

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

David Abbott

We moved to the village 12 years ago, attracted by the character of the area of the old part -Hollow Lane, the church, Fold Terrace, the Gully and the open fields. We walk the Gully regularly, partly to avoid the main road but mainly it is a walk in the countryside with wonderful views> The fields are a green lung for the village and make it different with their wide range of wildlife - this all adds to the quality of life. To lose the fields would lose the peace and quiet of the area and make Cheddleton no different to any other built up town.

If the fields were to be built on there would be an increase in traffic/pollution, with commensurate access and road safety problems, particularly for parents and children getting to and from school. The village does not need an increase in pressure on its infrastructure 2019-10-14

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Comment:

Judith Abbott

These two fields are an important space between the conservation area of the old village and the newer, residential areas. This buffer emphasises the special qualities of the of the ancient church and its surroundings. It has been proven that open spaces and access to nature are important to mental health, especially in these stressful times.

I walk through the gully between these fields at least once a day and love the peace, quiet and safety away from traffic. The hedges are always full of birds and the fields have a wide range of wildlife. The views across the fields to Morridge and the Peak District never fail to delight.

These fields add to the appearance and attraction of the village. The heritage railway and the canal both bring visitors from outside the village who enjoy the peace and beauty here. Losing these open spaces would be so detrimental to this.

These open spaces need to be preserved for the benefit of the village and visitors for evermore. If lost, the peace, beauty and wildlife can never be recovered. 2019-10-14

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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

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If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

Date:

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Guidance Notes

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- | | |
|-----------------|---|
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Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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MM/12

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

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Return BD087, BD068 & BD062 to Green Belt land

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Date:

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East



How can you help?

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

If you would prefer to make a representation by yourself please email forward.plans@staffs Moorlands.gov.uk or by post to Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit www.cheddletonresidents.org

Patricia Ash

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment

PLEASE SEE ATTACHED LETTER

To whom it may concern.

I have lived in Village
since retirement (10 yr)
Although I cannot walk etc
Gully now I do remember
walking along it in the past.
I strongly object to this
lovely green space losing
its special status.

Phillip Ash.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

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Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

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1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
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The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

Comment

Consultee

Miss Gabrielle Bailev (989539)

Email Address

Address

Event Name

Main Modifications Consultation

Comment by

Miss Gabrielle Bailey (989539)

Comment ID

MMC6

Response Date

23/09/19 14:54

Consultation Point

1 Main Modifications Consultation ([View](#))

Status

Submitted

Submission Type

Web

Version

0.6

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM59 page 230

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

Sound - Positively prepared

Sound - Justified

No

Sound - Effective

Sound - Consistent with national policy

Complies with the Duty to co-operate

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Decision to delete green space designation 47 Caverswall Old Road. I am concerned that this decision will mean that we may lose this small piece of grass and trees in the middle of our community. It is in constant use by children playing and dog walkers and picnics in the summer and sledging when it snows. What is the reason for it's status being removed? There is no explanation I can see in the document and as far as I know no one has been observing how and how often this space is used by us - when did this take place please?

Question 4

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Redesignate green space designation 47 Caverswall Old Road so that the local community can continue to use this space for recreational activity.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

Objects to deletion of LGS 47 (Caverswall Old Road, Blythe Bridge) MM59. Concerned that as a result the space will be developed and consequently lost to the community. Would like to see LGS designation reinstated.

Officer Response

The green space at Caverswall Old Road is still designated as open space which offers protection under Local Plan Policy C2 (see MM31). Regarding the reasons for deleting the LGS, refer to Inspector's

Post Hearing Advice – Main Modifications and Related Matters – paras. 32 & 33. (EL6.004) and subsequent Inspector's letter (EL6.008). On the basis of the Inspector's recommendations, the Council agreed main modifications to delete the Local Green Space (LGS) at the Council Assembly meeting on 26th June 2019.

Recommendation

No change.

Sansom, Claire

From: Bailey Family
Sent: Thursday, October 31, 2019 1:32 PM
To: Forward Plans
Subject: SMDC Local Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Dear sir/Madam

Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Gillow Heath.

I notice that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly. You omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect.

The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019).

The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Please acknowledge our comments.

Regards
Mr David and Mrs Katherine Bailey

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Sound - Justified	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

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Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

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The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Jane Barlow

Walking the footpath from Ox Pasture towards the Church is like walking back in time.
Hedgerows, birds, blackberries, wildlife, wildflowers and spectacular views of the surrounding countryside
It is a gateway to the historic centre of the village which should be cherished
We need to maintain the integrity of the historic village 2019-10-26

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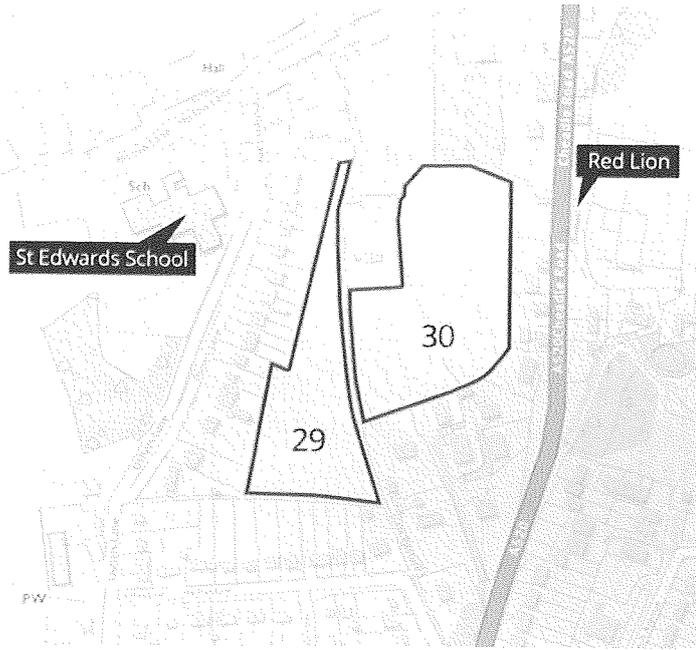
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If you would prefer to make a representation by yourself please email forward.plans@staffs Moorlands.gov.uk or by post to Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit www.cheddletonresidents.org

PHILIPPA BARNET

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Comment

Please see attached letter.

Philippa Barnett

1 September 2019

Dear Sir/Madam

I am writing to you to express my deep concerns regarding the proposed development of the two fields on either side of the Gully in Cheddleton for the purpose of residential housing.

This area not only provides a beautiful, tranquil walk through the heart of the village but is a safer alternative to negotiating the extremely busy main road with the narrow pavements, especially for the elderly and parents with young children.

The fields are full of wildlife and provide a perfect habitat for many protected species. There are spectacular views of the conservation area in the centre of the village and further into the Peak District.

This area should be protected for future generations to enjoy as I and my family have and to ensure the diverse and wonderful wildlife can continue to thrive. Once destroyed by development this beautiful area can ever be replaced.

There are far more suitable 'brownfield' sites that could be developed without having the same devastating impact on the village.

Kind regards

Philippa Barnett

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Lynne Barnsley

I wish to express my deep concern regarding the proposed removal of Local Green Space (LGS) designation from the fields Ox Pasture East and West in Cheddleton.

I am a resident of Cheddleton and feel that the loss of LGS designation would irretrievably damage these important sites at the heart of the village, both for current users such as myself and for future generations.

FOOTPATHS

Like so many others, I regularly use the footpath to the south of site 29 Ox Pasture West and also that which runs between the two sites, 'the gulley'.

The gulley is well used by villagers and visitors to get from Ox Pastures to the school, church, community centre, tea rooms and pub as well as for walkers simply enjoying the environs. It's especially busy at the start and end of the school day but is heavily used throughout the day and in the evening. With fields on either side, it is a safe, tranquil and green haven away from the noise and pollution of traffic on the main road.

From these footpaths, there are currently uninterrupted views across the fields, including that of our historic village centre.

If these fields were to lose their LGS protection, I believe it would only be a matter of time before the rural, peaceful and historic nature of this area would be lost.

BIOLOGICAL DIVERSITY

The footpaths adjacent to the fields also form part of my regular, several times a week, dog walking routes. Looking out over the fields, there's always something interesting whatever the time of year. Grasses and wildflowers in Summer and, just now, Autumn colour.

Close by, there's the constant sight and sound of a huge variety of birds, both in the hedgerows and the fields themselves. Seeing pheasants in the field on the East side of the gulley, with the moors in the distance, gives a wonderful sense of place.

Only last week, I saw in the western field a heron. This was the first time I'd seen one here, although we shouldn't be surprised, being as we are an important part of the diversity of the Churnet Valley. As local people know, the site boasts a wealth of wildlife and no doubt the heron had come to feed on the frogs, toads and other creatures in this green oasis.

I wonder how many other species, some not yet even glimpsed, would have vital parts of their habitats destroyed if we lose these spaces?

Without the protection of LGS designation I fear these sites, and the biological diversity they contain, will be lost.

HISTORIC HEART OF THE VILLAGE

Both sites are close to the historic heart of the old village and the Conservation Area. This includes listed structures, monuments and buildings.

I feel that retaining the fields' protected status will allow them to continue to form part of the important buffer zone between the historic village and the newer developments.

Without this buffer I feel that the character of the old village, with its medieval church and its rural nature, will be overwhelmed.

I believe that retention of LGS status will help to safeguard this buffer.

"RECOVER NATURE AND LEAVE OUR ENVIRONMENT IN A BETTER STATE THAN WE INHERITED"

Like other bodies, local and national, Staffordshire Moorlands District Council has declared a climate emergency and is drawing up action plans to address it. I note that the Cabinet Member for Climate Change has publicly stated that in this regard the aim is "to recover nature and leave our environment in a better state than we inherited".

I would therefore ask you to consider whether removing LGS designation from these two fields in Cheddleton will help SMDC to progress towards that goal, or would it be in direct opposition to what our locally elected representatives have unanimously agreed?

I believe the latter to be the case and to remove LGS designation would be a mistake. A mistake like those made in the past, large and small, local and national, which we now have the difficult task of trying to recover from.

We must step back from this before it's too late and irrevocable damage is done.

