is structurally sound.

However, it is crucial that LPAs identify specific areas where particular consideration of landslides, mining hazards or subsidence will be needed to ensure unstable land is appropriately remediated, prohibit development in specific areas, or only allow specific types of development in the affected areas.”

Taken from Govt Guidance

Land stability

Advice on how to ensure that development is suitable to its ground condition and how to avoid risks caused by unstable land or subsidence.

From:

[Department for Levelling Up, Housing and Communities](#) and [Ministry of Housing, Communities & Local Government](#)

Published

6 March 2014

Last updated

22 July 2019 —

Appendix 8 end.

Although eventually SMDC commissioned a peer review on stability by Wardle Armstrong which was subsequently countered by Abbeydale BEC on behalf of the Appellant to a certain extent, there remains these unaddressed issues from the Wardle Armstrong report. namely (source WA peer group review document 2022)

4.2 Key Considerations not within the scope of the Peer Review

4.2.1 The site visit has identified a number of key considerations outside the scope of this report which are relevant to the proposed development, and which are recommended for further investigation and consideration. These are summarised below:

- Regulations

From an initial review, the proposed development would not be subject to the requirements of the Quarry Regulations 1999, however while the construction and earthworks plan is being designed the relevant health and safety and environmental regulations for the site need to be adhered to. The applicability of the Mining Waste Directive and associated permitting to the proposed materials movement should also be considered.

- Infrastructure

- o There is insufficient geotechnical data to design a bridge to cross between the southern and western lower benches

There is limited available information on the proposed foundation design for the lodges that extend over the lake water, where pile foundations are considered the interaction with the slope would need to be considered.

- Access:

The constructability of the proposed access roads, including the delivery of construction materials to build the new roads.

- o The design of proposed road structure including edge protection bunds, requires sufficient road width, passing places and turning circles.

- Q1:

- o Prior to development on tailings and infilled lagoons, sufficient geotechnical investigation and risk assessments should be carried out.

- o Settlement calculations should be carried out for the proposed structures and utilities and demonstrate minimal and tolerable settlement performance.

- o Considerable earthworks are required for the proposed development of Q1. From the three documents reviewed there is insufficient evidence of settlement assessments and the associated conclusions in respect of ground movement.

We asked the council if they were requesting further investigations into these points identified by Wardle Armstrong, but have received no further response and so for us the uncertainty they (WA) questioned, remains.

The subject of stability appears to be a hot potato still. However, we consider it vital given that this remains a quarry site and the potential numbers of people accessing it.

National guidance on sites with instability history are explicit.

They are key considerations which are relevant to the development and as such need reviewing for the purposing of satisfying the NPPF.

It is worth reminding everyone that when dealing with land that is suspected of being unstable, government guidance requires the developer to carry out a preliminary assessment of ground instability at the earliest possible stage **before** a detailed planning application is prepared. This did not happen otherwise the problems of instability would or should have been dealt with at the outline stage or prior to it. but not at this later stage.

If you examine the Appellant's reports leading up to the outline permission there is evidence of instability as we have observed earlier in the files both at SMDC and at SCC.

Curiously it was never an issue in the report to the PAC for the outline permission SMD/2014/0682 or SMD/2016/0378 or raised in the debates.

The subject only really became a focal point after the submission of the reserved matters SMD/2019/0646 when responding to public pressure, the Council took steps to have an independent investigation as we have heard above.

Certainly, in terms of the design and layout for the lodges, the lack of geotechnical data for the bridge identified in the Wardle Armstrong report is concerning as there was no bridge indicated on the outline plan and without it access to the lodges at the far side of the lake and the circuit road would not be complete.

Because of the projected focus of at least 60 lodges on the reservoir in quarry 3 and the siting and close proximity of the lodges around and actually in it, as it is planned for them to be located on stilts just above the height of the water, and somewhat precariously perched upon the edges of the sandstone lip of the former excavation pit, the quality of the water emanating from quarry 2 into quarry 3 is another hazard that has to be reckoned with in case of an accident and unwelcomed contact.

Appendix 9 provides the background evidence to the potential contamination from residual chemicals from earlier industry in the quarry floor and via flow pathways through the site.

Appendix 9 Contamination by land and water

In terms of contamination at the area where the lodges are to be sited, there are two areas of concern. One is the possibility of areas of land contamination in quarry 1 being insufficiently capped before landscaping processes for the development are carried out, or two, they become uncovered or disturbed during it, as they are not sufficiently or accurately recorded on site records.

Whether the degree of land contamination will be contained or controlled by later works as the proposed areas for housing the lodges are prepared, or even recognised during the works, is a moot point.

A greater hazard will be the degree of waterborne contaminants being mobilised by existing groundwater flows moving through the site and in particular being redeposited in areas where human contact is more likely ie in the quarry 3 lagoon /reservoir and its periphery.

To what degree of success in tracking areas of contamination and subsurface flows were carried out in preliminary inspections and desk top surveys by Abbeydale BEC in the earliest stages of assessment of all three quarries at Moneystone circa 2010/11 is uncertain, but we do have a more definitive report by the Environment Agency in 2016.

The EA's report was compiled by John Dingley and it identified land contamination issues and made recommendations for the outline permission upon which this reserved matters appeal application was based, but which have not yet been addressed:

e.g .

"Land Contamination:

The information submitted identifies that the site has been subject to mineral extraction. A production facility was partially located within the application boundary and processed quarried sandstone using acid. The production facility included bulk acid and diesel storage tanks. The desk study submitted relates to the entire area of Moneystone Quarry rather than the redline boundary of the Planning Application and consequently the specific production activities which took place within the application boundary are unclear. Acidic tailings from the production process were deposited in the mineral excavations.

Such land uses have the potential to have caused contamination which may currently be impacting 'Controlled Waters' receptors of the groundwater in the underlying Secondary Aquifers and the local watercourse.

Furthermore there is potential for re- mobilisation of any contaminants during site development.

An investigation of the production area will be required to determine the presence of any residual contamination in the soils and groundwater. This should take into account the findings of the investigation required for those parts of the production area lying within the boundary of Planning Application SMD/2014/0432 (solar farm).

Monitoring of surface and groundwater quality has highlighted acidic conditions which are currently impacting on the River Churnet from various streams and seepages. A full investigation of the site is required to determine the source of the contamination followed by an assessment of the risk to 'Controlled Waters' receptors and the need for any remedial / mitigation actions. This investigation should consider groundwater movement through the sides of any capped tips in addition to surface water infiltration.

The need for a remediation strategy is essential to accord with NPPF paras 109 and 121. It must establish the significance of the contamination from source to receptors establishing the pathways or routes of such waterborne and the remediation required."

However, despite these issues being flagged up at the time, it seems that over the past eight years nothing has taken place to address the problems directly. No actual clean up or remediation has taken place.

In terms of water borne pollution we are aware of increased rainfall as a result of climate change the effects of which were not factored into the earlier assessments by Abbeydale BEC.

This action was required to determine the presence of any residual contamination in the soils themselves from earlier production areas, tailings etc and the monitoring of groundwater quality in 2016 according to the EA. It also highlighted acidic conditions which were then currently impacting on the River Churnet from various streams and seepages.

What was needed was a full investigation of the site to determine the sources of the contamination followed by an assessment of the risk to 'Controlled Waters' receptors and the need for any remedial / mitigation actions.

The recommendation in 2016 called for this investigation to consider groundwater movement through the sides of any capped tips in addition to surface water infiltration.

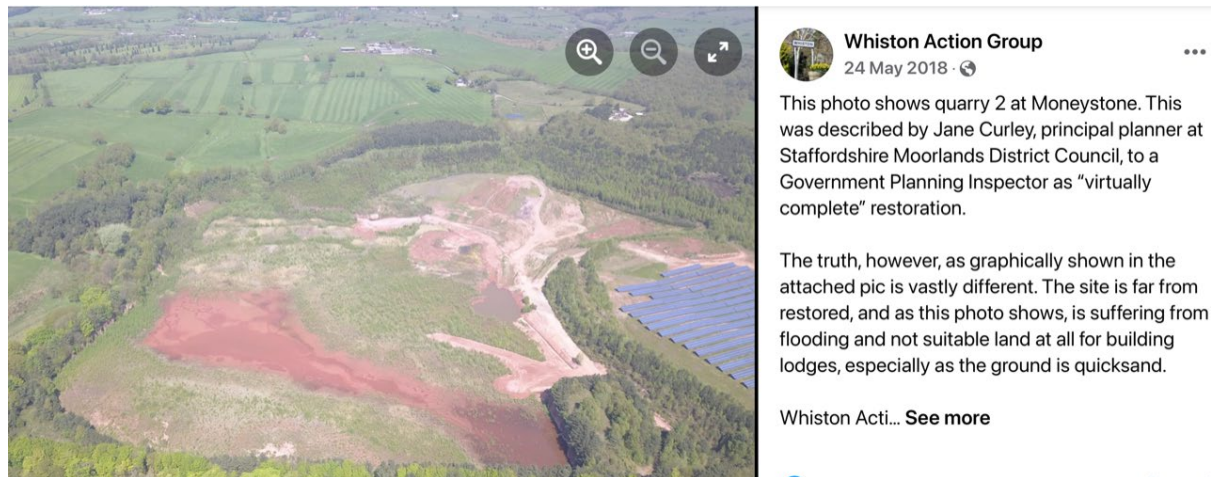
However, since then, no further evidence of those investigations are on the record as instead the Appellant has continued to rely heavily on the earlier documentation/ reports used to support the granting of the outline permission, in order to satisfy itself that sufficient work has been carried out in this regard; for example as stated in the their recent Environmental Impact Assessment Conformity Statement they have offered, but which is not accurate, nor up to date.

There are now new environmental conditions occurring on site as a result of the change of the masterplan since the outline permission SMD/2016/0378 was granted.

Prior to that, quarry 2 was included in both the overall development plan and parameter plan. However, when SMD/2019/0646 appeared, no provision was made for any remediation or development in quarry 2.

Originally the masterplan was to develop lodges in quarry 2 as part of its restoration but it appears now that circumstances have changed and that in turn has altered the balance of conditions in both quarry 2 and quarry 3 since the Appellant's agent's initial response and survey was made back before 2016.

Quarry 2 appears to have residual problems of an unstable surface together areas of contamination from the tailings of the past industrial process carried out in it as revealed in this online drone image provided by Whiston Action Group on behalf of the local residents.



Also in 2016 an occurrence of illegal dumping of waste material took place as the Appellant's agents tried to establish a land bridge across the site from the tunnel exit into quarry 2. This material, some of which was identified as toxic, remains on site to this day.

CVCS has identified an area of concern in the quarry lagoon /reservoir in quarry 3 and drawn attention to it via the case officer prior to the PAC hearing of SMD/2019/0646.

As quarry 2 has still not been restored properly as agreed in the County Council's 2014 restoration plan, and the fact that in 2016 it was the subject of dumping of toxic waste by Genesis, an agency employed by the Appellant, that had to be curtailed, but which was never cleaned up, the likelihood of continued contamination of the ground water flows from quarry 2 into quarry 3, has increased beyond what was flagged up by the EA during its field investigations of the whole quarry site prior to 2016.

The history of the hydrological pattern of quarry 2 and 3

During the active period of quarry 3, it was kept as a dry excavation pit by using pumps to control the flow of water flowing from quarry 2 under Whiston Eaves Lane and entering the quarry 3 area as seen below in the annotated google image.

You will observe that quarry 2 (top right) is inundated by the flow of tailings from the industrial processing being deposited across it as the water passes through it before appearing again in the inflow area of quarry 3.

The course of the water is conducted through and around the quarry floor with its undulating surfaces where different levels or benches are being used to extract the sandstone and remove it via the haul road exiting the quarry in the bottom right of the image.

The blue arrows indicate the flow path heading down the sw corner of the quarry area where the bund has been created and where it would join the deep clough outside the quarry perimeter that had been created naturally by the stream A that once flowed there and where the SSSI begins.



The next image is taken by the inflow point in quarry 3 showing the now polluted water entering the lagoon having emerged from under Whiston Eaves lane. The water then accumulates having deposited the silts and sediments into the developing lagoon that had begun to form as the control pumps draining the excavation pit were turned off.



Plate 6.3 Quarry 3 – Tailings Inlet in north east corner

The quarry 3 lagoon continued to form more rapidly once the pumps were turned off and as it did, it obscured the various levels and benches that comprised the floor of the extraction pit.

By then of course the quarry 3 pit had continued to receive groundwater flows from quarry 2 for several years after the cessation of extraction and had filled up as a lagoon.

The eventual deep flooding of the quarry of course masked the groundwater flows which were and still are filling it from quarry 2 at a consistent rate as shown in this image below from 2009 taken from the point of entry into quarry 3 at that north east corner.

The surge of the flow and the discolouration of the water serve to illustrate the way in which sediments containing the elements of the tailings and other pollutants were consistently entering quarry 3 and forming contaminated silts on the quarry floor of the lagoon.



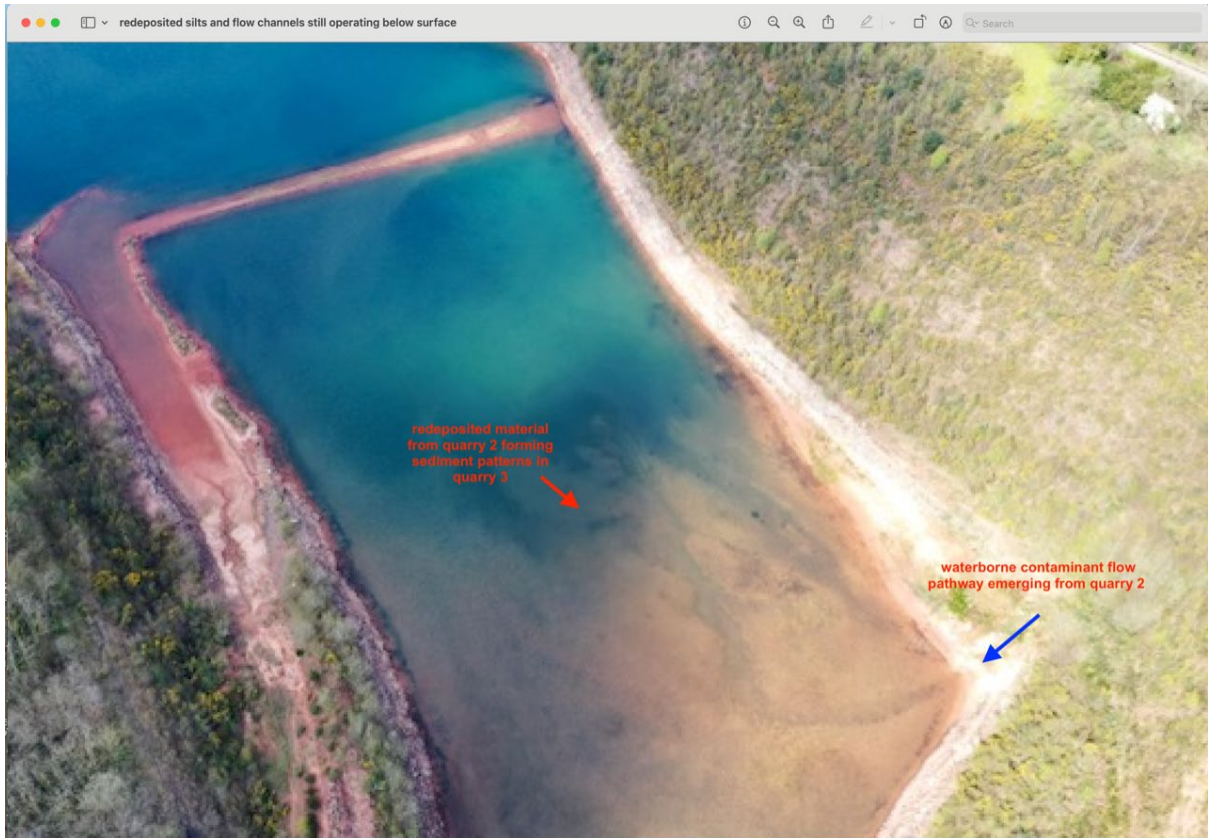
Plate 6.4 Quarry 3 – View from north east corner

In the last year the water levels in the quarry 3 lagoon, or raised reservoir as it now ascribed by the EA, have dropped, as we can see in the drone survey image of its surface below.

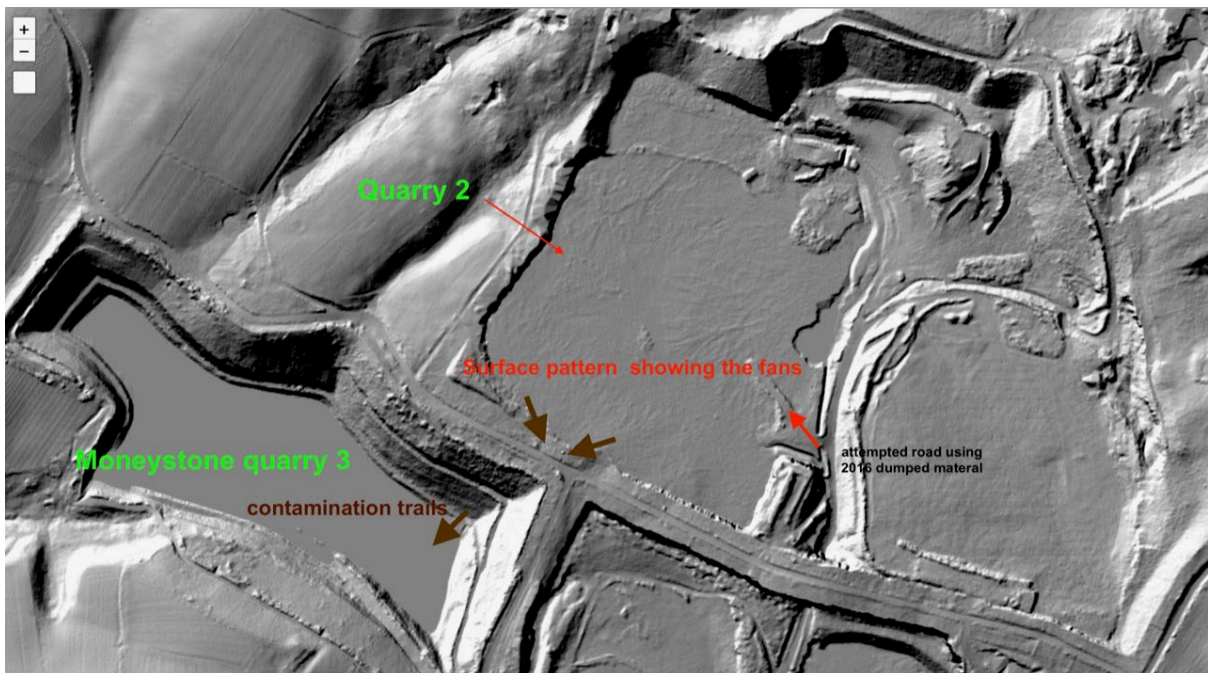
However, that enables us to see clearly the deposited sediment and silts still being carried in from quarry 2 and those silts will have flowed from the areas of quarry 2 where the extant contaminants from the tailings still reside.

When lagoon levels peaked and the volume of water of the reservoir was stabilised, the inflows that were feeding the contaminants from quarry 2, slowed under the weight of the static mass of water and eventually redeposited the heavier silts across the site but hidden from view.

However, as now the levels in quarry 3 have been allowed to drop dramatically, possibly by the over use of the several siphons operating in the sw corner of the reservoir where the bund and its safety system were damaged by the unauthorised activities of Abbeydale in 2021, the flow patterns within the redeposited silts from quarry 2 tailings, are once again visible as this recent drone image of the eastern end of quarry 3 has revealed.



Using lidar images like the one below, that reveal the hidden ground profile and surface features, but not the vegetation which is removed during its processing, we can detect the patterns of delta fans in quarry 2 made by the rivulets of water both on the ground surface and below as it moves microscopic particles of silts and sediments with its flows and deposits them from one source to another area.



The evidence suggests therefore that those problems identified by the EA in 2016 which need to be remediated, should also be now investigated at least by SMDC's expert or an independent third party to verify exactly what has been going on since and what residues still lurk in the bottom of the lagoon.

Given the thixotropic propensity of silica sand to form quick sands, it is also important to establish the depth of these deposits as according to the reserved matters plans, leisure activities on the lagoon verges are envisaged and in the water itself.

Such shallow water levels currently operating would make the future plans for the proposed water sports centre a non-starter as the location, according to the latest phase 2 plan, is exactly where the inflow into quarry 3 from quarry 2 bearing the current sediments have accumulated and for all we know will continue to do so.

Also we know that the Appellant's agents intend lowering the height of the water level in the reservoir in order to prevent flooding of the lodges at the water's edge as part of the plan for SMD/2019/0646 and presumably for establishing areas for the necessary piling operations and lodges. But that in turn would expose those areas to be used by the public to more deposited contaminations residing within the accumulated silts.

Also even after the lodges are built and in use, the re-deposition of polluted sediments from quarry 2 will continue to accumulate, presenting potential contact areas within the water and on its fringes.

However, to return to the illicit dumping in 2016, the details of which may have not been recorded at SMDC as it was a matter dealt with by SCC as the LPA in charge of restoration, there are more details that have relevance to the planning application that you are now considering.

It is apparent that the pathways from quarry 2 to quarry 3 have continued to impact upon the Controlled Waters receptors there.

In 2016, within hours of receiving the outline permission from SMDC, the Appellant and its agents began importing and dumping tonnes of unauthorised waste material into quarry 1 and then transferring it to quarry 2 via the narrow tunnel that links the two sites.

Alerted by the local residents and members of **Whiston Action Group** who had been monitoring the site and leading a campaign for its restoration, Officers of SCC MPA acted immediately leading to a hasty cessation of the dumping of tonnes of the unlawful waste material that Abbeydale had assumed "was fit for purpose".

This waste was reported by local residents as being delivered on a daily basis by fleets of HGVs and giving off an unpleasant noxious smell as the vehicles passed through the village.

Tracking of the vehicles by WAG members found that the material was collected and imported from various sources at sites in Cheshire and the North Midlands.

The waste was not inert in nature and did not meet the permitted Environment Agency standards as it contained a mixture of materials including heavy metals and hospital waste.

Recovered soil samples were later forensically examined by the SCC County Analyst and the results revealed the presence of Arsenic, Cadmium, Copper, Mercury and Lead.

Unfortunately the toxic material dumped in quarry 2 in 2016 has remained on site ever since and like the residual industrial tailings from many years of processing in quarry 2, has not been investigated thoroughly enough to allow that site can be given a clean bill of health.

Neither it is safe enough for the public to reside in the proposed 60 lodge settlement on a long term basis without personal risk from the unknown degree of contamination present and because of ongoing problems with quicksands and the surface stability of the quarry 2 floor emanating from percolating springs issuing from the rear areas of quarry beneath the cliff sides.

The hydrological connectivity between the Moneystone Quarries and in this instance that pollution pathway via quarry 2 to the reservoir in quarry 3, has been acknowledged by SMDC Pollution Officer Dr. Mc Crory who opined in his report to SMDC's case officer that such leachate will have accumulated and concentrated within Q3 by the process of sedimentation.

It is obvious to us that this has been happening as a continual process but made worse since the control of the quarry lapsed when Sibelco switched off their pumps and the reservoir was formed.

Given that the plans in SMD/2019/0646 are designed to accommodate so many people and lodges around and in the actual lake/ lagoon or quarry tip, now being credited as a reservoir, we feel that that risk to public health from the industrial contamination that is evidently still happening, is increasing and so until such time as these matters

can be safely and conclusively resolved, the site is not fit for purpose and the decision of the council to refuse the application is a wise one and this Appeal should likewise be refused.

CVCS July 2024

End of appendix 9

The third concern over the location of the lodges and the reservoir in juxtaposition, is the most likely cause of personal safety risk to the visitors using the site and that is the danger of drowning and the effects of cold water shock.

Appendix 7

Appendix 7 Risk factors in quarry 3 ctd and the design location for the lodges

Water pollution is something of an environmental issue these days where we observe in the news concerns over the standards and quality of clean water where people take their leisure, be it with wild swimming or boating. As quarry 3 is intended to be the site of water sports as well as lakeside lodges, it is inevitable that we should look at the dangers of the water within it.

In our opinion there are serious risk to health from contamination in respect of this application because of its industrial past.

We have all seen in the Appellant's documents idyllic pictures of canoeists paddling gently across the water surface below the lodges nestling in the cliffs or at the waterline with an almost Mediterranean backdrop of flora and vegetation framing the scene.

A vision of serenity and calm with people in swimming costumes strolling across the balconies or decking areas.

But the reality of the site today indicates that even after well over twelve years since it was formed when the pumps were turned off, it is a picture of an inhospitable and rather sterile looking expanse of water with poor vegetation growing scantily on the mainly bare sides or exposures of the steep sided, sandstone cliffs surrounding it. It has also been noted that there is a lack of aquatic life within the reservoir lagoon.





However, the greatest risks from the reservoir is the depth and coldness of the water. We have long campaigned that this is a critical factor in the design and lodge location in quarry 3.

Here are detailed extracts from a letter to the case officer Mrs Curley (NB this was * sent even before the recognition of the lagoon as a reservoir) dated 16th April last year.

In it we pointed out some salient facts that did not seem to be sufficiently prominent in the expert report that was being considered and compiled before it was put to the PAC last October, but which we think should have resonance with anyone considering or reconsidering the merits of a design which locates the public so closely with the hazards that surround this water body.

"

*However on reviewing the original email and in view of the findings of the Wardle Armstrong report (WA) that you commissioned last June (2022) on the instability within the quarry, I think it is important to look again at those arguments in the light of the WA findings to see how matters have now moved on and the fact that you appear now to be dealing with the applications as a quarry lagoon and not a reservoir.**

As you will no doubt be aware the 1999 Quarries Act itself is accompanied by an Approved Code of Practice and Guidance produced by the Health and Safety Executive (second edition 2013) and the references quoted below are from both documents where applicable.

The Approved Code of Practice or ACOP has legal status as if you follow its advice you are complying with the law.

I have also compiled this letter with reference to Minerals Planning Guidance 5: Stability in surface mineral workings and tips and The Mines and Quarries (Tips) Regulations 1971 which are also relevant and the NPPF para 178 with regard to unstable land and planning development.

It is well worth considering all the legislative conditions that govern having a body of water that is so integrated into the scheme and how that adds to the risk factor when it comes to stability and safety.

If it is not classed as a reservoir which has its own list of restrictions, then the lake in the quarry 3 application in 0646 qualifies as a quarry lagoon or under the quarry regulations, it is a tip, as water is considered by Regulation 30 of the quarry safety guidance document which defines it as such, classing all tips, including stockpiles and lagoons under the same requirements.

The regulation is to ensure that people, whether working at the quarry or not, are not put at risk because of unsafe excavations or tips. In particular, those in or near the quarry should not be at risk due to the collapse of a quarry face or from the movement of all or part of a tip.

The stability of quarry 3 and its lagoon is therefore imperative and the issue of the proximity of the new locations for the lodges to the water's edge plus the additional earth moving required to accommodate them and the institution of the additional roadways and the building of the bridge, items which were not included on the original outline plans, must be a new concern.