2019-10-28

Local Plan Consultations

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Comment:

Janette Barr

These two small fields either side of the ancient footpath known as the gully are particularly special to me and my community for many reasons:

Biodiversity

The area is an important green corridor in the heart of the old village providing valuable habitats for a variety of protected and priority species. The community have been actively involved in recording wildlife sightings on the sites and adjacent gardens and these have formally submitted to the Staffordshire Ecological Record. The species recorded include:

- Bats. There are at least 3 bat roosts recorded in adjacent gardens and bats are regularly seen foraging over the sites;
- Hedgehogs (now classed as a species vulnerable to extinction) have been recorded in several gardens adjacent to the sites and in the gully;
- Badgers have been recorded in the gully and adjacent gardens to the sites. There are visible badger tracks through both sites;
- Grass snakes have been recorded in several adjacent gardens to the sites;
- A Great Crested Newt sighting (confirmed by DNA testing) has been recorded in a garden pond within 100m of Ox Pasture West. This field is the nearest appropriate habitat for this species to overwinter and feed.

It is recognised that fragmentation in habitat is becoming a real problem for biodiversity and retaining these fields as Local Green Space will help prevent further fragmentation and provide a green corridor to the rest of the Churnet Valley.

Tranquillity and Cherished Views

The fields and adjacent footpaths are cherished for their tranquillity, with spectacular and uninterrupted views into the village and out to the Peak District. The gully provides a safe and quiet route for adults and children accessing the

school, church, community centre and local pub. The children from the First School have recently carried out a nature project on the southern footpath adjacent to Ox Pasture West and both fields are a wonderful visual resource for the community.

Rural Character

The village has seen substantial housing development over the decades and the fields provide a visual buffer between the old Conservation Area of the village and the newer housing estates to the south. If the fields were to have LGS status they would only be 2 of 3 sites in the village with this protection. If these sites lose their long-standing protected status and become developed, then the centre of the old village will have lost its rural connection and its character will be irrevocably changed.

Setting of Heritage Assets

The village is part of the Churnet Valley and attracts tourists to the grade 2* listed church, Flint Mill, Caldon Canal and Churnet Valley Railway. Visitors walk the paths through the village and these fields together with the gully and the southern footpath form part of the setting of the village Conservation Area. Any diminution of this setting by development will permanently damage the village's heritage assets and permanently undermine the attractiveness of the village to future tourists.

Localism

The community has demonstrated over and over again that these fields are special and should retain their protected status. In fighting a recent planning application on Ox Pasture West over 370 separate objections were submitted. As part of the current consultation process, the community has passed to the Parish Council an 825-signature petition requesting the Inspector reconsider his recommendation regarding the LGS designation of these sites. This demonstrates yet again that these fields are particularly special to this community and if Localism means anything these fields should have the Local Green Space designation. The community and their elected representatives want this.

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

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2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

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3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

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Return BD087, BD068 & BD062 to Green Belt land

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
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Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

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Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

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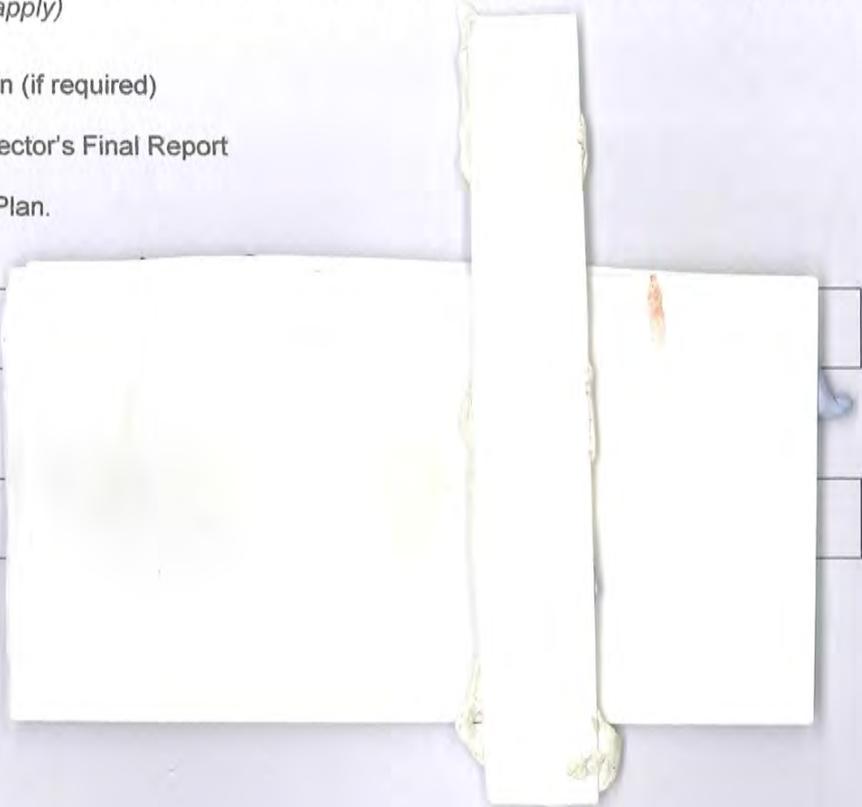
Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

Date:



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Guidance Notes

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The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

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5. Signature:

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

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Sound - Positively prepared	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

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Notifications

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Adoption of the Local Plan.

5. Signature:

Date:

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- | | |
|-----------------|---|
| Leek | Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday) |
| Cheadle | Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday) |
| Biddulph | Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday) |

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

Date:

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Lack of due process control

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

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Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
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Sound - Justified	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

To Whom it may Concern
Cheddleton Green Spaces

Freda Bekan

I have lived in this property for seven years and have enjoyed the wonderful views over the fields to the Old Heritage Village church of Cheddleton + beyond to the magnificent Roaches. A breathtaking unrestricted view.

My whole family + now my Grandchildren enjoy walking along the footpath + Gully between the two fields on route to school. We watch the seasons change in the hedgerows + can listen to the birdsong without the disturbance of road noise!

On warm evenings we have all watched out for the bats to fly over the fields into our garden at dusk whilst they feed on the wing.

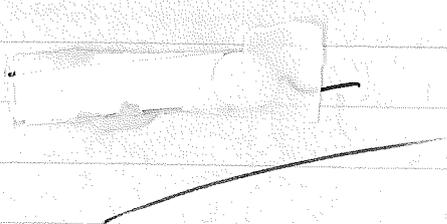
I cannot imagine Cheddleton being without this wonderful Oasis of Land! The Heart + Lungs of our beautiful village. Once they lose their protected status they will be gone forever. I personally will find that very hard to contemplate.

I would also find it hard to explain to my Grandchildren why this Sanctuary for all wildlife could be lost for all time.

I would love for them to be able to walk the paths on searches for the various wildlife bugs & flowers they so enjoy now. In safety away from busy roads & traffic.

Please protect what small Greenspace this Village has left for our future Generations to enjoy before it is lost & is gone forever!

"They paved Paradise & put up a parking lot"
Joni Mitchell



Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East



How can you help?

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

If you would prefer to make a representation by yourself please email forward.plans@staffs Moorlands.gov.uk or by post to Freepost RRU-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit www.cheddletonresidents.org

NIGEL BELSON

Edison

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment

PLEASE SEE ATTACHED LETTER

4th September 2019

To whom it may concern.

Reference fields adjacent to the footpath known locally as the Gulley.

I previously lived in the Staffordshire Moorlands up in the hills just outside leek. After next living abroad for 12 years it was time to return to our roots. As our family were settled in the East Midlands and the North we had a large area to consider. Our choice was Cheddleton. The reason was it's pleasant semi rural open aspect, a village feel centred around old Cheddleton conservation area which was a little oasis amongst more recent developments. The fields either side of the Gulley protect the conservation area and the Church of St Edwards. We didn't want to live in a busy urban centre but in a vibrant community in touch with the natural environment.

We have never regretted our choice and one of our sons and his family so impressed with Cheddleton has also relocated his family to the area.

It's a delight to walk our grandchildren to school along the gulley with fields either side. The children see this as a mini playtime as they can run along the gully without fear of cars. Additionally the fresh smells and sounds of the fields either side are a real delight. A special treat is to stay up late in the twilight and watch the bats swooping on insects rising from the fields.

The loss of these fields would be an absolute disaster for Cheddleton. The identity of the village, particularly the conservation area would be lost forever. Cheddleton now is a semi rural village the loss of these significant green spaces enjoyed for generations would be lost and our beautiful village would become just another urban sprawl.

Hikers regularly set Cheddleton as their destination, particularly the ancient pub in its historic setting within the conservation area. Lose our green space and who on earth would target a huge urban sprawl and local business would suffer.

In summary these beautiful natural fields help Cheddleton cling to its semi rural aspect. Please don't put this under threat by making our fields pray to predatory developers.

Yours sincerely

NT Belson

Local Plan Consultations

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Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

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Comment:

Rob Belson

These fields are special to me now as a place that holds echoes of my childhood. They were the space where my group of friends used to go to hang out, make dens and where the 'important business of the day were discussed. Today they provide a different sort of distraction, an area to rest unwind and get back to nature. There are no roads bordering this space, something that's quite unique and so it's quiet and great place to just spend a few moments in contemplation.

A place where there is opportunity to escape the modern Cheddleton and approach the older part of the village as generations before us may have done, on foot from a field without a motorcar.

There are rabbit holes, a fox set and I have found newts and other creatures in this area.

This area should remain a local green space for now and the future. Once it's gone it will never be brought back 2019-10-14

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East



How can you help?

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the [Local Plan website](#) and in the [Statement of Representations Procedure Document](#) on the SMDC website.

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For more information visit www.cheddletonresidents.org

Name: MR + MRS R. BERESFORD

Email: _____

Address: _____

Address: _____

Address: _____

Post code: _____

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment

THE TWO FIELDS ARE OF THE UPMOST IMPORTANCE TO THE RICHNESS OF WILD LIFE. REGULAR USE OF THE FOOTPATH FOR THE YOUNG AND ELDERLY, VISITING THE SCHOOL, THE CHURCH, COMMUNITY CENTRE, TEA ROOMS, AND THE PUBLIC HOUSE. ALL THIS THROUGH A SAFE ACCESS FOR THE PUBLIC TO MEET, FAMILY, FRIENDS AND THE LOCAL COMMUNITY

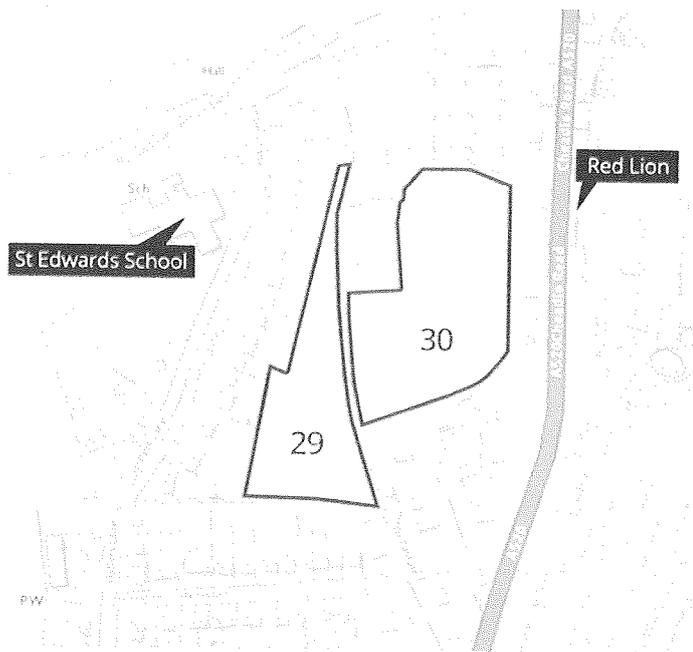
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MR R BERRINGER

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Comment

Please see attached letter.