To reiterate some earlier points

Within the rules then there are distinct definitions and descriptions of measures that must apply here.

The appraisals and assessments below are tools to ensure this general objective of safety is achieved.

1. All tips or, as in this case in quarry 3, lagoons, qualify; no matter size they are, what material they are made from, where that material comes from or what happens to it later. Tips used for refilling the excavation (here the water that has flooded in after excavation) or for landscaping the site after extraction, stockpiles of materials for later processing or sale, amenity and soil bunds, are all covered by the same rules .

2. Excavations include any place where the minerals are or have been extracted, in particular the ground or floor of the quarry, the faces and sides of the quarry and any other incline, for example when making access roads and cuttings such as are going to be used according to the plans before you, for various movements of materials in cutting and filling and foundation work anywhere in Moneystone quarry. However in particular, the regulations stress that attention should be paid to those activities in a quarry where the water is stored and where the stability issues and risks are more intense.

3. With reference to para 268 of the Health and Safety guidance, it states that where material is extracted from beneath water, the edge may collapse into the excavation without warning. The area liable to be affected should be treated as a danger area (regulation 22 gives more information about danger areas).

That may be a problem for the creation of the lodges themselves but you must also consider that once constructed and open for use by the public, those edges will still be vulnerable areas, particularly at the verge of water-filled excavations, which may collapse under the weight of people or equipment; and places where there are materials which behave like quicksand and could drown people.

4. In this instance where there is no underwater profile information or up to date survey of conditions prevailing at the immersed interfaces of those parts of the old excavations that cannot be seen anymore, and where saturation may have weakened the stress values of the matrices, those levels of old benches and faces have to be factored in as part of the overall feasibility consideration for the whole idea locating lodges at lakeside and on the slopes above .

5. The regulations require identification of significant hazards and appropriate checks/ inspections eg where the bottom of the excavation is more than 30 m below any surrounding land within 30 m of the perimeter of the excavation (ie the excavation is more than 30 m deep, allowing for any nearby higher ground); or irrespective of the excavation face height, depth or angle, other factors, for example the geology, location or proximity of a tip, mean that there is a significant hazard as described in paragraphs 293–295 of the regulations.

These are clearly matters for you to consider and check whether they have been evidenced sufficiently in the documentation before you.

I suspect not.

For example para 311 states that

Excavations and tips that constitute a significant hazard (see paragraphs 293– 295) must be subject to geotechnical assessment at least once every two years. The date by which the next geotechnical assessment is to be carried out must be specified in the geotechnical specialist's report.

I do not recall that being present and I believe I have pointed out to you already that the assessment report submitted by Abbeydale in 2018 which is a summary of all their earlier reports, is out of time.

Neither has any bathymetric profiling been carried out or are there any subsurface plans to show the profiles and conditions operating below the edges where the lodges and roads are to be placed.

As far as I know there have been no health and safety checks carried by the HSE ever since Laver took over ownership. even though there is a general duty on the site operator to ensure the safety of quarry excavations and tips; and that once abandoned, the quarry is left in a safe condition, as required under the Quarries Regulations 1999.

General planning guidance in association with the NPPF states that although the primary responsibility for the safety and stability of the quarry rests with the owners / operators ie Laver Leisure, where development is proposed in or near the slopes of abandoned quarries or tips, local planning authorities should seek information from applicants in respect of stability reports prepared by a competent person.

The layout of such development will need to be considered in relation to the stability of nearby slopes and the necessity for and feasibility of any necessary stabilisation measures.

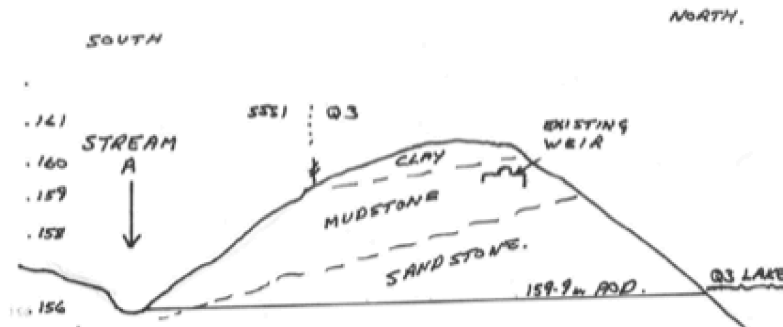
Development on back- filled workings and tips will also need to consider the potential effects of differential consolidation of the fill/tip material as well as any potential effects on slope stability.

All of these factors are present at Moneystone quarry 3 with the added problem of the presence of so much water.

Obviously you have addressed some of the issues (according to the guidance in PPG 14 Development on unstable land and in PPG 14 Annex 1 Landslides and planning; advice on the consideration of potential contamination of such sites in PPG 23 Planning and pollution control) by commissioning the Wardle Armstrong(WA) report and we await how the developers will respond to their recommendations.

However that response will require further submissions as those geotechnical assessments submitted so far are not sufficient to pass muster lacking as they do for example in SMD/2022/0014 where the problem is derived from the inadequate quality of information provided by Abbeydale BEC, and its suitability for purpose as exemplified by comparing the required technical information profile and quality of cartographic draughtsmanship under regulation 33 of the HSE guidance, to that in the submission as a support document for the proposed new outfall spillway (ref application SMD/2022/0014) also provided by the same company, Abbeydale. and shown in the extract below:-

location shown in Fig 1. The cutting base/channel is to be 600mm wide and 500mm deep through the land bridge to match the stream bed within the SSSI. To maintain a lake level of 156m AOD the channel base shall be cut at 155.9m AOD throughout its length.



Long Section Figure 2

This quality of drawing or illustration is just not acceptable.

There is no sign of a proper standard of presentation that should be required for planning purposes; no legend or key, no proper scale etc.

It has the air of a rudimentary sketch and more to the point, the profile in this section drawing which purports to be of the same area, looks outwardly different to the reality on the ground.

It also falls short, as I'm sure you will point out to them, that when dealing with land that may be unstable, the planning system must work alongside a number of other regimes and abide by their requirements, particularly where public health and safety at quarries are concerned.

Therefore the prescriptive nature of the regulations for geotechnical assessments that you have to consider amid all the other aspects of the applications, are as follows with regard to health and safety issues as detailed in the schedule below and must be attained.

Health and safety at quarries

Schedule 1 Content of geotechnical assessments

Regulation 33(1)(a)

Site survey

(1) An accurate plan which should be prepared on a scale not less detailed than 1:2500 showing –

- (a) the boundaries of the quarry or premises upon which the excavation or tip or proposed excavation or tip is or is to be situated;

- (b) the site of the excavation or tip or proposed excavation or tip;

- (c) any contiguous land or structures which might be affected by the excavation or tip or proposed excavation or tip; and

- (d) all mine workings (whether abandoned or not), buried quarry workings,

known cave systems, active or former landslips, springs, artesian wells, watercourses and other natural or man-

made features including tunnel pipes or culverts which might affect the safety of the excavation or tip or proposed excavation or tip or which might be relevant for the purpose of determining whether excavation or tipping operations can be carried out safely,

which plan shall be contoured to Ordnance Datum Newlyn at a vertical interval not greater than 5 metres and orientated to and correlated with the Ordnance Survey National Grid and marked with squares corresponding to the 100 metre squares shown on Ordnance Survey sheets on the scale of 1:2500.

Site investigation

(2) A record of all relevant site investigation information including surveys, tests, boreholes and groundwater measurements made for the purpose of the geotechnical assessment together with the results of any testing including the strength of materials within and beneath the tip or within the excavated slope. The record shall include any known historical information relevant to the site investigation.

Cross-sections based on site investigation

(3) Sufficient accurate cross-sections on a scale not less detailed than 1:1250 of the site of the excavation or tip or proposed excavation or tip showing the existing ground surface and all relevant superficial materials and bedrock underlying the said site and –

- (a) any variation in the thickness, level or character of the superficial deposits and bedrock materials based on the site investigation; and
- (b) the position of any surface whether natural or manmade which may affect the safety of the excavation or tip or proposed excavation or tip.

There is in fact a combination of tip hazards that you have to consider in quarry 3 ; one is the excavated sides above water level and two the underwater lagoon, or if you prefer, just the total of both.

Which ever you choose, it is a daunting task.

Tips and the definition of hazards for a lagoon are also to be found in the guidance and the technical details that are required to be met.

for example :-

Para 300 The hazard should be treated as significant and the tip subject to a geotechnical assessment if it is, or will be:
a lagoon containing any liquid or material wholly or mainly in solution or suspension (ie likely to flow if not contained); and

- (i) the contents of the lagoon are more than 4 m above the level of any land which is within 50 m of its perimeter; or
- (ii) the contents of the lagoon exceed 10 000 cubic metres; or irrespective of the size of the tip, other factors, for example the geology, location or proximity to an excavation, mean that there is a significant hazard as described in paragraphs 293–295.

Tips and the definition of hazards for an excavation area ctd

Para 300 The hazard should be treated as significant and the tip subject to a geotechnical assessment if it is, or will be:

- (a) in a wholly or mainly solid state and not in solution or suspension (ie not likely to flow if not contained); and
- (i) the area of the land covered exceeds 10 000 sq m; or
- (ii) the height of the tip exceeds 15 m; or
- (iii) the average gradient of the land covered by the tip exceeds 1 in 12; or

para 301 The hazard should be treated as significant and the excavation subject to a geotechnical assessment where:

- (a) in the case of moderately weak or stronger rock:
- (i) the vertical height of any individual face (see Figure 6) is more than 5 m; or
- (ii) the overall vertical height of any adequately benched face or slope, measured from toe to crest, is between 15 m and 30 m, and the overall face angle is steeper than 1 horizontal to 1 vertical (45° to the horizontal); or
- (b) in the case of weak or very weak rocks and engineering soils, where the vertical height of any part of an excavation is more than 7.5 m, and the overall face angle is steeper than 2 horizontal to 1 vertical (27° to the horizontal); or
- (c) the bottom of the excavation is more than 30 m below any surrounding land within 30 m of the perimeter of the excavation (ie the excavation is more than 30 m deep, allowing for any nearby higher ground); or
- (d) irrespective of the excavation face height, depth or angle, other factors, for example the geology, location or proximity of a tip, mean that there is a significant hazard as described in paragraphs 293–295.

Such fine details and solutions do not appear to have been addressed in the documentation submitted so far.

As SMDC has supposedly assumed the role as mineral authority from SCC for the purposes of dealing with these applications I think it is appropriate too to remind you as you take on this burden of technical responsibility and public safety in making your decisions, that Staffordshire County Council's own guidance advises that

- mineral planning authorities need to consider stability in relation to surface mineral workings and tips;
- local planning authorities need to consider stability in relation to development in, on or near abandoned surface mineral workings and tips; and that
- policies should outline the consideration which will be given to stability issues in considering mineral development and other development in, on or near to mineral workings and tips;
- consideration of apparently unrelated issues may require consideration of the potential effects on the stability of excavated or tipped slopes;
- where appropriate, planning applications and restoration/landscaping schemes should be accompanied by a design report prepared by a competent person which demonstrates that the perimeter slopes and any internal slopes remaining after restoration will remain stable.

I'm sure you have already detected instances within the documentation with which you have been presented, that, way back to 2012, aspects of the weaknesses alluded to above and identified in the matrices that either form the quarry faces or the engineered soils in the bunds, have been raised as concerns by the very geotechnicians who are now saying it is fine, when there is no evidence of substantial recent intensive fieldwork to back up their claims, or any proof of remediation works having taken place and even though the 2014 Environment Statement that was used for the support of the outline planning application/ permission, contains evidence of such weaknesses.

Fortunately too you do have the evidence from the recent WA report to back up the citing of these weaknesses and problems.

However from all the other shortfalls and absences of the required information that should have been supplied to you by the applicant and its agents, you can clearly see that there are serious flaws to the applications that must be addressed on a number of fronts.

Until these worrying shortcomings have been rectified and before you consider all the other safety factors and all the other arguments that per se mitigate against a decision to approve these reserve matters and the full applications associated with them, there is little point in progressing the applications further.

We will continue to monitor the files to see that all the above regulations are met in detail.

Please adopt this letter as another objection and put it on the appropriate files.

Thank you.

Yours sincerely

David Walters
Secretary
Churnet Valley Conservation Society
CVCS

.....
.....

Obviously since that letter was written, the EA made its decision that the lagoon was a reservoir but much of the technical content above still applied to the need to survey the underwater profile and conditions to ensure that a bathymetric knowledge of the depth of the water and the topography of the floor, as well as the stability of the saturated sandstone ledges and benches from the old excavations were known in advance.

We considered this to be a priority on the grounds that anyone entering the water by chance, accident or intent might be rescued more easily.

It would be the responsibility of the site owners to ensure safety under the building regulations or HSE Act, but we would argue that the risk is attenuated if there is no complex so close to the water's edge in the first place. To us it seemed sheer folly to create a situation where the public would be exposed to the risk of deep water dangers by locating the lodges in that situation.

Despite the glossy promotion of this facility, the reality is that this lakeside development will be sited within a former lagoon of the disused sand quarry and one where naturally after years of use this area of the quarry is deep and very steep sided having filled up with ground water over the 10 years of neglect.

One of the regular summer warnings we are accustomed to hear from National Safety Bodies and Local Mineral Authorities who regulate and govern quarry safety, is the message not to swim or play near disused quarry lakes.

To quote from the 2019 Director of Policy at DAERA in Ireland, Dave Foster, ***"I would appeal to parents and young people to be aware of the dangers of disused quarries and not to enter any body of water. Quarries are not a playground and quarry lakes in particular, pose the greatest risk. They are often much colder than rivers, lakes and reservoirs as they can be fed by water sources that originate deep underground.***

A sudden plunge into cold water initiates a gasp response, which can cause drowning within seconds. After four minutes in cold water, poor blood circulation causes stiff fingers, reduced coordination and loss of strength. Swimming to safety and pulling yourself out of the water, or even treading water to stay afloat, may no longer be possible. Quarry water really is a stone cold killer. The message is clear. Stay out. Stay alive."

It seems somewhat perverse then, given this knowledge and the constant reinforcement of such messages on an annual basis, particularly when sadly there have been headlines of inadvertent deaths by such drownings in the Peak District, to be entertaining the idea of awarding planning permission for this particular lakeside development in Moneystone Quarry to take place.

The counter argument of the developer will be that it will be perfectly safe and that appropriate measures will be in hand once the site is completed.

However, the salient facts of the current conditions of that body of water cannot be denied. It is a vast volume of water constantly fed underground from springs and aquifers from other parts of the quarry which have not been restored by the developer; that still contain unknown amounts of industrial contaminants such as those from the previous quarry processes where acids and iron were regularly used to bleach the sand in readiness for use; where in 2016 illegal dumping of toxic materials containing residues of copper, arsenic, cadmium, mercury and lead were discovered and which to this day are still present and leaching down through areas of quicksand and percolating into ground water that feeds the lagoon/ reservoir, or lake, to be.

Unsurprisingly the acidity of the water is never constant and as we have already remarked despite 10 years of disuse, it is remarkable how little evidence of life there is in and around the perimeter of the lagoon.

Another very pertinent danger which is unique to former sand quarries, unlike hard rock quarries, is the fact that it is much harder to escape from such lakes in the event of a panic or risk of drowning because of the fineness and thixotropic nature of the grains within the geological matrix that forms the bottom and steep edges of the lagoon /reservoir , so that the sand becomes more unstable for anyone trying to scramble out.

So the danger isn't just from the fact that water is always very cold and that its temperature rarely gets above 10 degrees, even in summer, which is cold enough to take your breath away, which is the body's natural reaction, and can lead to panic and drowning.

Or the fact that however good a swimmer you may be, or think you are, that intensity of sudden cold can make your arms and legs numb which means you can't control them and can't swim. Or that the shock can lead to hypothermia - serious reduction in your body temperature - which can cause heart failure.

It is also about the quality of the water itself within the lake.

This is the latest ROSPA analysis of the dangers of deep water lagoons/ reservoirs and quarries.

Hidden dangers: Many active and former quarries have lakes or water-filled voids. Hazards associated with these often include very deep and cold water, sudden changes in depth, rocks and machinery concealed beneath the surface, pumps or unexpected currents, weeds and, in some cases, high alkalinity. Quarry lakes may also be difficult to exit due to high and unstable sides.

Key groups at risk: Circa 80% of quarry fatalities involving members of the public are males between 11 to 30. Most fatalities are water related and occur in disused quarries, the majority of which are no longer owned or managed by quarrying companies.

Physical and design measures: Measures used to help protect the public include different types of fencing as appropriate for the local environment and risk, a wide range of warning and information signs, planting to help deter entry into hazardous areas and, in the planning process, consideration of the potential after-use of the site.

Policies and standards: The Mineral Products Association (MPA) supports the UK Drowning Prevention

Strategy. Since 2014, it has developed its relationships with safety organisations, the emergency services, water utilities and sporting organisations to both learn from them and to share best practice. MPA's strategy includes public safety risk assessments for all member sites, identifying and prioritising activity around high risk sites, sharing information on incidents and fatalities, issuing a range of member guidelines on the management of public safety, regular communications with members about public safety, working with others to ensure consistent messaging, encouraging its members to educate the public through their schools and community engagement programmes, and working with parents whose children have died in quarries who want to help prevent others from putting their lives at risk.

Campaigns and key messaging: MPA runs an ongoing campaign 'Stay Safe' to help raise awareness about the dangers of entering quarries and related sites uninvited and unsupervised. MPA's resources and media activity help support its members' engagement with their local communities and other relevant stakeholders.

and in current HSE quarry guidance, regulation 22 covering danger areas of quarries it is acknowledged that

171 The whole quarry is potentially dangerous, but there is nothing to be gained by treating it all as a danger area. This would simply devalue the term. Risk assessment should be used to identify those areas which merit being treated as a danger area.

However, paragraph 174 warns that

Areas of the quarry where access is foreseeable and the risk is high should be treated as danger areas.

Particular consideration needs to be given to:

(b). edges of excavations, particularly water-filled excavations, which may collapse under the weight of people or equipment;

(e). places where there are materials which behave like quicksand and could drown people.

ref ENSURING RESERVOIR SAFETY

Health & Safety Commission, *Health and safety at quarries*, Quarries Regulations 1999, Approved Code of Practice, 1999

HMSO Mines and Quarries (Tips), Regulations 1971

HMSO Mines and Quarries (Tips) Act 1969

ICE, *A Guide to the Reservoirs Act 1975*, Thomas Telford, 2000

Conclusion

These are factors that were not fully examined or highlighted in the PAC consideration of the application SMD/2019/0646 but should have been, as they are fundamental to aspects of the design that the Council did reject in the end.

They were raised during the process of consultation and are in evidence on record in the files.

On behalf of CVCS

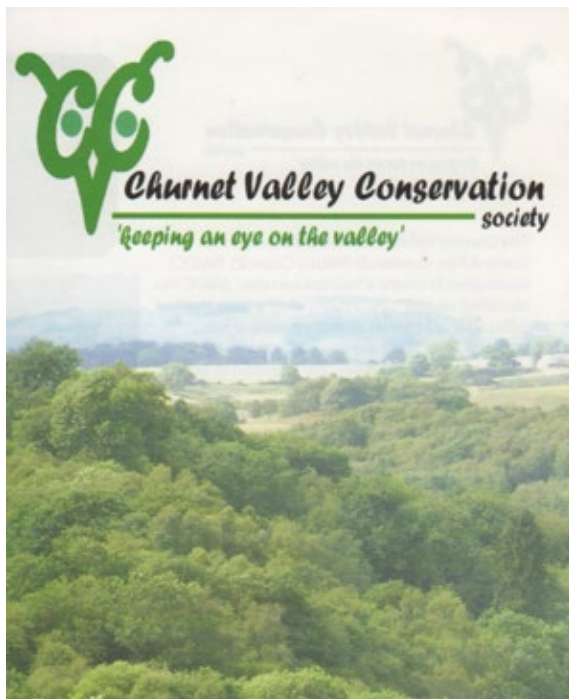
July 2024

The final piece of evidence in our ill fitting jigsaw of planning and design in this matter, is perhaps the most poignant and unique. Undoubtedly, it is without precedent, both in its legal interpretation and status, its recent history and in its current circumstances of woeful neglect.

Yet it has its place of importance in this Inquiry for all those reasons at least.

Appendix 5 outlines in detail the unfortunate history of a once fine listed building with whose care and curation the owners of the quarry were legally charged, but for the last 20 years that legal responsibility has been badly and demonstrably neglected to the extent of breaching a listed building consent and its conditions and which appears still extant and not yet discharged.

Appendix 5



Churnet Valley Conservation Society

Planning Inspectorate APP/B3438/W/24/3344014 Moneystone Quarry, ST10 3AN

Appendix 5 -Full Statement of Proof of Evidence
Listed Building- Stable Block

Full Statement of Proof of Evidence - Listed Building Consent- the former grade 2 Stable Block at Whiston Eaves.

1.This statement is made on behalf of the Churnet Valley Conservation Society hereinafter referred to as CVCS and in support of the decision taken in October 2023 by Staffordshire Moorlands District Council (SMDC) to refuse planning application SMD/2019/0646

2.This statement is made in respect of conservation issues relating to listed building matters in the proposed development site which should be included in the consideration of this appeal because they are involved directly with the appellant's future use of the site and, historically, are issues that have not been fully accounted for in the documentation submitted by the appellant, they are brought to the inspector's attention.

3. A prime reason for doing so is that the listed building concerns apply directly to the conditions of the restoration of the quarry itself and its future development, the plans for which are under scrutiny in this appeal.

4. CVCS contends that archaeological and heritage issues surrounding the former grade 2 listed stable block that remains within the development site, have not been properly addressed under the conditions of a Listed Building Consent (LBC) relating to the site and accordingly add to the weight of evidence being brought forward in the appeal to uphold SMDC 's original decision of refusal.

Background

5.On the 6 July 2010 by virtue of the agreements signed between Sibelco and the appellant, the appellant became the new owner of the quarry and all its liabilities for the site were transferred to it.

6.Evidence is reproduced in correspondence below

From: Mark James <Mark.James@sibelco.com>
Subject: **Onderwerp: Moneystone Quarry, Staffordshire / listed buildings inquiry/ Whiston Stable block**
Date: 22 November 2015 17:16:01 GMT
To: Sheila Walters <thewalters210@btinternet.com>
Cc: Mandeep Sarai <Mandeep.Sarai@sibelco.com>

Dear Mr Walters,

Please see below our response to your recent enquiry.

We understand that queries as to restoration liabilities have been raised. The position is that Sibelco transferred all relevant property to Laver Leisure by agreements dated 6 July 2010 by virtue of which Laver Leisure took on Sibelco's liabilities. Laver Leisure and Sibelco have recently discussed this and this is the understanding of both parties.

Regards

Mark C James
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Consequence of liability

7. Among the inherited liabilities pertaining to the quarry was a Listed Building Consent (LBC) that had not been fully discharged, as some of its conditions were still 'live' and outstanding. Compliance with these conditions was therefore an issue to be addressed the appellant.

Before considering the issue of the appellant's compliance, it is opportune to give a brief resume of the circumstances of the LBC and its conditions commencing with a timeline of the main events.

8. Moneystone Quarry Timeline

25th September 1998 Permission granted by SMDC under LBC (**ref SM 98 – 0282 LB**) for the systematic dismantling, safe storage and restoration of the former Grade 2 Listed Georgian Stable Block at Whiston Eaves as part of a proposed quarry extension at Moneystone.

December 1998 A Memorandum of Agreement completed between the owners of the quarry at the time (Hepworths Minerals, later to be WBB Minerals and then latterly Sibelco) and SMDC, agreed, inter alia, conditions for a RCHM Level 3 / 4 Survey prior to and during the systematic and supervised dismantling process, and after which, the monitoring and storage of the building, including provision of a weather-proof storage facility to safeguard the materials from damage and theft; all the materials stored to be labelled and catalogued with a view to the future restoration of the site to be agreed with SMDC and English Heritage now Historic England (HE)

July 2005 Dr Colin Hayfield undertook the building survey recording during overseeing of the demolition of the stable block building.

2006 Dr Hayfield's report completed and submitted to LPAs (SMDC & SCC)

2007 Report and photographic evidence sent to archive in Stafford.

2007 Historic Environment Records entered details and described the former listed buildings as "partially demolished"

2009 Amendments to the restoration plan were approved by SCC to take into the account the subsequent change to the quarry permission.

In **February 2010** Sibelco submitted a new restoration plan reflecting the above amendments.

July 2010 Sibelco sold the quarry to Laver Leisure who, as new owners, became responsible for the restoration of the quarry and the former building listed building.

9. Therefore, at this point, the appellant also took over the responsibility for the remaining unfulfilled conditions of the LBC that had not yet been fully discharged, namely those in Condition 4 specifying "***a scheme of operations to monitor and to record the dismantling of the building, providing an area of safe storage which provides for proper handling, maintenance and security of the resulting materials until such time that the building is re-erected either on its original site or elsewhere on land in control of the applicant (originally Sibelco, but now the Appellant) and at the completion of the restoration of the quarry***".

10. It is clear that in 2010 the appellant was under the obligation to restore the building using the recorded details and catalogued materials from its store, somewhere in the quarry enceinte it now owned, at a site to be agreed with SMDC and English Heritage, if not in the original position.

11. Even more significantly the restoration of the building was to be done at the completion of the restoration of the quarry i.e. after it was completed and not before, so that its relocation could be accommodated in an appropriate setting.

12. The purpose of this phrase was deliberate and inserted at the behest of the English Heritage building inspector Mr Alan Taylor who, being reluctant to have the building demolished in the first place, sought to ensure that it was restored as close as possible to its historic context or setting.

13. Evidence of his intent is contained in his letter of recommendation dated 16 June 1998 to SMDC as follows "***whatever the gain from working the mineral reserve, it cannot offset the loss to the national heritage from the removal of a building of this quality. It is therefore suggested before listed building consent is granted for the removal of any of the buildings on site, the developer be required to enter into a binding agreement to dismantle and re-erect the stable at an alternative site. Compliance might be assured by way of a returnable bond lodged with the LPA to ensure appropriate reconstruction***". He also recommended a timescale.

14. The insertion of the timescale at the completion of the quarry restoration in the eventual LBC conditions is therefore crucial as it not only gives the terminus post quem for the building to be restored, but it enables it to be located within the newly restored quarry, either on its original site or as close to it as possible.

15. However, since taking ownership of the quarry in 2010, no provision has been made by the appellant in any revised plans for the restoration of the quarry to accommodate the required re-erection of the building within them.