Non urban and green areas are so important to the urban world. They make them so much more liveable. I think these 'cracks in the concrete' are essential. Imagine if all our town's and city's green parks and spaces were filled-in with brick and mortar, what aesthetic impoverishment that would be. Thus it is, that I appeal for the beautiful green open areas adjacent to Cheddleton's historic centre, to be protected from developers and preserved in perpetuity by being classed as Green Spaces. This corridor of species rich nature connecting two housing areas, with spectacular views of the Peak District National Park is so inspiring and uplifting. It is a minor miracle that it has been preserved this long. With access from three footpaths it is available to all in the village and is particularly used by shoals of children and parents twice a day making their way to and from the local primary school.

I hope you will give this plea due consideration.

Mr Raymond Berringer,

[Redacted address block]

Local Plan Consultations

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MRS V BERRINGER

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Comment

Please see attached letter

Green Space, Cheddleton

Walking from our home, down either the front or the pleasant leafy back of Ox Pasture, we reach the ancient walkway of the Gully with green fields on either side. This area contributes to physical and mental health adding exercise on a village walk through the tranquillity of being surrounded by beautiful nature, clean air and safely away from traffic noise.

This is a place that walkers can gaze at the magnificent views of Staffordshire Moorlands, can hear birds singing and the wind in the trees. Each small change of season is here to be noted from this Green Lung of the village.

We encounter others, walking in this safe, clear air pathway, some taking children to and from school, where parents can be seen to stop and point out natural features (wild flowers, birds, fungi) to their children. It's a place where people stop and talk, pass on news, point out changes in the habitat, or birds and mammals they have spotted.

This beautiful haven provides a refuge and corridor for wildlife and supports vital bio diversity. We have seen Owls, badger tracks, bats, small mammals and many types of birds, bees and butterflies on our way to and from the old village centre, going past the ancient Animal Pound and on to the Listed Building of St. Edwards Church with its stained glass windows by Edward Burne-Jones and William Morris.

This area provides a green, quiet, safe, clean air, social corridor, away from the road, and the fumes.

I suggest that the land be offered for purchase to the Cheddleton Land Charity Trust for REWILDING as part of the Climate Emergency strategy as a way of promoting not only a green corridor for bio diversity, but also a tranquil area to sooth the soul as well as providing physical exercise. All vital for this village.

Victoria B. Berringer



16th October 2019

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MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Biddulph Town Council



Sent by email

Tuesday 29 October 2019

Dear Sir/Madam

**Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Planning) Regulations 2012
Staffordshire Moorlands Local Plan Consultation – Main Modifications
Response of Biddulph Town Council**

We are writing in response to the proposed main modifications to the Staffordshire Moorlands Local Plan.

In general, we welcome the Local Plan, which sets out a planning framework for the entire district, including Biddulph as one of the three main towns. We support most of the policies relevant to Biddulph, but do have reservations about some of the proposed main modifications, including the masterplans. Our concerns are set out in this letter.

As the neighbourhood plan qualifying body for Biddulph, the Town Council has embarked on the preparation of a neighbourhood plan and neighbourhood development order. There is clearly a requirement for the local planning authority and neighbourhood plan body to work in close liaison. The comments contained in this representation have been prepared against that context.

MM1:

We acknowledge the amended dates of 2014 to 2033, as recommended in the inspectors post-hearing advice.

MM12:

Paragraph 7.50: The emerging Biddulph Neighbourhood Development Plan also encourages the re-use of buildings for residential accommodation. It is important for the Local Plan to recognise here and in other sections that neighbourhood plans can also include policies to help deliver growth.

New Paragraph between 7.50 and 7.51: The addition of this paragraph states *“These sites have been removed from the Green Belt but are located outside of the “Biddulph Town Boundary.”* We suggest re-wording this to ‘Biddulph Town Centre Boundary’ for clarity and to avoid confusion.

Policy SS6 Biddulph Area Strategy:

Bullet Point 1: This has been modified to remove the requirement for starter homes. The Housing Needs Assessment April 2018 by AECOM to support the neighbourhood plan concluded that:



Biddulph Town Council
Town Hall, High Street, Biddulph, Staffordshire Moorlands
ST8 6AR

Tel: 01782 297845
e: biddulph@staffordshire.gov.uk www.biddulph.co.uk

Biddulph Town Council



"Owner occupation has been the dominant trend in tenure; however, as we have seen, this tenure is beyond the means of the vast majority of households; planners should therefore encourage other forms of tenure to come forward, such as shared ownership, starter homes and the private rented sector."

The modification to remove the reference to starter homes is clearly out-of-kilter with recent evidence on housing need. The modification would therefore be at odds with national policy and guidance.

A copy of the housing needs assessment can be found at: https://biddulph.co.uk/wp-content/uploads/2019/03/HNA_Biddulph_FinalVersion.pdf

Bullet Point 6: This is the first point where the safeguarded sites are identified (BD062, BD068 and BD087). They are described as *"being between the urban area and the Green Belt"*. This does not reflect the character or nature of these sites. This should be amended to say *'removed from the Green Belt and designated as Safe Guarded land'* to make clear the transition, if this is agreed.

More fundamentally, it is not clear when this land was identified for safe-guarding, nor the process to arrive at this decision. There has been no liaison with Biddulph Town Council, which is also a statutory planning body. We have not yet taken advice on the legal implications of this, but at best it represents very poor practice.

Biddulph Town Council has raised concerns over disparities between the way these sites are dealt with in the emerging local plan and neighbourhood plan. They are proposed Local Green Space designations in the neighbourhood plan, which currently in Regulation 14 consultation (closing on the 4th November 2019). This follows two rounds of independent consultation (including land-owners and the local planning authority). This is clearly a difficult situation, with potential to cause confusion and to reflect badly on both the District Council and the Town Council. With this in mind, we are currently seeking advice from the Ministry for Housing, Communities and Local Government (MHCLG).

Ecological and environmental habitat mapping has been undertaken by Staffordshire Wildlife Trust across the neighbourhood area. We discussed the Staffordshire Wildlife Trust data with you earlier this year and we understand that they have spoken to you directly also.

The maps produced in 2018 to support the neighbourhood plan include Nature Recovery Network; Wildlife Corridor and Habitat Distinctiveness, together with further details of the proposed Local Green Space contained within some of the proposed safe guarded sites, can be viewed at: <https://biddulph.co.uk/neighbourhood-plan/>.

The evidence base for the local plan sites include the Wardell Armstrong Landscape Character Assessment and Maps from 2008 and the Landscape, Local Green Space and Heritage Impact Study, August 2016 which is not as current as our data. Furthermore, we do not see how the Phase 1 Ecological Survey evidence has been applied in the assessment to create safe guarded land.

Flood risk is a further issue (see comments below). The safe-guarded sites are being proposed without clearly understanding if they are developable. It would be premature to include these without fully understanding the constraints of each site, including natural habitat, access, flood risk and other factors. It is clearly inappropriate to



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remove the sites from the green belt, before it has been established that they are capable of development. This is clearly at odds with national policy and guidance.

MM15:

This policy on flood risk is of particular importance to Biddulph. It identifies that new development will be guided to areas at the lowest risk. The proposed additional three safe-guarded sites fail to respond to this policy, as they include partially areas of high and medium flood risk in each, as shown on Environment Agency mapping data. This can be seen on the enclosed maps.

BD087 was highlighted by the Environment Agency previously in June 2016, when these sites were originally being considered before later being discounted. The Environment Agency made clear that inclusion of BD087 would require a level 2 assessment. This does not appear to be included in the additional evidence base for the main modifications. Given that MM39 and MM40 also have identified flood risk, the removal of any requirement for site-specific flood risks assessments in the main modifications is at odds with national policy and guidance.

MM25:

We support the modification to provide clarity on large-scale out-of-town developments. Biddulph Town Council is keen to ensure that the existing Town Centre remains viable and prospers in the longer term.

MM27:

Biddulph Town Council strongly supports the 'Counting our Heritage' initiative, with Town Councillors actively participating in the project as volunteers. We would support SMDC to recruit volunteers for a future project and further raise awareness on our built heritage, including its economic value.

MM29:

We have been unable to find the evidence to support the modification about 'most' of the Local Green Space. It is unclear why some were chosen, and others discounted at this stage. It has not been demonstrated that the requirements of national policy and guidance have been met.

In amendments to policy DC4, we would suggest using similar wording to that in the emerging neighbourhood plan NE3 Local Green Space:

"Local Green Spaces must remain as open space and their community value must be maintained or enhanced."

This would then continue with the modification about being assessed against Green Belt policy. It should be noted that, whilst the protection for LGS is similar to that for green belts, the purpose is different.

MM31:

We support the requirement for additional provision of playing pitches. Biddulph Town Council is keen to ensure access for all to suitable sports and playing pitches.



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MM39:

The Wharf Road Strategic Development Area Concept Masterplan is deeply flawed and fails to provide a clear framework for sustainable development. It fails to respond to the constraints and opportunities of the area.

The transition from allocating land for retail and then housing requires an evidence base. The Masterplan does not provide that. Nor is it clear how consideration has been made of the impact of potential commercial uses in proximity to residential development. It is unclear how this land identified would meet the requirements of Policy MM25.

The lack of meaningful and informative consultation with the wider community is problematic and at best poor practice. There was also a lack of liaison with Biddulph Town Council as a statutory planning body, responsible for preparation of the neighbourhood plan and a neighbourhood development order.

We do not support the removal of the text to paragraph 9.36. This seeks to inform future design and highlight the landscape sensitivities.

Paragraph 9.43 should make reference to the wildlife and habitat mapping 2018, prepared for the emerging neighbourhood plan.

Policy DSB1 identifies a singular large mature tree to be retained. SMDC should place a tree preservation order on the tree to ensure it is retained and suitably protected.