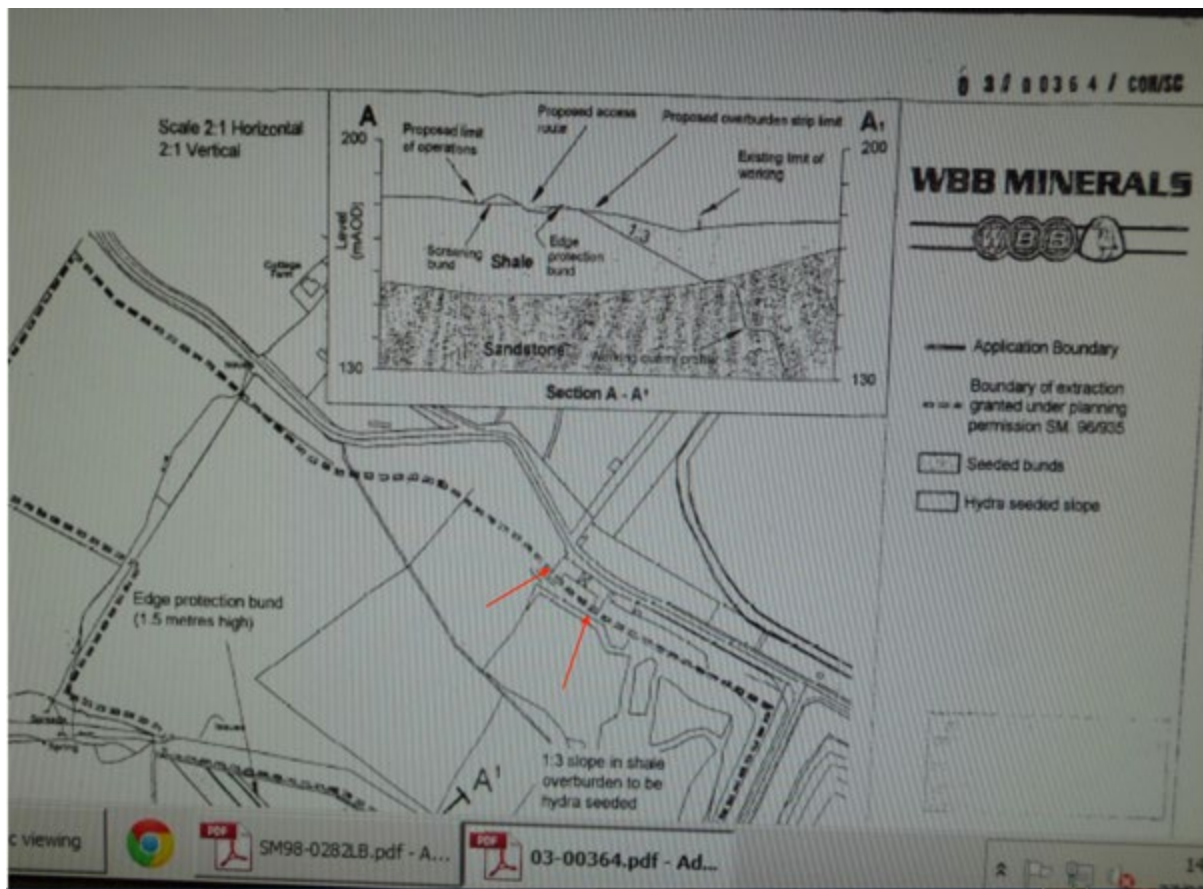
16. In the application SMD/ 2014/0682, and the later outline permission SMD/2016/0378 granted in 2016 and now in the reserved matters SMD/2019/0646, there is no provision at all made for the re-erection of the building in any of the Appellant's plans despite concerns being raised before the hearing of the planning committee and with the case officer.

There appears to be an unwillingness on the Appellant's part to comply with its inherited responsibilities that it holds on this site.

17. It also has important consequences as regards the setting for the re-erection of the building and how the planned development currently under scrutiny will impact upon the potential site for the building within the restored quarry.

18. In terms of precedence, the site for the re-erection of the building has to be considered contemporaneously with any new development in order to respect and preserve the setting implications. The best possibility of course is to make such provision within any development plans, particularly as we can see in the plans for SMD/2016/0378, it may involve the removal of the original ground surface at the location of the original building, that had remained intact for the most part during the extraction operations.

19. The original building was taken down because of the likelihood that extensions to the extraction faces of the quarry boundary would clip the western edge walls of two of the wings as shown by the red arrow below on a plan submitted at the time and reproduced below. The boundary edges of the new faces are shown by the dashed lines. The main part of the building would remain intact but the quarry company was concerned over health and safety issues and pressed for total dismantling.



20. However restoration work could be implemented within the landscape of the quarry to complete its restoration possibly even using the bench of land upon which it stood, as it is clear from the Google image supplied below, that the building survived on that edge as quarrying took place around it.



21. Given that in order to develop the site according to its application plans, the appellant will be using much earthmoving equipment to stabilise and modify the quarry edges in preparation for its lodges, we would consider it is a fair price that it should pay in order to discharge its LBC duties and obligations as far as the proper restoration of the building is concerned.

22. However, the matter has been further complicated by the discovery in December 2014 of the presence of part of the original stable block building still extant and in its original position.

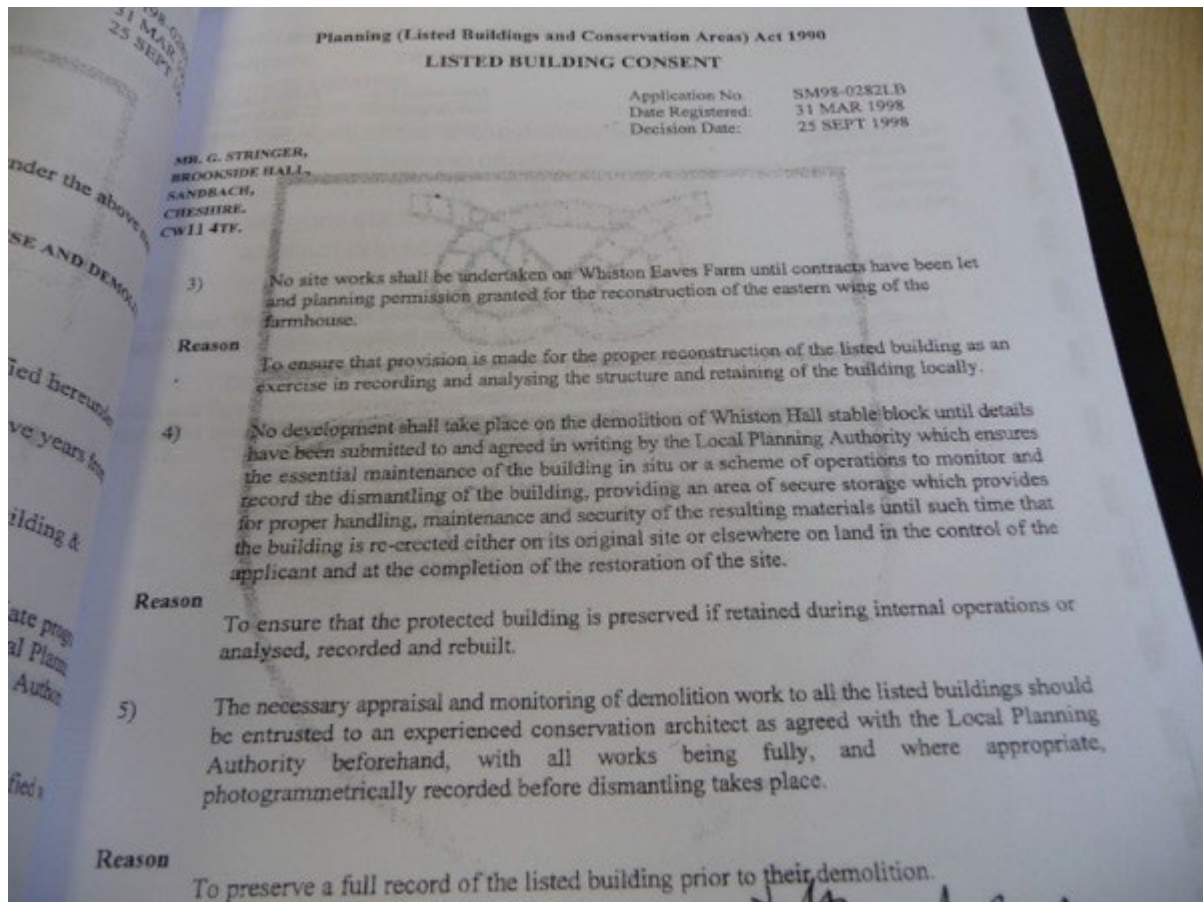
23. This discovery of the remnants of the building in situ has now presented a number of interesting legal points and highlighted some further unexpected issues and possible errors in respect of the LBC conditions.

It questions the validity of future restoration policy and developments of the former quarry site. It also raises concerns for the wellbeing and protection of the dismantled building and the whereabouts of the building fabric and its catalogue. In addition, it has raised the profile of the future protection of the actual archaeological site from which it was partially removed and the legal implications as to the status of the remnant building fabric still in situ and the provision for its future protection.

24. As all of these matters are affected by the future outcome of the current application and the 'live' consents, it is only right and proper that they are given a justified airing and examination before conclusions are drawn in the granting of permissions or refusals of the applications, or indeed this appeal.

25. The presence of the remnant walling needs some further explanation.

In September 1998 the owner of the quarry was granted an LBC in respect of the Grade 2 Georgian Stable Block adjacent to Eaves Lane Whiston so that it could extend the sandstone quarry (ref SM98-0282LB). A copy of the LBC is shown below.



26. Consequently Dr Colin Hayfield acting as the Historic Building Consultant on behalf of the quarry owners prepared his detailed structural survey report as it was dismantled and this was duly submitted into the archive record.

The materials derived from the dismantling were thought to be duly stored in the quarry awaiting restoration in situ or at some locality nearby within the restored quarry. This restoration was then to be done by the owner when the quarry ceased to be worked and was to be restored to its former agricultural state as was the plan at the time.

27. Which of the two LPAs actually oversaw proceedings: whether it was SMDC as local building conservation body, or SCC as the mineral planning authority, we are not sure. Nor was it certain that Dr Hayfield was actually present at the final stages of demolition having only a limited number of days in which to complete his brief.

28. Personal communication with him suggests not, and that at the time he ceased visiting, having gathered sufficient evidence to produce his survey report, he said that some of the walls of the building were still standing. These should all have been removed in accordance with the LCB.

29. What is certain now because this remnant walling is still in its original position, is that the whole of the building was not completely dismantled as it should have been and that both legally and technically it is therefore evidence of a breach of condition 4 of the LBC.

30. The physical evidence around the issue of the wall will be discussed a little later in this submission, together with photographic evidence.

31. Meanwhile in November 2012 the Appellant applied to SCC as minerals authority for another restoration plan revision and yet again omitted to take account of its responsibilities as regards the LBC as no provision for the restoration was included.

32. In March 2014 after consultation and with the approval of SCC, a revised restoration plan for the quarry was agreed with the Appellant.

SCC planning officer's approval notes (para 9 of the SCC Planning Committee minutes 6th March 2014) specifies in the Summary of Proposals as follows:-

“9. This is a submission of details (not a planning application) to amend and update the Restoration Plan for Moneystone Quarry previously submitted following approval of the details in accordance with the requirement of condition 35 of the planning permission SM.96/935 (ref SM.96/935/122 MD3 dated 9th October) (see Appendix 4). The approval in 2009 was the subject of an updated Restoration Plan to reflect the agreed revisions at that time. An updated Restoration Plan was submitted in February 2010 to fulfil this requirement (see Appendix 2).”

33. In other words, it was just in effect no change to the earlier plans that had already omitted provisions for dealing the outstanding restoration of the building condition of the LBC.

34. So overall during the intervening period of five years of negotiations on the new plans for the restoration of the quarry 2009- 2014 no one took account of the legal requirements of the LBC which were still outstanding.

35. However, a further twist to the unfortunate saga of this former listed building came about in early 2013, when SMDC which of course is the body responsible for enforcing the LBC conditions, contrary to the professional wisdom and advice of its own conservation and case officers, gave permission to Mr and Mr G Stringer (permission ref 12/01340FUL) to rebuild it in a site at Ross Road in an area well away from the quarry and an area designated as of special landscape value, and thus completely outside any defined development area according to its own planning policy document. This is another contentious matter the legalities of which appear somewhat unclear.

36. To their credit both the case officer Mrs Curley and the conservation officer Mrs Bayliss, put forward excellent arguments about the travesty of the situation and imposed stringent conditions governing the nature and style of the re-building.

37. In her report to committee Mrs Curley remarked very clearly on some salient points to which I would respectfully draw your attention

AGENDA ITEM 13 SMDC officer's report to committee Dec . 2012

‘However it was never intended that the re erection of the building was to be part of any commercial gain. The quarry owners sought permission to take down the application building (Listed at the time) so that they could extend the quarry and extract silica sand and from this they presumably gained commercially.