Environmental Health has advised that careful design is required to reduce the impact of air quality of the by-pass on occupiers of the new dwellings. We are therefore confused by the removal of the following text: *"positioning of housing away from the immediate edge to prevent noise and air quality issues"*. This would be contrary to the advice of Environmental Health and to national policy and guidance.

MM41:

The lack of meaningful and informative consultation with the wider community is problematic and at best poor practice. There was also a lack of liaison with Biddulph Town Council as a statutory planning body.

The emerging Biddulph Neighbourhood Plan seeks to reduce car journeys and encourage people to use traffic free routes. The suggested removal of the intention to encourage developer contributions to cycle and improved pedestrian routes is clearly unsustainable.

Development of this site should include making positive links to the town centre and wider residential areas, to reduce the need to travel by car.



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Conclusion

In conclusion, key issues are:

- The lack of liaison with Biddulph Town Council as a statutory planning body, which has created incompatibilities between the emerging local and neighbourhood plans, in particular between proposed Local Green Space Designations and safeguarded land. As mentioned, we are seeking guidance from MHCLG on this issue.
- The premature decision to remove land from the Green Belt, before it is established that it is capable of being developed.
- The lack of adequate consultation in the preparation of the two masterplan documents and the inadequate quality of those documents.
- Failure to meet the requirements of national policy and guidance in some of the main modifications.
- The lack of an adequate evidence base to support the main modifications.

Given the identified need for the statutory planning bodies to work in close liaison, we would suggest an urgent meeting to discuss the above matters.

Yours faithfully



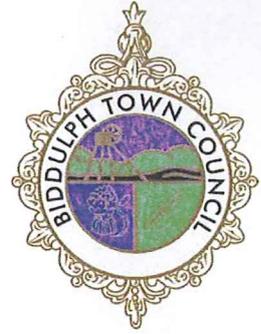
Sarah Haydon
Chief Officer



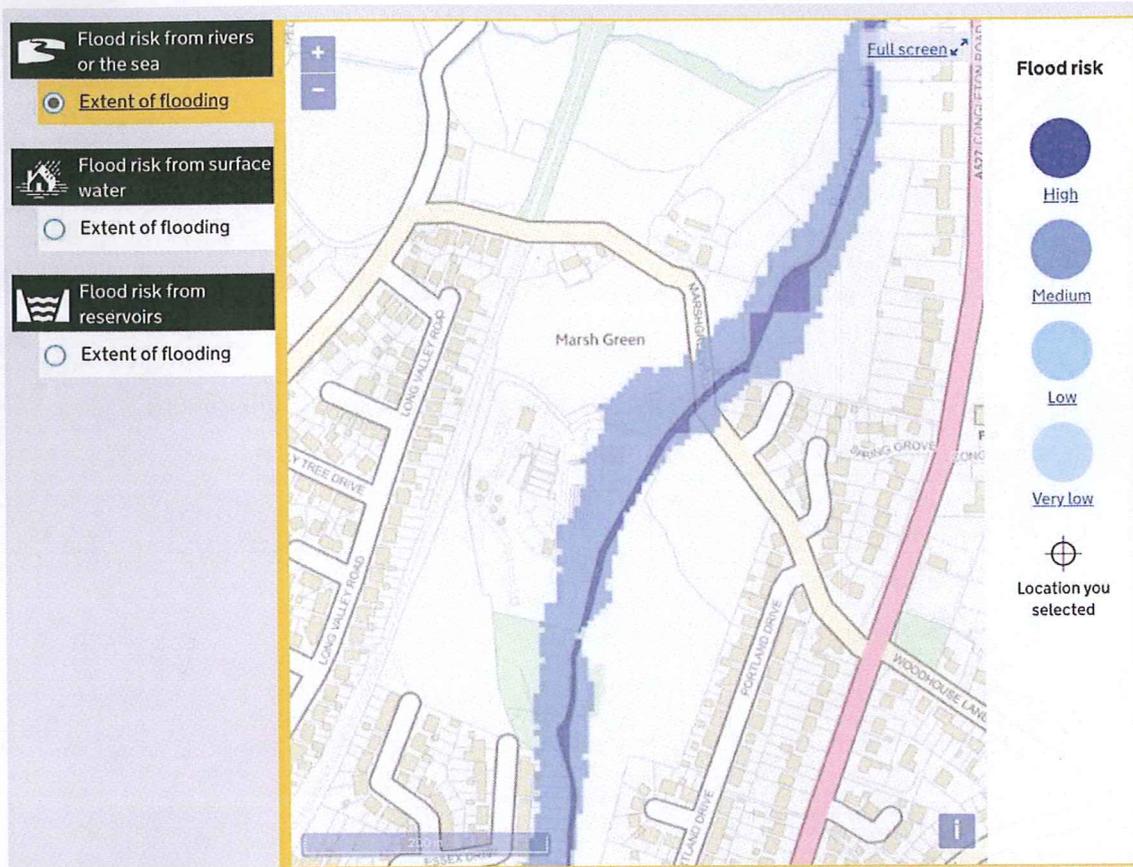
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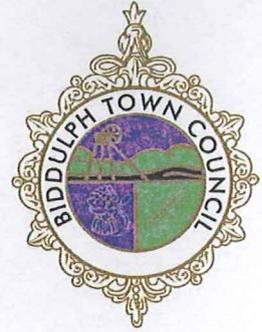
Enclosure 1: Flood Risk from Rivers



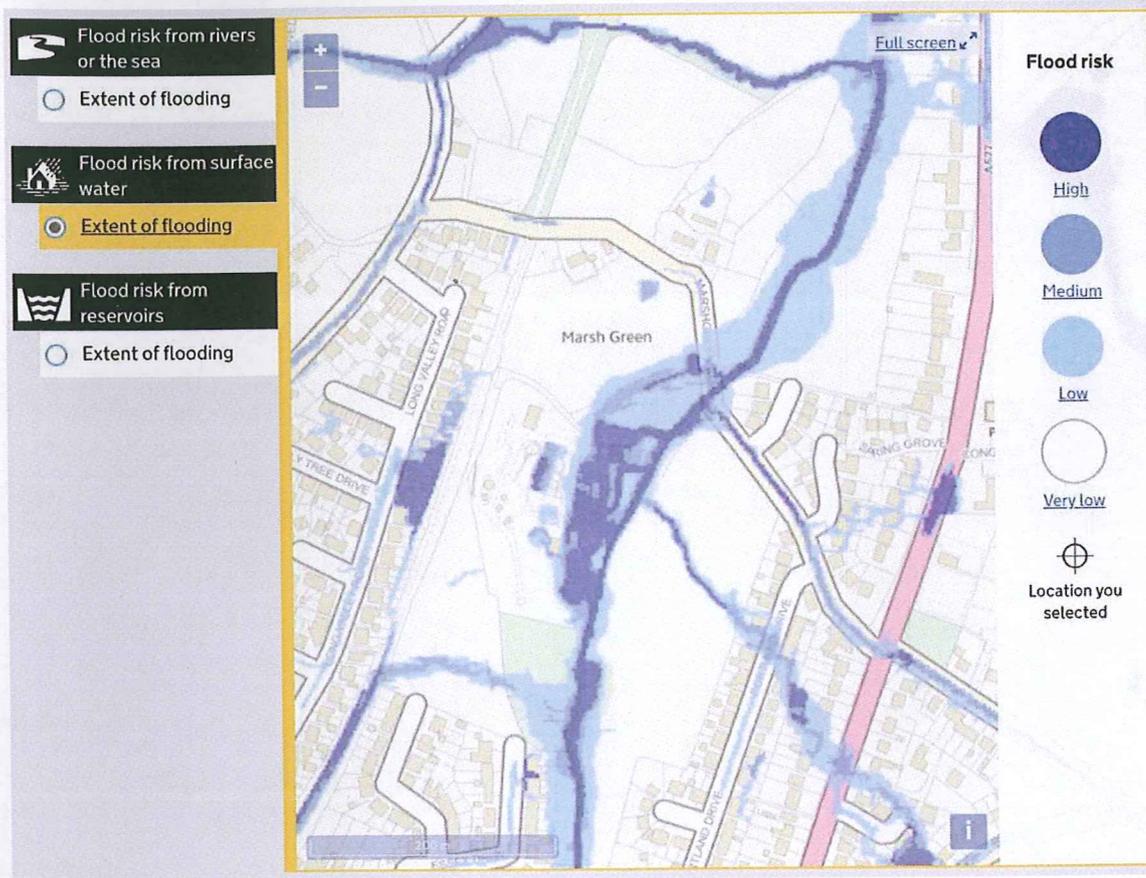
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Enclosure 2: Flood Risk from Surface Water



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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Sound - Effective	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph
Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable?

These sites are on a Flood plain and have soil issues. Running sand has been a frequent issue for many sites in Biddulph. During the course of creating a soakaway for rainwater run-off in the garden of my house, at a site only 2.5 meters away from the site it discovered that beneath a thin layer of heavy clay, there is a deep deposit of very soft running sand. Photographic evidence is attached. The presence of running sand is confirmed by the British Geological Survey who made the following statement:-

"Some rocks can contain loosely-packed sandy layers that can become fluidised by water flowing through them. Such sands can 'run', removing support from overlying buildings and causing potential damage.

Running sand hazards can occur where excavations in the sand go below the water table, where springs occur at the base of sand outcrops, around leaking drains or mains water supply pipes or in entire sand bodies if vibrated (liquefaction) e.g. by an earthquake.

A property affected by running sand may experience the following problems:

- access paths and roads may be broken and disrupted*
- service connections to water, gas and electricity supplies may break*
- structural damage to foundations and to the fabric of the building if uneven sinking occurs under the foundations. "*

Construction on this site would be likely to allow the sand to run causing subsidence and damage to existing properties in Portland Drive, for which consequential damage SMDC may be partly liable. All of these factors would mean that any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date: 9.10.19



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I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action which in the end would prove very expensive to the local council.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

9/10/19



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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access road
 Marsh Green Road does not meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The road is too narrow & there is a pinch point over the bridge on Marsh Green Road before the access to BD067. Marsh Green Road is too narrow along its total length & has no footpath for most of its length. Road Widening will require the compulsive purchase of gardens near its junction with Congleton Road
 Marsh Green Road falls below the minimum required of distributor roads by the Residential Design Guide. Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Marsh Green Road is 3.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).



4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signature: 

Date: 24/10/19

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BIODIVERSITY

Key points are:

- The SMDC Phase 1 Ecological Survey evidence base is being ignored.
- The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.
- The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound.
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of.