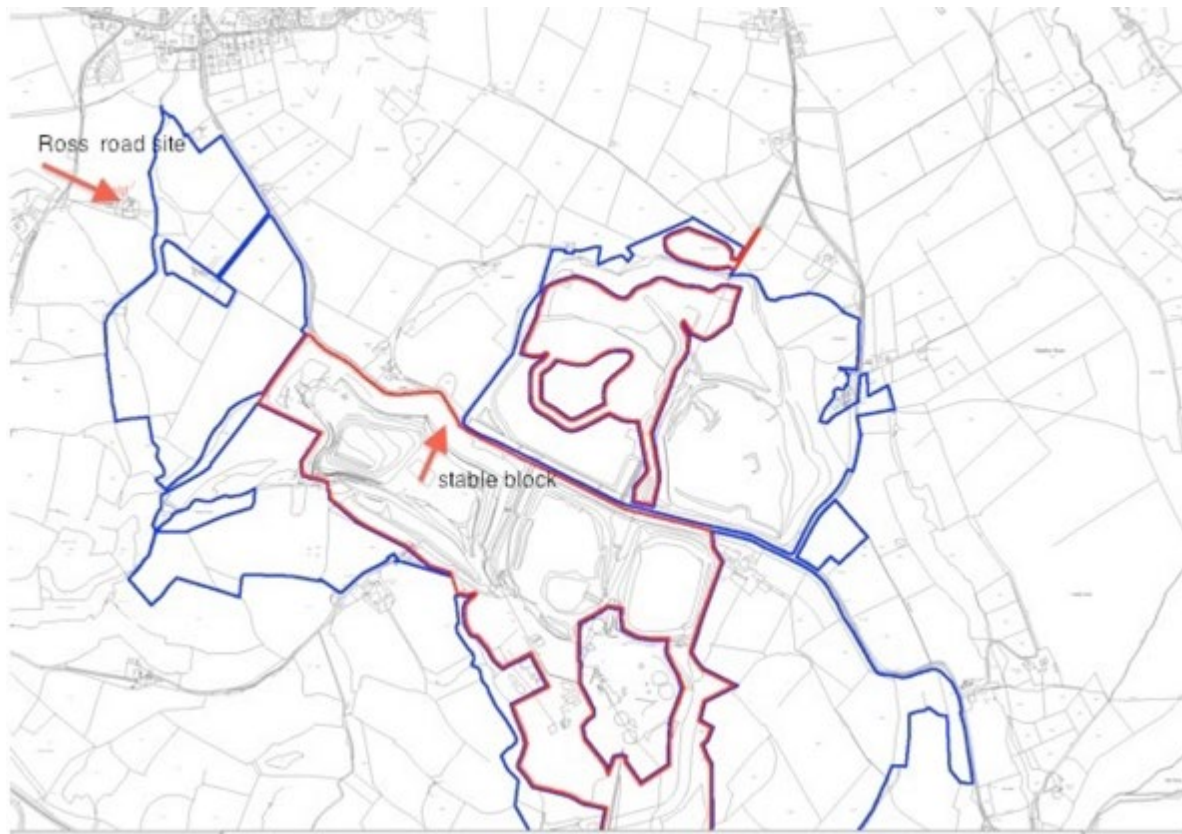
Condition 4 was the mitigation for the loss of the building on this site and provision for its re erection elsewhere on the applicant's land*. The involvement of a third party was never envisaged.

11. During pre application discussions Officers did urge the applicant to consider a site within the extensive confines of the quarry as part of the restoration and redevelopment proposals. Here the building could assume a much more sympathetic use, close to its origins and with considerably less visual and landscape impact.’

38. It is not disputed that Mr Stringer was granted the permission. However, what is disputable is the question that remains regarding the LBC condition, the re -location of the building and the actual ownership of the stones.

39. The map below 39i shows the position of the key locations in the matter. The blue line shows the boundary of the quarry owned by the appellant. Mr Stringer's field lies outside of it and therefore the building would no longer be **within the quarry contrary to condition 4 of the LBC .**

*The applicant at that time being Sibelco the quarry owners.
NB She is not referring to Mr Stringer except as the third party.



Property boundary map 39i

40. Also there is the question of the ownership of the stones themselves.

Mr Stringer does not have entitlement as the stones are to be stored in the quarry until the re-erection of the building within the quarry or, according to the LBC terms, on land under the control of 'the applicant ie the owner of the quarry at the time of its granting.

41. Sibelco were the owners whereas Mr Stringer was the quarry manager. However as mentioned before, Sibelco are adamant that in July 2010 their ownership and all liability for the LBC passed to Laver Leisure/ the Appellant.

42. The LBC conditions stipulate that the stones and the responsibility for their upkeep lie with the Appellant as owner of the quarry site. They cannot be divorced.

43. There is a very important point here to be considered. The LBC was given to ensure that the quarry owners restored the building in situ or somewhere very close in order to maintain its historical context or setting. Part of the original site is still present and the stones and materials from that that were taken down, could have been restored in situ, if the Appellant was so minded given the amount of restoration that it intends to carry out upon the quarry area with its applications.

44. Also from its wording, it is clear that the LBC intended the stones belonging to the land or the quarry estate to remain within the restored quarry and they were not intended to be traded off site.

45. As it is, Mr Stringer has now sold the land and the permission to a fourth party and thus profited without any restoration of the quarry or the building taking place. That would seem somewhat against the LBC conditions.

46. The Appellant has seemingly allowed this breach of conditions to take place by not including appropriate provision for the restoration of the building in its own plans for the site and yet it clearly has ownership of the remnant part of the building within its boundaries.

47. We attach several images of the section of wall belonging to the building still in situ together with forensic evidence that at the final stages of dismantling, more of the material from the building was not taken into storage, but rebuilt as part of the new drystone wall that had replaced the building along the roadside.

48. The evidence from analysis of the modern roadside wall clearly shows that not only did the wall builder use the still extant standing courses of wall stone from the listed building in situ, but also used parts or blocks of stone material from the building as separate elements in order to construct the new drystone wall.

49. This again would constitute a breach of the LBC condition which required the complete removal and safe storage of the building.

50. Further inspection of the land between the quarry 3 lagoon/reservoir and this wall established the fact that the foundation site of the building was present and now crossed by a public footpath. There is a degree of overburden formed as a bund to demarcate the quarry edge and the perimeter of the reservoir, but that in itself would have protected the foundations over the intervening years when the bulk of the building was in storage.

51. Archival research in the William Salt Library confirmed conclusively that the standing courses of stonework were still in situ because one of the photographs taken in December 2014 matched one of Dr Hayfield's own in the survey report and is clearly depicted here in this comparison as evidence. The entrance between the curtilage wall and his Block E (plate 13a) at the northern part of E's external wall is visible in both pictures.
52. The wall builder has filled the original gap visible in plate 13a using different walling infill so that the shape of the blocked entrance and the terminus of the wall to the right can still be distinguished by colour and size differences.



The wall's status

photograph A.4a

Remnant ashlar wall sections visible in modern, dry stone, rebuilt roadside boundary wall adjacent to Whiston Eaves Lane.



photograph A.4b
Photograph A.4b shows a close up of a section of the original stable block building with finely tooled, dressed ashlar courses bonded in their original positions



photograph A.4c
Shows a lime mortar bonded section of an interior wall of the building within the matrix of the modern roadside wall as seen from the western or quarry side.



photograph A.4d

Shows a length of the modern roadside boundary dry stone wall viewed on the western side with a sample of evidence of reused stable block stones identified by traces of remnant lime mortar on their faces (arrowed red) used in its matrix. The black arrows indicate the ground surface evidence for original building.



photograph A.4e

A sample of walling analysis indicating the presence of reused stable block wall stone within the matrix of the modern roadside wall in close up. The traces of vestigial lime mortar from the original bonding can be seen as the white residue on the sandstone surfaces.



photograph A.4f

Indicates differential colouring within sections of the modern roadside wall to show older, oxidised stone in an original position ie the darker green, dry stone wall by the beech tree top right.

53. Various views have been offered by interested bodies since being alerted to the presence of the original section of walling and the misuse of the material from it.

54. This raises a further set of problems of neglect on the part of SMDC, SCC and the Appellant in the formulation of detailed plans for the future of the site as not one of these bodies has taken account or even been aware of the existence of this building remnant in its original place. Nothing was included in the appellant's original application as to what is to happen to protect this archaeological feature despite being informed by the county archaeologist and in the appellant's submission to this appeal, its agents still deny that there are designated or undesignated archaeological sites within the area of development.

55. As it stands, on the original restoration plan submitted by the appellant, it seems likely that the footings of the building, some of which can be seen as slight humps in the ground over which the footpath now passes and shown in photo A4d above, would be destroyed to facilitate the erection of the lakeside lodges; that is to say alterations to the bund and landscaping of the cliff edges are likely to alter the footprint of the building that extends underneath them.

56. Clearly something is badly amiss here. Currently there are now issues surrounding three sites for the location of one former listed building.....one under the permission given in 2013, one within the quarry itself where the stones are still stored and one with the archaeological footprint of the original site, plus a remnant wall in situ and minus c. 95% of its fabric.

57. The presence of the remnant walling in situ opens up an interesting dilemma too as to its exact status. The LBC effectively means it is no longer a listed building once demolished yet part of it is still intact and in situ and though small, it nevertheless remains classified as part of the listed building according to the legislation. Even if delisted upon demolition, it has some status as a heritage feature. And of course some parts of its fabric are still there!

58. The county archaeologist recommended that if the current consent for the 2013 permission lapses (that is the one in totally the wrong place and which would lack the remnant fabric of the building in its rebuild, thus contravening the LBC that was designed to restore the building, not in part, but in whole, and on its original site which is currently available or close by within the quarry) that the building be accommodated somewhere on the development site in an appropriate location as by then the most appropriate location, the original one, could have otherwise been destroyed by landscaping and lodge building.

59. There is a strict principle here that has to be adhered, namely, if you have legal safeguards governing conditions for listed buildings you must enforce them. The conditions were clear. Post-cessation of the quarrying, restoration in situ or as close as possible within the quarry in order to maintain the historical context or setting of the building at the completion of the quarry restoration.

60. In this instance in situ is still viable provided that the LPA's act as they should do to bind the Appellant to restore the site properly. If 0378 continues to proceed, further landscaping that will be necessary means that there is a possibility of creating a suitable area within the quarry itself.

61. However, if it is accepted that at present the live permission to build it elsewhere exists, how can the actual restoration which is still part of the outstanding condition of the LBC, take place without the remnant walling that is still in its original position? And what is the archaeological implication for the walling itself that is still in situ?

62. Historic England's viewpoint is as follows "the site may be potentially undesignated heritage site on the basis of below ground archaeology. As such it could be subject to the planning system if any further works on the site require planning permission – at that time the same archaeological considerations come into play as for other such applications." (received from Julie Taylor HE Buildings Inspectorate Birmingham 31 March 2015) . JT's conclusion here seems to overlook the fact that the walling is above ground and it cannot strictly be an undesignated site as records exist to show that it was the site of the listed stable block and that some of that building remains.

Breaches of conditions

63. The material appropriated for use in the roadside wall is clearly an example of a breach of the LBC in two ways:

It fails the careful dismantling part and it fails the safe storage part of condition 4

It appears that Dr Hayfield did not return to oversee the site's clearance and the eventual total dismantling of the building. If the job had been fulfilled properly, the current complication of having the remnant section of curtilage wall still standing, would then have been avoided. In turn, this compromises the conditions relating to LBC in terms of altering the character of the former listed building if bits of it are missing. This too has relevance.

64. The regulations regarding works done on listed buildings specify clearly the importance of the whole structure. "When a building is listed, it is listed in its entirety, which means that both the exterior and the interior are protected. In addition, any object or structure fixed to the building, and any object or structure within the curtilage of the building, which although not fixed to the building, forms part of the land and has done so since before 1 Jul 1948, are treated as part of the listed building." This must have resonance in this instance where an identifiable part of the building is remaining in situ.

65. Also it might be considered that if the two sets of stones are separated from each other, that it is to say the main ones in store and the remnants in the wall, both those in situ and those that have been appropriated for or incorporated into the matrix of the new drystone wall, then that separation alters the possibility of the accurate rebuild of the building as the LBC intended.

66. By allowing the two sets to be parted from each other the Appellant might be considered to have caused an alteration that would affect the character of the building as reflected in section 7 of the listed buildings Act.

Section 7 P(LBCA)A 1990 provides that no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special and historical interest unless those works are authorised. This provision applies whether or not planning permission is required. Planning permission for demolition is permitted development under the General Permitted Development Order 2015 (the GDPO 2015) but listed building consent will, generally, still be required.

67. In the light of which we perhaps should now consider the whereabouts and ownership of all the stones, particularly against the background of events since 2010 when the Appellant became responsible for all the outstanding conditions and of course bearing in mind the legal longevity of those conditions. There is no time limit until all the conditions have been fulfilled.

The ownership of the stones

68. This begs the question of whether the stone stored in the quarry represents the whole building as part of it is in situ. Above all, critically, it raises issues as to the ownership of all the stones and the original site. It casts doubt upon the fulfilment of several of the requirements of the LBC, one of which is that the building has to be restored at the completion of the restoration of the quarry.

69. As has been said already, the time scale is important as the records in the files leading to the grant of the LBC indicate that the conditions were imposed so that the opportunity to restore the building in a setting as close to the original could be achieved, ie put it back within the quarry as mitigation for the permission to extract in the first place.

70. Sibelco as the quarry owners then undertook that agreement with SMDC. The Appellant now has the responsibility as the owner of the quarry. The stones go with the restoration site which in turn has to be in the ownership of the quarry owners. If that isn't so, then the LBC is breached and the quarry owners are liable. The other factor is that the quarry has to be restored first before the building is replaced with it.

Further breaches of condition 4

71. Another issue we should like to draw your attention to, sir, is the curation of the stones and other materials from the building in the safe weather proof store and the possibility of further breaches of condition 4's stipulations.

72. As the appellant is the owner of the quarry and took on all liabilities in 2010, it follows therefore it is responsible for a further series of breaches of the LBC conditions relating to condition 4, principally:-

The provision of safeguarding and protection of the material as agreed in a manner that the LBC intended: ***ie. to safeguard the materials in an area of secure storage which provides for the proper handling, maintenance and security of the resulting materials until such time that the building is re-erected on its land and at the completion of the restoration of the quarry site.***

A recent inspection of the storage area revealed that this provision has been breached over several years, undoubtedly since ownership was transferred from Sibelco to Laver in 2010. It has been over 20 years since the building was originally dismantled and it clear from their current state they have not been protected as condition 4 intended.