Details for the above points:

Biodiversity - The SMDC Local Plan Phase 1 Habitat Survey (Site BD062 / FID122, 2014) concluded " *...the site is not recommended for potential development...*" [1] and that the site is " *...very well connected to other biodiverse habitats through hedgerows, scrub, broadleaved woodland and running water which accentuates the value of the site*" (<https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>).

The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC Map7.5 pg.77 (https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10_SMDC_Green_Infrastructure_Strategy_May_2018.pdf)

The emerging Biddulph Neighbourhood Plan commissioned external consultants to provide additional detail and evidence for wildlife corridors and potential Local Wildlife Sites across the Biddulph Parish. The mapping for BD062 indicates semi-natural grassland habitat and found to be sited in an important location bringing together two key wildlife corridors - that of the Biddulph Brook and the Biddulph Valley Way (<https://biddulph.co.uk/neighbourhood-plan/>).

The entire ecological evidence base was missed out of the assessment and ranking exercise carried out by SMDC and reported to Council Members on 26th June 2019 which led to the designation of these fields as 'Safeguarded'. The sources used for the exercise are listed and ecological assessments are missing (<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>). This omission is then reflected in the assessment tables in Appendix C and Appendix D and the conclusions drawn (which are unclear and not sound).

This is despite the fact that this information was contained within the previous Sustainability Appraisal Report which accompanied the local plan submission version (Feb 2018) where it was reported that BD062 was 'deemed to have ecological value.'

Only evidence regarding the Green belt review, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other economic and development criteria (Options Assessment Tables list pg.30 (<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>)). The land classification used in this SMDC report on 26th June 2019 is also wrong for all 3 sites in Gillow Heath. They were reported to be urban/industrial land when in fact they are classed as agricultural grassland on the Dudley Stamp Land Use Classification system (Magic Map (<https://magic.defra.gov.uk/MagicMap.aspx>)) and a quick search on google earth reveals that they are indeed semi-natural habitat (BD062) or agricultural grassland (BD068 / BD087).

Ignoring the ecology in this decision making process totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management. This contradicts Section 40 of the *Natural Environment and Rural Communities Act 2006*, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Sites also need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC Council Members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800m of the town centre when they clearly are not at Gillow Heath. The ranking method is unsound.

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signature:

Date: 24/10/19

Part B – Representations

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MM/12

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Sewage works

BD062 and BD068 are both immediately adjacent to a sewage works. Residents who live on Essex Drive, York Close and Long Valley Road already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding into the brook at the end of Essex Drive (13/9/2016) where pressure builds up inside the junction box and the lid blows off, especially following heavy rain. This happened again in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the

field needs to be kept as a natural buffer. Local residents should be listened to in this matter instead of repeatedly being ignored. Building adjacent to the sewage works will create even more of a statutory nuisance (noise, odour, sewage flooding) and an unhealthy neighbourhood.

We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDC Council Planning Officers on 26th June 2019 in the meeting which led to these fields being put forward for 'Safeguarding'.

(<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>) (ie. making a building air-tight does not change the situation outside or inside the home when windows and doors are open). Adding more houses and increasing surface runoff from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signatu

Date:

24/10/19.

Objections to the Proposed

Housing Development off Marsh Green Road.

Rathleen Boulton.

Tel

1. The infrastructure of Biddulph is not able to meet the demand placed on it by any extra development.

The sewage works cannot cope as it is now. The smell is often so bad that they resort to spraying out disgusting artificial perfumes. The constant droning noise keeps people awake at night and can only be compared to "chinese torture".

(I am currently considering an appeal to the noise abatement authorities. Warmer weather will only make things worse

At times there has been a problem of effluent leaking into the fields, toxic waste soaked into the ground and quick sand where the houses would be built. It is marshland (hence the name of the area)

2. The access road is narrow and dangerous to traffic as it is and if widened would necessarily mean compulsory purchase

purchase of land from other properties. 2

3. The project will mean loss of green belt land, the destruction of mature trees (already begun in anticipation of planning consent — what about global warming? ^{& carbon storage}) and loss of the habitats of endangered and protected species.

4. Schools and medical facilities are overstretched. Additional resources are not the answer. We have a multi million pound 'white elephant' built as a medical centre, the cost being justified on the grounds that it could be a kind of "cottage hospital" with facilities for minor operations. ~~Cost~~^{to} be performed. The centre, despite the best efforts of the doctors is unable to recruit staff and at present is unable to give anyone a routine blood test.

5. This area is undermined and in the past subject to earth tremors, which could affect the sewage works adversely. In the time we have lived here, one such tremor caused our patio to crack we had it replaced until a later tremor caused it to crack again in the same place.

3
It is completely shocking and an insult
to our intelligence that these schemes are
even being considered. Why cannot
derelict buildings in the town be
converted into accommodation or other
simpler solutions found?



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

Personal details	
Title	MR
First name	GEORGE
Last name	BOWYER
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

8/10/19



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	GEORGE
Last name	BOWYER
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Signature:



Date:

8/10/19



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

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MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date:

8/10/19



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	GEORGE
Last name	BOWYER
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Signature:



Date:

8/10/19



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

Personal details	
Title	MR
First name	GEORGE
Last name	ROWYER
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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No Buy in by the people of Biddulph
 Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	
First name	MRS.
Last name	RITA
Address line 1	BRADLEY
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

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MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control
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 Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.”*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 8-10-19.



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

Personal details	
Title	MRS
First name	RTA
Last name	BRADLEY
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Signature:

Date:

8-10-19



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MRS
First name	RITA
Last name	BRADLEY
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Date:

8-10-19



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

Personal details	
Title	
First name	MRS
Last name	RITA
Address line 1	BRADLEY
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Address line 3	
Post code	
Telephone number	
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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Address line 1	[Redacted]
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<p>No Buy in by the people of Biddulph Short cutting of the Modification selection process is not acceptable.</p> <p>Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?</p> <p>I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.</p>

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Sansom, Claire

From: Maureen Brindley
Sent: Thursday, October 31, 2019 1:56 PM
To: Forward Plans
Subject: SMDC Local Plan, MM12.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

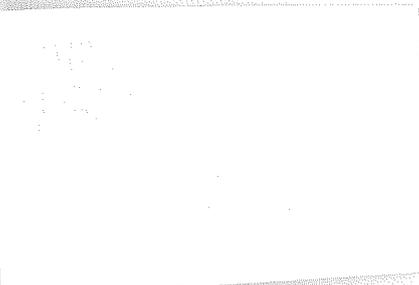
Please find below my comments on the Main modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Gillow Heath.

I noticed that you omitted part of your evidence base, when you made decisions about these sites on 26th June 2019 at the Council assembly. You omitted the ecological evidence base and also incorrectly stated that these fields are Urban/industrial land, which is incorrect.

The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood plan(REG14 closing 4th November 2019).

The SMDC Main Modification are not sound and do not comply with the Duty to co-operate

Please acknowledge my comment.
Maureen Brindley



Please find below the final concern myself and my husband share regarding the SMDC modified local plan.

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I would appreciate that the concerns of myself and my husband be considered as part of this consultation.

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Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
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Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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MM/ document reference	MM/12
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	Yes	No
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Return BD087, BD068 & BD062 to Green Belt land

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

Davies, David

From: Forward Plans
Subject: Main Modifications Consulation - Blythe Bridge

From: Trevor Doreen Brough [mailto:]
Sent: Tuesday, October 29, 2019 4:25 PM
To: Forward Plans
Subject: Main Modifications Consulation - Blythe Bridge

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

Monday, 28 October 2019

Reference: Main Modifications Consultation – Blythe Bridge

Dear Sir/Madam

My wife and I are writing in response for the requested comments to the main modifications from the Examination hearings for development land in the Local plan.

We feel that a monitoring review to the local plan every 5 years should be inline with the NPPF. In Blythe Bridge currently, the plan leans towards increasing the size of the St Modwen's development site at Blythe Vale. I feel due to the size of this development it limits potential for other planning opportunities in the Blythe Bridge area.

We also feel that within our current climate for reducing Carbon footprint and the effects it has on the environment. All plans should be accountable for the potential impact it has. Previously overlooked greenbelt sites should be revisited due to having more accessible transport links such as railway stations therefore lowering the impact they have on the environment. The current development at Blythe Vale will certainly lead to more traffic congestion unless major redevelopment of surrounding highways is planned. The new volume of traffic will come from new home owners from the development.

We feel that it is therefore vital a five-year supply is maintained by the Council. This could be done with regular contact with landowners and developers so that potential sites with better local amenities and transport links are at the forefront of any future local plans.

We hope that our comments are received and recorded.

Yours faithfully,

Mr Trevor Brough & Mrs Doreen Brough



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	IAN
Last name	BROWN
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Sound - Effective	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date: 7.10.19



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

Personal details	
Title	Mr
First name	IAN
Last name	BROWN
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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Out of date information used to develop the Modified Plan
 The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.
 The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.
 In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 7.10.19



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

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Sound - Justified	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Date: 7.10.11



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

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Address line 1	[Redacted]
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No Buy in by the people of Biddulph
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

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If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

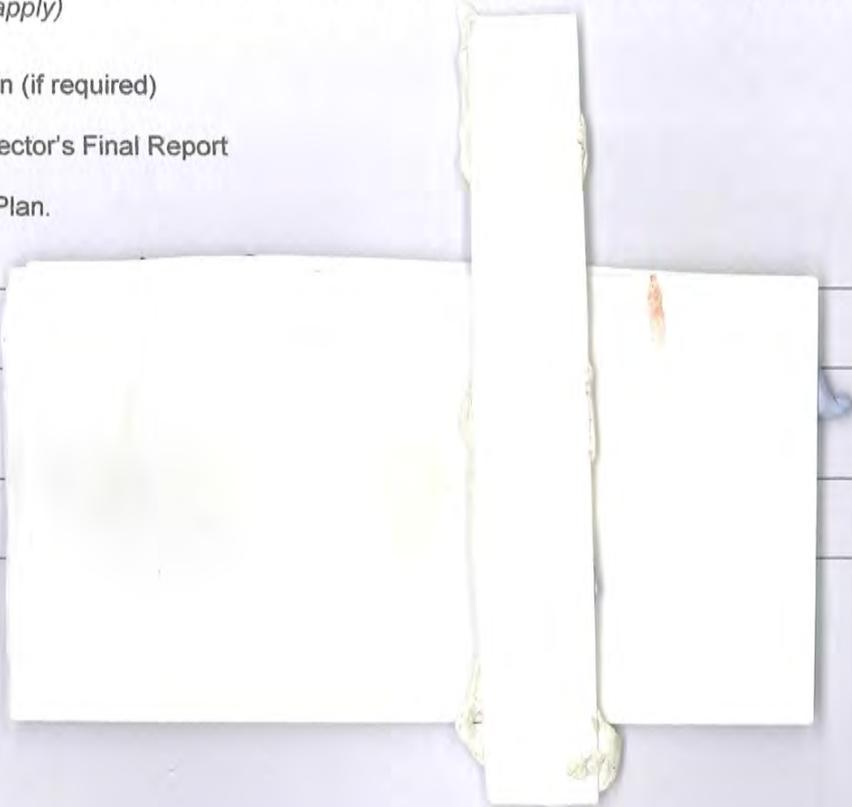
Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5. Signature:

Date:



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

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Part B – Representations

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

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Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

Further hearing session (if required)

Publication of the Inspector's Final Report

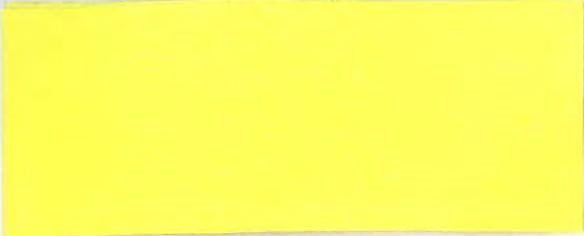
Adoption of the Local Plan.