A state of disorganisation and dereliction was encountered on a recent site visit as reflected in the series of photographs taken at the time and presented below (77 onwards) as clear evidence that the secure site has not been maintained; materials have not been protected from the elements contrary to the Memorandum of Agreement signed by the original owners in 1998 and shown in these images 72ia and 72ib

Programme of Work

The works will comprise the following elements, some parts of which have already been undertaken:

- Survey and recording prior and during the dismantling of Whiston Eaves Farmhouse and the Stable Block to the former Whiston Eaves House. This assessment and record will broadly contain the main elements of a RCHM Level 3 record, with all assessment and recording undertaken by the personnel named below. As far as practicable, the structure and components of the assessment and record will be as set out in this programme.
- The labelling and cataloguing of the significant components of the historic core of Whiston Eaves Farmhouse to enable its rebuilding in Whiston Village
- The labelling and cataloguing of the significant components of the Stable Block to enable its storage and rebuilding at a future date
- The survey and recording of the exterior and interior of the Farm Outbuildings within the curtilage of Whiston Eaves Farmhouse prior to their demolition

Records will comprise a prior written description and analysis with a visual record made by scale drawings and photography.

Additional description, analysis and photographs will be undertaken of significant features, building methods, construction sequence and

72ia

other details during the course of demolition in the case of the Farmhouse and Stable Block.

The record will be deposited at both the County Sites and Monuments Record, Staffordshire Moorlands District Council and the National Monuments Record.

All works will be carried out under the supervision of a suitably qualified architect or archaeologist experienced in historic buildings recording and agreed in advance of any demolition works with Staffordshire Moorlands District Council. The personnel involved are:

Mr Andy Josephs - Entec, Principle Consultant
Mr Stuart Atkinson - Entec, Assistant Consultant
Mr Colin Hayfield - Site Archaeologist

Full Curriculum Vitae of each of the above have been supplied to Staffordshire Moorlands District Council.

The Stable Block will on completion of demolition and recording be stored within the Quarry complex near to the main plant site as shown in the accompanying contract for the demolition work, supplied by Hepworth Minerals and Chemicals Ltd. The stored fabric will be protected from the elements and from theft until it is relocated in accordance with a scheme to be agreed with Staffordshire Moorlands District Council. The location and detail of reconstruction will be discussed and agreed with SMDC and English Heritage.

73. The materials are located in an open area of land surrounded by a low bund of sand. There appears to be no weather proof covering apart from a misplaced tarpaulin strewn across heaps of building timbers that are exposed at the end where they project into the open air and because of the way they are stacked, lie rotting where the wind and rain over the years has permeated them.

74. There are heaps of material hidden under blankets of weeds and shrubs with no indication of what they were or where they originated. Some semblance of an ordered stacking system is recognisable in places but the white signs on posts that at one time indicated from which part of the dismantled building they had been derived, are now illegible so in whatever system they were arranged, or for what purpose they were erected, is not clear.

75. Some of the pallets on which heaps of stones are stacked are collapsed or covered in weeds and saplings. The whole place has an air of neglect and dereliction.

76. It is clear from the photographic evidence below that the whole area is shambolic and in a disgraceful state and most certainly not what the LBC conditions required in terms of quality of curation in order to safeguard and preserve the building for future re-use so that the building can be faithfully restored as before. No one has monitored the site and no one has a clue as to what the heaps of material refer or can be allotted.

The Photographic Evidence

77. The photographs that illustrate the points from above appear on the following pages.

Eleven photographs are included for discernment (S.2a – S.2l) with some captions or comments thereon.

Photograph S.2a

A general view looking over a newly replenished bund of sand towards the storage area with its tree, shrubs and grass growing between the stacks of material.



photo S.2a

photograph S.2b
Looking SE over the brambles covering some of the former building



photograph S.2c
A general view of the site looking east



photograph S.2d
Closer view showing brambles and bushes growing in between the stone piles.



photograph S.2e
Close up of stone stacks with obliterated white signs beyond.



photograph S.2f

Overgrown and decaying wooden crates.



photograph S.2g

Roof timbers, trusses, purlins etc half covered only by loose tarpaulin but clearly exposed and rotting.

Please note the grass and plants that are thriving in permanently damp conditions of the poorly stacked timber so haphazardly arranged without any indication from where in the building they were originally.

photograph S.2h

A close up of an architectural piece of fine stonework or carved ashlar suffering badly severely from frost and thaw due to exposure to the elements so that its surface has flaked and cracked. It lies in an unmarked heap of other stones and brambles. A classic example of neglectful damage.

photograph S.2i
More broken crates, spilled stones and bricks.

photograph S.2j

The mound to the middle right with the buddleia growing upon it, is composed of a consolidated mass of large individual sandstones and rubble from the site.

78. Inquiries as to the whereabouts of the catalogue that was agreed by Mr Stringer and his agent Mr Fidgett to be done from the onset of the LBC grant in 1998 and agreed with LPA officers at the time, have led nowhere.

79. It appears therefore that there is no longer a written accurate record of what is what on the storage site and how it fits together.

80. However it is obvious from the white sign boards amidst the materials that some attempt was made initially to relate what was on the ground to the catalogue and to aid the plan for reconstruction but now as the signage is so weathered, it is almost meaningless.

81. Neither do we know if this is all that remains of the actual material from the original building that was taken into storage or whether some of it has been lost, or stolen, or indeed taken by mistake to be reused in a building in Whiston village.

82. The integrity of the former grade 2 stable block has thus been compromised and the LBC conditions unheeded.

83. How the actual stone will be used and whether or not it will be legal for another third party to use it is a question that has some relevancy to this appeal, as it is strongly contended that in point of law the stones belong to the site within the quarry that the Appellant owns, and where we have seen already the footprint of the site is there with some of its wall still extant.

84. Thus it seems the nightmare situation that in 1998 Alan Taylor the former Buildings Inspector for English Heritage sought to avoid by his insistence, as evidenced on the files at SMDC, that the quarry owners should give a returnable financial bond of assurance so that the restoration of the building would eventually be done where it was supposed to, has transpired.

85. As Mrs Bayliss the SMDC conservation officer commented in an e-mail to the then case officer Mark Lynch back on 29 January 2015 at 16.11:

“The reconstruction for the former Whiston Eaves stables will no doubt rumble on – if it is not rebuilt elsewhere....then I am not sure how we stand with a stable in a box in the quarry yard.”

86. Ten years on and a reserved matter application refused and under appeal and the situation has not improved one iota. In fact, the situation on the ground is much worse as the vegetation continues to grow and obscure the materials from sight.

87. All of these details, however problematic, need to be considered in this appeal from the uncertainty and legal validity of the situation regarding the Appellant's responsibility to the conditions of the LBC which have not been fulfilled, as the quarry isn't restored and neither is the building within it, and just as importantly from the purposes of the Appeal that the design, plans and layout together with any other documentation supporting the original application SMD/2019/0646, have not taken account of the continued presence of the stones and all other building material that remain in the bund area.

88. We also know the LBC specified a place within the quarry that would be an appropriate setting in terms of its historic context and landscape. What guarantee is there if this appeal is upheld that that setting for the building will not be compromised?

89. The plans for development and restoration upon which the Appeal is made, did not take into account the possibility of it being located anywhere in the quarry. Yet there are cogent grounds for insisting that it is restored to its original area and that in anticipation of that, the Appellant should be refused the application or indeed this appeal.

90. We would argue that the Appellant should not be allowed to proceed further with the reserved application plans until it is shown that the Appellant has rectified the situation in regard to its treatment and neglect of the building and for the damage to the material for which it is responsible as owners of the quarry and under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

91. The National Planning Policy Framework (March 2012) . states that in order to conserve and enhance the historic environment, 'non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'.

We consider too that paras 126, 127 and 133 and 136 are applicable here. After all these heritage materials have been in situ since 2005 and merit some classification as heritage assets.

NB However the Inspector will have to weigh up the historic sequence of these matters in the light of the new NPPF as the plans for this Appeal were submitted after 24 th January 2019.

92. Delays in restoring the quarry since 2014 and safeguarding the building over the past 15 years since the Appellant has taken site ownership, have impinged upon the future setting of this building and restricted the opportunity to complete the conditions of the LBC by rebuilding it where it should have been within the true historical context and proximity of the quarry, as originally stipulated when permission for the then quarry owners to dismantle it was given so that they could continue their extraction activities.

93. The Appellant's failure to take account of the intricate and troublesome nature of such matters as detailed in this submission is inexcusable having seen how over the years the legitimate measures to protect the heritage asset have been flaunted and breached.

94. Both local and national planning guidance extol the virtues of maintaining and caring for such heritage assets within the landscape. To date the Appellant has not shown any shred of evidence of a willingness to abide by this ethos even in regard to the listed buildings around Little Eaves Farm where the development plans will impinge upon them, as it has been more intent upon sacrificing its responsibilities in order to promote its own interests.

95. In terms of the historical outline applications 0682 and 0378 there is a significant difference in the support documentation as regards the listed building that was the stable block.

In 0682 the only mention of the building in the Archaeology and Heritage documents, is that it has been demolished.

However in the revised Orion report June 2016 in 0378 it is mentioned.

Orion

1. 3.5 There are two Grade II Listed Buildings recorded within the site boundary (Whiston Eaves Farmhouse [15 on Figure 1] and Stable at Whiston Eaves [Figure 23 on Figure 1]). However, both these buildings are no longer extant. Listed Building consent was obtained in 1998 (planning permission reference number: SMD/1998/0448) for the dismantling of the Farmhouse and demolition of the Stable. This consent was attained in connection with a condition (condition 10 of planning permission reference number: SM.96935) associated with the original quarry planning application, part of which required the relocation of the Farmhouse. The location of the reconstructed Farmhouse is at Heath House Farm, Ross Road, Whiston Staffordshire, ST10 2JF (planning permission application number: 12/01340/FUL).

2. 3.6 There are no other designated heritage assets within the boundary of the site; and as such, there will be no direct physical impacts on designated assets. However, there is the potential for visual effects on the setting of the assets. Setting may make a positive or negative contribution to the significance of the asset, can affect the ability to appreciate significance, or may be neutral.

96. Likewise in Chapter 10 the Archaeology and Heritage report it actually comments upon the situation in section 10.57 onwards looks at some legal precedents in its discussion (p.10-11)

CHAPTER 10: ARCHAEOLOGY AND HERITAGE

'Introduction

1. 10.1 This chapter assesses the potential effects of the proposed development on the historic environment. It incorporates the results of an Archaeological Desk-Based Assessment (National Museums Liverpool Field Archaeology Unit 2014 Appendix 10.1) and a Heritage Desk-Based Assessment (Orion Heritage 2015 Appendix 10.2).'

Potential Impacts

The Reconstructed Farmhouse

57. 10.57 There are two Grade II Listed Buildings which are recorded within the site boundary (Whiston Eaves Farmhouse [15 on Figure 1, Appendix 10.2] and Stable at Whiston Eaves [Figure 23 on Figure 1, Appendix 10.2]). However, neither of these buildings exist. Listed Building consent was obtained in 1998 (planning permission reference number: SMD/1998/0448) for the dismantling of the Farmhouse and demolition of the Stable. This consent was attained in connection with a condition (condition 10 of planning permission reference number: SM.96935) which states as follows:

The area delineated on Drawing No. 001/P02/07/005 shall remain unworked prior to a planning consent being issued for the relocation of the Listed Building.

58. 10.58 The location of the reconstructed Farmhouse is at Heath House Farm, Ross Road, Whiston, Staffordshire ST10 2JF (planning permission application number: 12/01340/FUL).

59. Consideration has been given as to whether the reconstructed Farmhouse would retain the Grade II Listed Building status. The decision of Lord Justice Buxton (in refusing permission for leave to appeal to the Court of Appeal) in *Judge v The First Secretary of State* [2005] EWCA Civ 1155 is relevant to this issue:

10 “True it is, of course, that the code in terms does not deal with the moving of a building. But I find it impossible to say that such a step is excluded from the code — that is to say, excluded from any possibility of receiving listed building permission — merely by the fact that an object of this sort is to be moved rather than left in its place. If that were the case the barn that was referred to in the Leominster District Council case¹ would have ceased to be covered by the code, so that permission could not have been granted under the code, as soon as any part of it was dismantled. That, in my judgement, cannot be right.

11 I quite accept that this is a new instance not previously covered by express authority, but nonetheless I find it impossible to say that the action proposed in this case was outside anything for which the Secretary of State could properly grant permission.”

60. 10.59 Whilst not legally binding (being a decision to refuse permission to appeal), Buxton LJ’s judgment indicates that where a listed building is dismantled and relocated, then it can in principle retain its listed building status. Although, it would appear that this would turn on the particular facts. Once reconstructed it is assumed that Historic England will be invited to provide a view as to whether or the building remains listed, however it seems unlikely since the building will be materially different from the original farmhouse and will use extensive new material notwithstanding the retention of much of the former listed building on pallets stored on site since the building was dismantled.

61. 10.60 In any event it is reasonably assumed that for the purposes of this assessment that, at the least, the reconstructed Farmhouse constitutes a non-designated heritage asset, being in part constructed of the remnants of a formally listed building.

1 R v Leominster DC Ex p. Antique Country Buildings (1988) 56 P&CR 240 10 - 10

Moneystone Park, Whiston Chapter 10: Archaeology and Heritage

Accordingly, the effect on the non-designated heritage asset would need to be considered, per paragraph 135 of the National Planning Policy Framework.

61. 10.61 Guidance provided by Historic England sets out the concept of values when weighing the significance of heritage assets with reference to the following value criteria (bracketed terms indicate corresponding values identified in the NPPF):

- Evidential (Archaeological) value - Deriving from the potential of a place to yield evidence about past human activity.

- Historical value - Deriving from the ways in which past people, events and aspects of life can be connected through a place to the present. It tends to be illustrative or associative.
- Aesthetic (Architectural or Artistic) value - Deriving from the ways in which people draw sensory and intellectual stimulation from a place.
- Communal value - Deriving from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Communal values are closely bound up with historical (particularly associative) and aesthetic values, but tend to have additional and specific aspects.

62. 10.62 Even were the reconstructed Farmhouse to be treated as a listed building, the setting and significance of it will have been considerably reduced. The Farmhouse has been relocated several kilometres beyond the proposed development site boundary; hence there has been a demonstrable change to its setting. In terms of Historic England's value criteria for weighing the significance of heritage assets, the Farmhouse has no evidential (archaeological) or artistic interest; and very limited architectural and historic interest as a dismantled and subsequently reconstructed 18th century vernacular Farmhouse of a different design to that of the original building.

63. 10.63 However, without prejudice to this position – and for the sake of robustness, the impact on the Farmhouse has been considered in this chapter as if it were a listed building, where the setting and significance were as if they were the same as the original setting and significance of the Grade II Listed Buildings This approach has been adopted in order to consider the impact of the proposed development on the Farmhouse on a 'worst case scenario' basis.

64. 10.64 Accordingly, applying this 'worst case scenario' approach, the proposed development would have no impact on either the setting and significance of the Farmhouse, as there is no inter-visibility between the building and the proposed development site. It follows, therefore, that there are no heritage issues that ought to be factored into the planning balance with respect to the reconstructed Farmhouse.

Non-Designated Heritage Assets

65. 10.65 Any archaeological evidence within the former quarry workings will have been destroyed by quarrying operations. Accordingly, there are no impacts identified from the proposed development in these areas.

66. 10.66 Although the coordinates recorded on the Staffordshire Historic Environment Record for Crowtrees Bloomery (Site 64, Figure 1, Appendix 10.1) locate it within the site boundary, these are only approximate, and reflect a large degree of uncertainty around its actual location. If the Bloomery was situated within the site, it has been destroyed; if it lay outside the site boundary, the level of impact would be neutral . In either case, no further archaeological work would be needed.'

Comment on the above

97.A degree of caution should be exercised over certain points within this statement however, starting with the confusion over the exact planning case reference and which building is which.

98.The Reconstructed Farmhouse

57. 10.57 There are two Grade II Listed Buildings which are recorded within the site boundary (Whiston Eaves Farmhouse [15 on Figure 1, Appendix 10.2] and Stable at Whiston Eaves [Figure 23 on Figure 1, Appendix 10.2]. However, neither of these buildings exist. Listed Building consent was obtained in 1998 (planning permission reference number: SMD/1998/0448) for the dismantling of the Farmhouse and demolition of the Stable. This consent was attained in connection with a condition (condition 10 of planning permission reference number: SM.96935) which states as follows:
The area delineated on Drawing No. 001/P02/07/005 shall remain unworked prior to a planning consent being issued for the relocation of the Listed Building.

This refers to a completely different location and application.

99. 10.58 The location of the reconstructed Farmhouse is at Heath House Farm, Ross Road, Whiston, Staffordshire ST10 2JF (planning permission application number: 12/01340/FUL).

This is incorrect. The farmhouse was reconstructed near the Old Post Office, Whiston Eaves lane, Whiston.

The appellant's agent has confused the two sites.

The stable block has not been re constructed and remains in the 'safe' storage area within the quarry.

Accordingly, we would respectfully suggest the premises in 10.62 -10.64, as interesting as they are, stand as a non sequitur.

100. We do agree though that the effect on the non-designated heritage asset ie the in situ remnant walling, would need to be considered, per the relevant paragraph of the National Planning Policy Framework.

101. As we have pointed out earlier, there would now arise a problem of how the setting of this feature and its linkage to the deconstructed material is to be interpreted and, if and when it is re-erected in a location other than on its original site, elsewhere within the quarry, or even as the appellant has permitted to happen, on land beyond its control, how the settings of both can be allied in terms of satisfying the LBC conditions that are extant and cannot be fulfilled until the completion of the quarry restoration has been achieved vis a vis "and at the completion of the restoration of the site" ref condition 4 .

102. Also re

‘Non-Designated Heritage Assets

10.65 Any archaeological evidence within the former quarry workings will have been destroyed by quarrying operations.

Accordingly, there are no impacts identified from the proposed development in these areas’.

We disagree with this statement because of the presence of the archaeological features as evidenced earlier.

103. ‘10.66 Although the coordinates recorded on the Staffordshire Historic Environment Record for Crowtrees Bloomery (Site 64, Figure 1, Appendix 10.1) locate it within the site boundary, these are only approximate, and reflect a large degree of uncertainty around its actual location. If the Bloomery was situated within the site, it has been destroyed; if it lay outside the site boundary, the level of impact would be neutral. In either case, no further archaeological work would be needed.’

104. The references to the presence of potential rare, early bloomery sites in Frame Wood within the Oakamoor Conservation Area Appraisal document 2015 have now been drawn to the attention of the County Archaeologist who disagrees with this statement by the appellant and has recommended further archaeological work to investigate.

105. Furthermore, Frame Wood was not considered in the environmental assessment by the appellant in 0682, nor until late in the consultation period for 0378, when the Woodland Trust raised their objections to the impact upon it as it a registered Ancient Woodland. Its letters below show that it stands firm in its condemnation despite the appellant’s agents attempted deflection of the criticism that the clearance of trees and vegetation in the wood and the planned subsequent use of the wood would cause damage to the delicate ecological balance that has enabled its survival and that of the fauna and flora that it supports.

106. All ancient woods are different, much as every medieval church is different from every other. They evolve uniquely over many centuries of change which cannot be replicated by modern replacement or ‘conservation’ planting.

107. Nowadays it is recognised that even the soils from ancient woodland are valued ecological and biological assets that must be accounted for in plans so hopefully the revised bike trails that were initially set to pass among the tree roots and associated flora of Frame Wood will be diverted to a safe distance as the case officer has urged in her 2019 critique of the reserved matters plans.

Conclusion

108. For all the vast array of documentation and revised plans that accompanied SMD/2019/0646 and its knowledgeable expert witnesses' accounts of the Moneystone quarry site, it is perhaps a sad reflection that in all that accumulated expertise, no one has bothered to investigate on the ground first hand to inspect the area of quarry where the stored material of the former stable block was very carefully laid out in an orderly ground plan akin to the original footprint of the noble Georgian building that once sat at the gateway to Whiston Eaves Hall and farm.

109. Elaborate plans have been made for the reserve matters to fill the available space within quarry 1 and 3 with an intense spread of lodges or timber clad caravans the virtues of which that have been disputed for many years and now finally refused. Yet in all the years since the Appellant and its agents took over ownership and possession of the site, has anyone really looked closely enough at it to recognise and research a small but

distinctive area shielded by a low earthen bund in the middle of which the LBC material had been carefully arrayed for safeguarding and curation?

110. Nor has sufficient thought and effort been made to discover its legal importance and to prepare the quarry site for it to be properly reinstated within the plans for the future development as the listed building consent required.

111. It has remained in its 2005 location but through irresponsibility, neglect and what amounts to a long term form of vandalism, its obligatory safeguarding conditions which we should remind ourselves were :
inter alia

“to provide an area of secure storage which provides for the proper handling, maintenance and security of the resulting materials until such time that the building is re-erected either on its original site or elsewhere on land in the control of the quarry owner and at the completion of the restoration of the site.”

have been seriously breached. What can be salvaged from the damage that has occurred to the original material that was preserved so carefully in 2005 is a matter of some urgency and possibly a case for enforcement or even criminal damage.

112. As the Inspector will be well aware, the applicable sections of the Planning (Listed Buildings and Conservation Areas) Act 1990 upon which such actions might be considered, have been expanded into the NPPF so as to cover a range of heritage assets eg

“Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

113. There would appear to be grounds for action in response to the material damage whether in terms of liability or an offence incurred under the Act, or grounds for enforcement, or some sort of heritage partnership to remediate what has been allowed to happen.

Perhaps the Inspector will advise after his deliberations.

114. What is certain however is that there appears to be no incentive shown by the Appellant to improve the conditions on the ground where the LBC conditions should still apply or are extant or are being breached.

The plans for SMD/2019/0646 are therefore deficient.

115. Finally I will close this document with an aerial view of the bund and the location of the stones themselves and what is left of the roof timbers.

On the left image you can clearly see the ground pattern within the storage area where the listed building materials were neatly stored by Colin Hayfield and Dave Wood in accordance with conditions of the LBC in 2005.

On the right -hand side is the latest image from 2021 showing less distinctly because of the undergrowth, but still clearly In the same position, with the exception of the roof timber covers, are the substantial remains of the LBC material.

No provision in the Appellant's plans for SMD/2019/646 has addressed the problem. This is another ground for refusal to be upheld.

Finally

To summarise our position sir,

Primarily our purpose here is to lend our whole-hearted support to the local council in its refusal decision and to endorse all the reasons it has brought forward to justify its case so far.

Having been involved in whole history of this proposed development we feel we have a good grasp of the subtleties of the arguments in what has been a long and complex series of applications that has culminated in this reserve matters issue.

Throughout the course of the applications we have represented the interest of the voluminous and consistent public support in opposing the application and have helped to monitor the administration of the planning process on its behalf.

In this Inquiry we have listened to and observed the arguments and the dialogue between the two main parties and we remain firmly convinced in the merits of the decision to refuse this application.

We also have watched the thoroughness and fairness of the local councillors' actions in considering all the pros and cons of the application and the dutiful way in which they have taken their responsibility very seriously to ensure that wisdom and common sense have prevailed.

We sincerely believe that 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 the many issues surrounding it.

For our part too we have put forward further arguments from our extensive research into the case file and hopefully have added to the body of knowledge needed in order for the Inspector to weigh up the planning balance in the full light of the evidence available.

In doing so we have highlighted the shortcomings of this application from rational criticism of its design to the omissions and variations in detail from the original concept upon which the development was based so many years ago.

We would hope that the Inspector has been able to take in in his background familiarisation, how it came about and how it has progressed to this state at which we are now.

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

The crystallisation of those doubts was the justification of the PAC members at the hearing in giving their verdict.

For our part we 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 valued, 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 are mindful of NPPF 43 that the right information is crucial to good decision-making and so we have also argued that some of the information on which this case is assumed to be based, is incorrect and missing and where we have observed such, we have drawn your attention to it even though it might appear that the matters may have been perceived by some as concluded.

So, in concentrating upon application SMD/2019/0646 in terms of its overall layout and design and our criticism of it, we have also introduced and pursued wider areas of the argument in terms of Access, Reservoir Issues, Site Stability and Safety, and Heritage.

Not least of all, remain issues of aspects of legality too about which questions have been raised.

In all our investigations we have to conclude from the evidence produced that this current inquiry should uphold the Council's decision to refuse this application.

We must all now be fully aware of the stuttering and prolonged progress in the processing of the applications for the quarry development and the lack of restoration for the last 10 years or more, and consider the reasons why.

If this development was so well designed, why has it been deferred for so long and unresolved?

Why was it not readily accepted by the Council members if all the evidence in the plans had been plain to see and convincing?

Why is it necessary now to produce so much more in the way of expertise and additional evidence that should have been included to make the argument perfectly acceptable in the first place?

Isn't that what good planning by definition is all about?

Is it not the likely case that the delays in preparation for the applications; the numerous changes of plans and lack of progress in ground work on site, such as decontamination, or reservoir licensing and public safety concerns over the lakeside arrangements for the lodges sited around the deep water body, and concerns over stability of the saturated sandstone ledges and abrupt changes in water depth, as well as access and road traffic, all amount to a possibility that this is not what it should be, or what was intended at the outset ?

Instead we are dealing with a series of planning applications that have been ill prepared and procrastinated and therefore might well be worth reconsidering, once improved.

Let us also remember that there are substantive changes from the outline plan that we have illustrated, such as the fact that the number of lodges per quarry has changed since the outline plan, the change in the ratio of the number of lodges for sale overall, the lack of hub space to accommodate all the features upon which the outline plan was originally granted, the failure to honour the outline condition of an approved phased plan being secured before this reserved application was submitted, the fact that quarry 2 plans are no longer in the frame possibly because of the ground instability in quarry 2, the unauthorised alteration to the overflow system in the bund in quarry 3 and the attempt to alter the level in the reservoir contrary to the wishes of the Environment Agency, the failure to register the reservoir, the lack of alternative means of access to the site apart from cars, the quality of the accommodation that was promised, the lack of provision for the remnant stones for the former listed building still on site after 20 years.

Above all too the need for an up to date Environmental Impact Assessment that takes into consideration all the changes of circumstances since pre 2014 when the original one for the development plans was compiled.

Based on an outline plan that itself uses information from over 10 years ago is not the best approach to bring forward this application we are examining. Tempus fugit and we have to adapt accordingly, particularly in a world of rapidly changing climate conditions.

The need to reflect on these changes has to be a priority in this matter.

Substantive changes from the outline permission in the reserved matters application to which we have drawn attention, mean that a new outline permission should be sought.

We are also aware that legal arguments have been submitted during the course of the preparations for this Appeal casting severe doubt on the question of whether the outline permission SMD/2016/0378 survives after the demise of SMD/2014/0682 and all its documentation. This in turn would undermine the validity of the reserved matters and this Appeal Inquiry.

It has been argued elsewhere also that the number of substantive changes to the original permission must add up to a test of the Pilkington Principle that was reaffirmed by the Supreme Court in 2022 and which should now be considered ahead of, and by way of the eventual decision in this Appeal.

We are informed that the precedent and main point for this Appeal of SMD/2019/0646, is that the Case was decided (finally) by the (then) House of Lords, now called the Supreme Court on the 07/12/1973 citation HofL 1527 1 WLR and was a case brought against the Secretary of State for the Environment and others.

That decision is now reinforced by the Hillside Estate case in 2022.

So, all in all, much to contemplate and we are grateful for the opportunity to put forward our representations in the hope of assisting you in this matter.

Thank you, sir .