5. Signature:

Date:

Comment

Agent Mr John Wren (620431)

Email Address 

Company / Organisation 

Address 

Consultee Mr T A J Campbell (626464)

Address Mobberley Farm
Tean Road
Cheadle
ST10 1TW

Event Name Main Modifications Consultation

Comment by Mr T A J Campbell (626464)

Comment ID MMC35

Response Date 24/10/19 14:02

Consultation Point 1 Main Modifications Consultation ([View](#))

Status Submitted

Submission Type Web

Version 0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM21

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant . Yes

Sound - Positively prepared . Yes

Sound - Justified . Yes

Sound - Effective . Yes

Sound - Consistent with national policy . Yes

Complies with the Duty to co-operate . Yes

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

The allocation of land at Mobberley Farm (Policy DSC2) is both logical and long overdue.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

None

Please note

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Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

The allocation of land at Mobberley Farm (Policy DSC3) is both logical and long overdue.

Officer Response

Support noted.

Recommendation

No change.

Comment

Agent

Mr John Wren (620431)

Email Address

Company / Organisation

Address

Consultee

Mr T A J Campbell (626464)

Address

Mobberley Farm
Tean Road
Cheadle
ST10 1TW

Event Name

Main Modifications Consultation

Comment by

Mr T A J Campbell (626464)

Comment ID

MMC36

Response Date

24/10/19 14:15

Consultation Point

1 Main Modifications Consultation ([View](#))

Status

Submitted

Submission Type

Web

Version

0.2

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM9

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

. Yes

Sound - Positively prepared

. Yes

Sound - Justified

. Yes

Sound - Effective . Yes

Sound - Consistent with national policy . Yes

Complies with the Duty to co-operate . Yes

Question 3

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The increase to 1197 in respect of housing supply in Cheadle (Policy SS4) is welcomed and reflects the need to address long standing under investment in one of the District's three largest towns.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

None

Please note

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If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

The increase to 1197 in respect of housing supply in Cheadle (Policy SS4) is welcomed and reflects the need to address long standing under investment in one of the District's three largest towns.

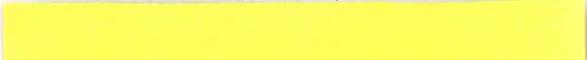
Officer Response

Support noted.

Recommendation

No change.

Comment

Agent Mr John Wren (620431)
Email Address 
Company / Organisation 
Address 

Consultee Mr T A J Campbell (626464)
Address Mobberley Farm
Tean Road
Cheadle
ST10 1TW

Event Name Main Modifications Consultation

Comment by Mr T A J Campbell (626464)

Comment ID MMC37

Response Date 24/10/19 14:34

Consultation Point 1 Main Modifications Consultation ([View](#))

Status Submitted

Submission Type Web

Version 0.9

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM22

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

- Legally compliant** Yes
- Sound - Positively prepared** No
- Sound - Justified** No

- Sound - Effective . No
- Sound - Consistent with national policy . No
- Complies with the Duty to co-operate . Yes

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

The level of affordable housing required in larger developments should not be arrived at by the Zoning system now introduced. Paragraph 64 of the NPPF sets a minimum figure of 10%. The target figure of 33% is too high particularly in relation to sites such as the Mobberley Strategic Development Area where developers are going to be faced with a raft of other requirements which will collectively threaten the financial viability of the developments. The important feature of the allocated sites is that they must all be developed in the Plan period if the housing requirement for the District is to be met and so too many obstacles should not be placed in the way of that being achieved. Various infrastructure requirements must be met and that should take priority over a quota for affordable housing which in the case of Cheadle in particular is likely to be set too high by inclusion of the sites in Zone 3.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Delete reference to the zonal system for calculating the percentage of affordable housing that each new residential site should provide. Refer to the minimum of 10% in the NPPF but indicate that some sites may be required to contribute up to 20% depending on individual circumstances to be negotiated on a case by case basis.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

The level of affordable housing required in larger developments should not be arrived at by the Zoning system now introduced. Paragraph 64 of the NPPF sets a minimum figure of 10%. The target figure of 33% is too high particularly in relation to sites such as the Mobberley Strategic Development Area where developers are going to be faced with a raft of other requirements which will collectively threaten the financial viability of the developments. The important feature of the allocated sites is that they must all be developed in the Plan period if the housing requirement for the District is to be met and so too many obstacles should not be placed in the way of that being achieved. Various infrastructure requirements must be met and that should take priority over a quota for affordable housing which in the case of Cheadle in particular is likely to be set too high by inclusion of the sites in Zone 3.

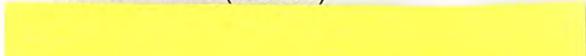
Officer Response

The Inspector requested that viability information relating to affordable housing in different parts of the district (Zones 1 to 4) was included in the supporting text. The Zones do not set the level of affordable housing. Policy H3 states that on sites of 10 dwellings (or 0.5ha) or more shall provide 33% affordable housing. Where justified the Council will consider a lower level of provision taking into account the Local Plan and Site Allocations Viability Study, other up to date viability evidence and other contributions.

Recommendation

No change.

Comment

Agent Mr John Wren (620431)
Email Address 
Company / Organisation 
Address 

Consultee Mr T A J Campbell (626464)
Address Mobberley Farm
Tean Road
Cheadle
ST10 1TW

Event Name Main Modifications Consultation

Comment by Mr T A J Campbell (626464)

Comment ID MMC38

Response Date 24/10/19 15:05

Consultation Point 1 Main Modifications Consultation ([View](#))

Status Submitted

Submission Type Web

Version 0.4

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM44

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant . Yes
Sound - Positively prepared . No
Sound - Justified . No

Sound - Effective . No
Sound - Consistent with national policy . No
Complies with the Duty to co-operate . Yes

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

The approach to releases of green belt at the southern end of Cheadle is not consistent with paragraph 139(f) of the NPPF which requires the clear definition of boundaries using physical features that are readily recognisable and likely to be permanent. Given the importance of the Mobberley area to meeting the housing requirement and the lack of importance of the land to the west and south of the allocation in meeting green belt objectives, the approach in the submitted Plan and these Modifications of only taking the vet's land out of the green belt is too restrictive. The watercourses to the west and south of the allocation would be more appropriate boundaries. The exceptional circumstances required by paragraph 136 of the NPPF are outlined in the remainder of the policy particularly the need for the masterplan to address screening of the southern edge of the development area.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Take more land out of the green belt so that the southern and western boundaries of the Strategic Development site are the two watercourses. Delete reference to the vet's land as being the only land that is to be removed from the green belt. The approach should be to do not the minimum but what is best in the long term for this area.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

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Yes

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- . Adoption of the Local Plan

Summary of response

The approach to releases of green belt at the southern end of Cheadle is not consistent with paragraph 139(f) of the NPPF which requires the clear definition of boundaries using physical features that are readily recognisable and likely to be permanent. Given the importance of the Mobberley area to meeting the housing requirement and the lack of importance of the land to the west and south of the allocation in meeting green belt objectives, the approach in the submitted Plan and these Modifications of only taking the vet's land out of the green belt is too restrictive. The watercourses to the west and south of the allocation would be more appropriate boundaries. The exceptional circumstances required by paragraph 136 of the NPPF are outlined in the remainder of the policy particularly the need for the masterplan to address screening of the southern edge of the development area. Take more land out of the green belt so that the southern and western boundaries of the Strategic Development site are the two watercourses. Delete reference to the vet's land as being the only land that is to be removed from the green belt. The approach should be to do not the minimum but what is best in the long term for this area.

Officer Response

The Inspector has not indicated that any further Green Belt release is required.

Recommendation

No change.



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	
First name	
Last name	
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

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MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:



Date:

17.10.19.



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	
First name	
Last name	
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Signature:



Date:

17.10.19



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	
First name	
Last name	
Address line 1	
Address line 2	
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

17.10.19



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	
First name	
Last name	
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Signature:



Date:

14.10.19



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	
First name	
Last name	
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
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Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

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Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

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Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 17.10.19



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	
First name	
Last name	
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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MM/ document reference	MM/12
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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
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Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

17.10.19.



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	
First name	
Last name	
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

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3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
------------------------	-------

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Ms	
First name	Helen	
Last name	Hunter	
Job title (if applicable)	Town Clerk	
Organisation (if applicable)	Cheadle Town Council	
Address line 1	The Lodge	
Address line 2	21 Tean Road	
Address line 3	Cheadle	
Address line 4	Stoke on Trent	
Post code	ST10 1LG	
Telephone number	01538 754288	
Email address	helen@cheadletowncouncil.com	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM8 and MM21

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	√
Sound - Positively prepared	<input type="checkbox"/>	<input type="checkbox"/>
Sound - Justified	<input type="checkbox"/>	<input type="checkbox"/>
Sound - Effective	<input type="checkbox"/>	<input type="checkbox"/>
Sound - Consistent with national policy	<input type="checkbox"/>	√
Complies with the Duty to co-operate	<input type="checkbox"/>	√

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Cheadle Town Council comments on the Main Modifications (MM) to the Staffordshire Moorlands Local Plan Submission version 2018 are as follows:

- 1) The proposed housing level increase of 6000 dwellings for the Staffordshire Moorlands in the original Local plan was already significantly higher than DCLG household projections of 2015, which detailed a net housing requirement of only 2573 dwellings across the Moorlands.

MM8 retains a very high figure of 6080 dwellings.

The 2016 ONS figures (Released late 2018) showed a further drop in the population growth projections for Staffordshire Moorlands, now only 1.58% growth to 2036 and genuine Household need projections of 6.4% growth to 2036 which goes beyond the Local Plan period.

Building over 6000 houses for a net ONS increase in the population of 1,534 across the Moorlands does not reflect the aspirations of the local community. SMDC have presented the Planning Inspector with an 'Oxford Economics' model that significantly inflates the perceived level of housing need. The claim that such high levels of net migration (7,697) to increase the working population by just 85 to 2031 is seriously flawed. It is not a sustainable model. The net migration makeup cannot be defined and is likely to contain a significant older none-working population, especially as these properties are unlikely to be affordable to the local community. This is likely to exacerbate the demand on infrastructure, roads and services not least in the promotion of a commuter town and is not a sustainable model in line with UK commitments to health (including Nitrogen Oxides NOx levels) and the environment.

Instead of an average growth of 6.4% to 2034 in line with the 2016 ONS figures, the plan as presented shows a much higher local population growth of over 20%. MM21 details 1026 dwellings for Cheadle alone in less than 15 years. With a UK average occupancy of 2.4 residents per household' this relates to a population increase of 2,462 residents on an existing population of 12,165 which is over 20% swell. The promotion of a commuter/service town with access to HS2 will have minimal impact on the vitality of the town but maximum impact on the environment and accessibility of the town with increased road traffic and demand on our schools, doctors and dentists.

Further, the headline ONS figures for 2018 publicised at the time of writing this response (21st Oct 2019) reflect a further National population growth drop with respect to the 2016 Figures, now 400,000 lower by 2028 and 900,000 lower by 2043 this reflects a national population drop of over ½ million over the local plan period in comparison to the 2016 figures above. The ONS have consistently reduced population prediction figures since 2010 and none of this has been reflected in the local plan.

Further the local plan sets out to monitor house-build performance against these unrealistic figures.

It is our opinion that the planned housing levels are excessive, will place unsustainable pressure on our infrastructure not least our roads, has the potential to damage the character of the town and is not sensitive to a sustainable environmental policy. It does not align with the aspirations of the local community ascertained through numerous consultations and as such the planned level of housing should be significantly reduced (i.e. by over 50%) and any assessment of build against unrealistic targets should be removed. This reduction can be done on a proportional (pro-rata) basis without any further impact on the local plan.

- 2) There is no ongoing evidence that the Duty to co-operate with Stoke on-Trent and the Potteries is taking place with a focus on regeneration of sustainable Brownfield sites around road and rail networks in a way that promotes a long term need to address green and sustainable housing policies and for a co-ordinated transport policy to reduce pollution, our carbon footprint and address long term health concerns in encouraging a commuter town strategy. There is a need to ensure our annual average Nitrogen Oxide (NOx) levels are below 40ug/m³ and not to increase that figure. Without a co-ordinated policy including public transport that level is set to increase to unacceptable levels with the promotion of a Cheadle as a commuter /service town.

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

In relation to Point 1 (The level of housing) raised above:

i) The planned level of housing should be significantly reduced (i.e. by over 50%). This reduction can be done on a proportional (pro-rata) basis without any further impact on the local plan.

ii) Any assessment of build against these unrealistic targets should be removed.

In relation to point 2 (Duty to Co-operate) raised above:

iii) Genuine collaboration with Stoke on-Trent and the Potteries to work on a long term sustainable strategy for the reasons stated.

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process *(please select all that apply)*

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

H Hunter

Date:

23rd October 2019

**Cheadle Unite comments (29th October 2019) on the
Main Modifications (MM) to the Staffordshire Moorlands Local Plan Submission version 2018 are as follows:**

We believe the Local Plan should reflect the aspirations of the local community and their way of life, be collaborative with neighbouring authorities in delivering a sustainable strategy on employment, transport and infrastructure, and be environmentally sound whilst sympathetic to National Policy and the need for housing, striking an appropriate balance.

We feel the local plan over-rides local aspirations as evident from many thousands of consultation responses and is competitive with neighbouring authorities rather than collaborative, the growth trajectory is not sustainable or environmentally sound. The plan should sit within a 50+ year strategy that looks to protect our environment and recognises that the economic based term ‘sustainable growth’ is by definition a contradiction in a world of finite resource and hence should be a plan that looks beyond economic costing models, which have repeatedly proven to be unreliable with dire impacts on society.

- 1) The proposed housing level increase of 6000 dwellings for the Staffordshire Moorlands in the original Local plan was already significantly higher than the DCLG household projections of 2015 (and 2012 ONS Sub National Population Projection based figures) , which detailed a net housing requirement of only 2573 dwellings across the Moorlands.

MM8 retains a very high figure of 6080 dwellings to 2033.

The 2016 ONS SNPP figures [1] Released late 2018 with new Local Authorities figures published April 2019 have been available for 6 months during the Major Modifications review.

The tables below published April 2019, show the ONS data with the percentages calculated at the right of the table to years 2031, 2036 and 2041.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	Table 428: Total change, average change and percentage change in household population projections mid-2016 to mid-2041																
2	England, counties, local authorities																
3	Thousands																
4																	
5	Area code	Area name	2016	2021	2026	2031	2036	2041	Total change	Average change	Percentage change						
138	E07000193	East Staffordshire	115	117	119	120	122	123	8	0	7						
139	E07000194	Lichfield	101	102	103	103	104	105	4	0	4						
140	E07000195	Newcastle-under-Lyme	124	127	130	132	134	136	12	0	10						
141	E07000196	South Staffordshire	108	109	110	111	112	112	4	0	4	Population Projection: Percentage Changes From 2016					
142	E07000197	Stafford	130	132	134	135	136	136	6	0	5	To 2031	To 2036	To 2041			
143	E07000198	Staffordshire Moorlands	97	98	98	98	98	98	2	0	2	1.46%	1.58%	1.67%			

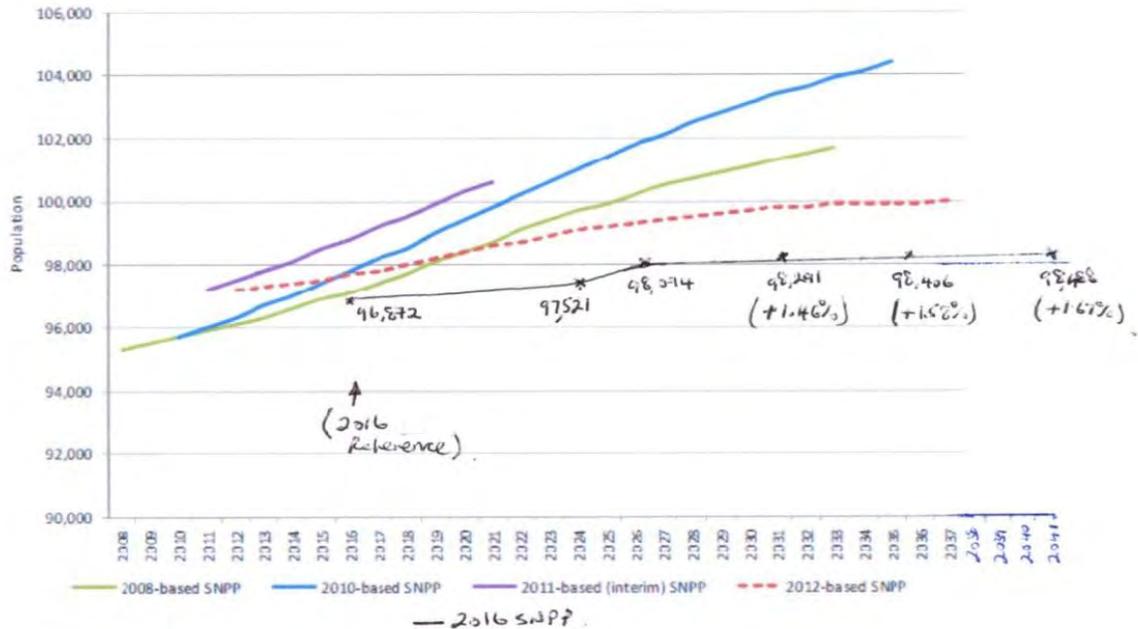
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	Table 425: Total change, average change and percentage change in household projections, mid-2016 to mid-2041																
2	England, counties, local authorities																
3	Thousands																
4																	
5	Area code	Area name	2016	2021	2026	2031	2036	2041	Total change	Average change	Percentage change						
138	E07000193	East Staffordshire	49	50	52	53	55	56	7	0	14						
139	E07000194	Lichfield	43	44	45	46	46	47	5	0	11						
140	E07000195	Newcastle-under-Lyme	55	57	58	60	61	62	8	0	14						
141	E07000196	South Staffordshire	46	47	49	49	50	51	5	0	11	Household Projection: Percentage Changes From 2016					
142	E07000197	Stafford	58	59	61	62	63	63	6	0	10	To 2031	To 2036	To 2041			
143	E07000198	Staffordshire Moorlands	43	44	45	45	46	46	3	0	7	5.37%	6.40%	7.45%			
144	E07000199	Tamworth	32	33	33	34	34	34	2	0	6						

The above figures shows a further drop in the “Population projection” growth for Staffordshire Moorlands, now only 1.58% growth to 2036 and “Household Projection” of 6.4% growth to 2036 which goes beyond the Local Plan period to 2033.

If we add these figures onto the graphs already presented by Cheadle Unite to SMDC and the planning inspection we have the following 2016 SNPP figures for the Staffordshire Moorlands:

Figure 2.2 presents a similar picture for Staffordshire Moorlands, albeit the 2012 starting point is considerably higher than for the 2008-based SNPP and 2010-based SNPP equivalents. However, whilst these historic projections increase by 5,200 and 7,100 respectively between 2012 and 2031, Table 2.2 indicates that the latest 2012-based SNPP increase by only 2,600 over that time period.

Figure 2.2 Comparison ONS 2008/2010/2011/2012 based SNPPs for Staffordshire Moorlands District



Source: NLP Analysis / ONS 2008/2010/2011/2012-based sub-national population projections

The new 2016 Figures in black show just how far the sub national population projections have dropped since 2010 in blue. The graph shows a natural tendency to levelling off, a process that should be celebrated in lowering our carbon footprint and working towards a sustainable future for our children.

The 2016 ONS figures now show a population increase of only 1491 to the Year 2031 and 1534 to 2036. Based on the UK National average of 2.4 occupants per household this would suggest a natural demand of under 650 homes to 2036 across the Staffordshire Moorlands

The 2016 SNPP projections by definition "Provide statistics on the potential future size and age structure of the population in England at regional, county and local authority .. levels. They are used as a common framework for informing local Level policy and planning as they are produced in a consistent way."

Building over 6000 houses for a net ONS increase in the population of 1,534 across the Moorlands does not reflect the aspirations of the local community as detailed by numerous consultations including at least 5,500 responses.

SMDC have presented the Planning Inspector with an 'Oxford Economics' model that significantly inflates the perceived level of housing need. The claim that such high levels of net migration (7,697) to increase the working population by just 85 to 2031 is seriously flawed. It is not a sustainable model (what for 2033 to 2048 another 10,000?). The net migration makeup cannot be defined and is likely to contain a significant older none-working population, especially with properties that are unlikely to be affordable to the local community. This is likely to exacerbate the demand on infrastructure, roads and services not least in the promotion of a commuter / service town as presented in the local plan and is not a sustainable model in line with UK commitments to health (including Nitrogen Oxides NOx levels) and the environment.

Instead of planning for an average population growth of 1.58% and household growth of 6.4% to 2034 in line with the 2016 ONS figures (produced nationally in a consistent way), the local plan as presented targets a much higher local population growth of over 20% based on an obscure model best described by Secretary of State for Housing Sajid Javid in 2017 as an 'assessments commissioned by individual authorities according to their own requirements, carried out by expensive consultants using their own methodologies. The result is an opaque mish-mash of different figures that are consistent only in their complexity.'

MM21 details 1026 dwellings for Cheadle alone in less than 15 years. With a UK average occupancy of 2.4 residents per household' this relates to a population increase of 2,462 residents on an existing population of 12,165 which would relate to a swell of over 20%.

The promotion of a commuter/service town with access to a HS2 hub at Crewe will have minimal impact on the vitality of the town but maximum impact on the environment and accessibility of the town with increased road traffic and demand on our schools, doctors and dentists.

Further, In addition to the 2016 ONS Local Authority Population figures published April 2019, the headline ONS base figures for 2018 have just been published (21st Oct 2019) they reflect a further National population growth drop with respect to the 2016 Figures, now 400,000 lower by 2028 and 900,000 lower by 2043. This reflects a national population growth drop of over ½ million over the local plan period in comparison to the 2016 based figures above.

The ONS have consistently reduced population prediction figures since 2010 and none of this has been reflected in the local plan.

The planned level of housing should factor in a wider set of metrics, examples include:

- Consultation responses 2009,2010,2012,2014,2015,2017,2019 Over 5,500 Responses
- Local Petitions to Central Government
- SMDC Responses to community engagements on Strategy (e.g. the big debate)
- 2015 Road traffic Surveys for Cheadle
- Local Nitrogen Oxide (NOx) level readings for Cheadle [2]
- Climate Change Act 2008
- UK Committee on Climate Change - Risk Assessments 2012 and 217
- UK Committee on Climate Change - Reducing UK emissions 2019
- ONS Population Predictions
- DCLG Housing Projections
- Campaign to Protect Rural England guidance
- Current huge Level of undeveloped Planning Applications (nationally and locally) and land banking
- Collaboration with the Potteries to support the DEFA Air Quality Plan UK0014 2017 e.g Sect 4.3
- DCLG Guidance on Transport Assessment 2007

Instead all the above is ignored in favour of a single [3] flawed 'Oxford Economics Model', which sits at odds with the local community.

2) MM2 Implementation and Monitoring

(Including other references to Implementation and/or Monitoring MM8 7.24, SS3, MM9, MM54, MM55)

In the context of a local plan that sits at odds with realistic ONS statistics and is against the aspirations of the local community, it is not reasonable to introduce an 'Implementation and Monitoring' process, on the level of housing build, if the objective of the Implementation is to continually leverage development at any cost especially if the process is increasingly against the wishes of the local community, the environment and a sustainable future.

Examples of leveraging development would include,

- Accepting arguments for reducing or dropping affordable housing
- Pressing for approval of houses that do not meet M2 Accessibility standards for older age
- Dropping 106 commitments or failing to contribute to the required commitment to infrastructure

- Producing houses that do not meet national NDSS recommendations on room sizes eg. Bedrooms for health and wellbeing
- Forcing additional land release due to undeveloped sites e.g. land banking
- Allowing developments with infrastructure issues (road congestion, road safety concerns, environmental impact)
- Allowing developments that do not meet the needs of the local community e.g lack of starter homes, lack of provision for the elderly such as bungalows
- Allowing developments with inadequate parking, street furniture, curbs, footpaths drainage etc

It is our opinion that the planned housing levels are excessive, will place unsustainable pressure on our infrastructure not least our roads, has the potential to damage the character of the town and is not sensitive to a sustainable environmental policy. It does not align with the aspirations of the local community ascertained through numerous consultations and as such the planned level of housing should be significantly reduced (i.e. by over 50%) and any assessment of build against unrealistic targets should be removed. This reduction can be done on a proportional (pro-rata) basis without any further impact on the local plan.

- 3) There is no ongoing evidence that the Duty to co-operate with Stoke on-Trent and the Potteries is taking place with a focus on regeneration of sustainable Brownfield sites around road and rail networks in a way that promotes a long term need to address green and sustainable housing policies and for a co-ordinated transport policy to reduce pollution, our carbon footprint and address long term health concerns in encouraging a commuter town strategy. There is a need to ensure our annual average Nitrogen Oxide (NOx) levels are below 40ug/m³ and not to increase that figure. Without a co-ordinated policy including public transport that level is set to increase to unacceptable levels with the promotion of a Cheadle as a commuter /service town.

To Make the Local Plan sound:

- i) The planned level of housing should be significantly reduced (i.e. by over 50%). This reduction can be done on a proportional (pro-rata) basis without any further impact on the local plan.
- ii) Any assessment of housing build against unrealistic targets should be removed. Unrealistic targets would be figures that don't tally with consistent national metrics (ONS figures), the local community and a sustainable environmental strategy.
- iii) Genuine collaboration with Stoke on-Trent and the Potteries to work on a long term sustainable strategy for the reasons stated.

Cheadle Unite c/o
62 Rakeway Road,
Cheadle,
Staffordshire,
ST10 1QH.

cheadleunite@dsl.pipex.com
www.cheadleunite.co.uk

29th October 2019

References

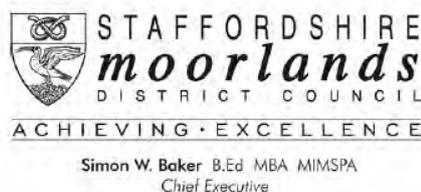
[1] ONS References

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/datasets/localauthoritiesinenglandtable2>

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/bulletins/subnationalpopulationprojectionsforengland/2016based>

<https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/populationandmigration/populationprojections/datasets/householdprojectionsforengland/2016based/maintablesupdatedniupdated.xlsx>

[2] Additional Information (Forwarded by a resident 2019) Nitrous Dioxide Levels are up to UK/EU Limits of 40ug/m3 on the main roads through Cheadle. As stated earlier it is a legal responsibility to ensure levels are brought down. The Local Plan promotes long distance commuting, sighting links to the A50 and HS2 requiring significant travel. The plan promotes a service/commuter town with huge numbers seeking employment outside Cheadle (>50% and growing making a daily commute for work) on roads already detailed as at capacity at work run times. This strategy does not deliver on a commitment to reduce pollution and protect the environment and health of the community.



Request:

Under the Freedom of Information Act 2000, please provide copies of all NOx (nitrogen oxide) readings taken in Cheadle Staffordshire for the past 6 years to date (28/10/2017) and any related Air Quality readings /comparisons.

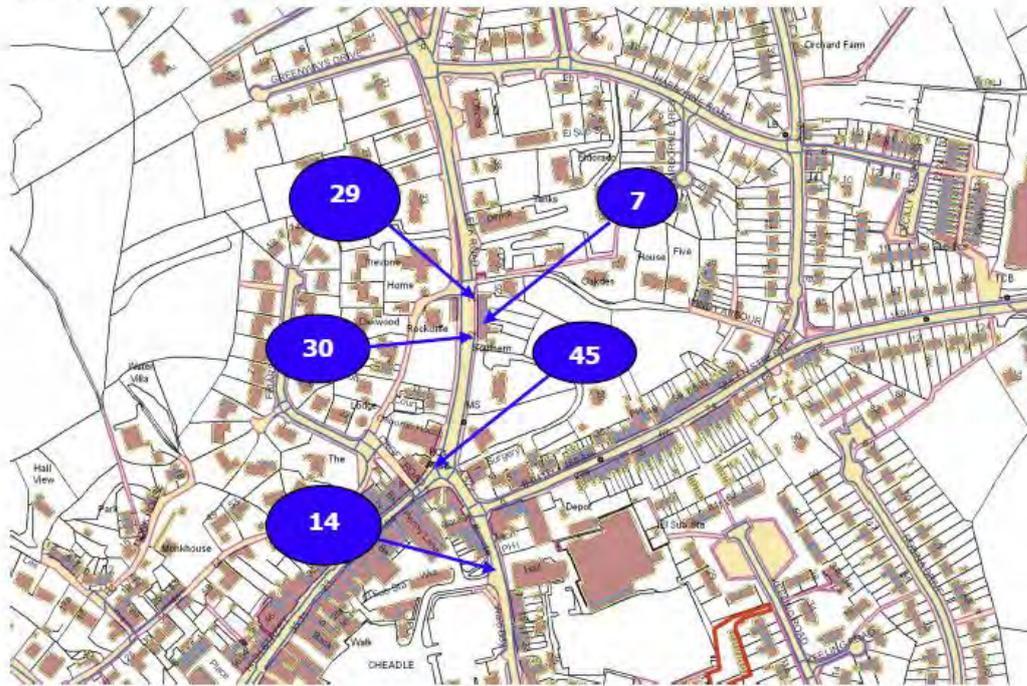
Response:

NOx data presented below. Results are expressed as an average annual mean, which is the average concentration of NOx over a year. Results for 2017 have not yet been completed and so are not yet available. The Annual Mean Objective for NOx is 40µg/m³

Results of NO₂ Diffusion Tubes, 2011 - 2016

Location:	Ref:	Annual Mean Nitrogen Dioxide (µg/m ³)					
		2011	2012	2013	2014	2015	2016
Cheadle (Leek Road Rbt_ North)	29	41.2	39.0	39.4	34.3	31.0	34.6
Cheadle (Leek Road Rbt_ Central) (mean)	7	41.0	38.4	38.5	39.8	37.0	39.1
Cheadle (Leek Road Rbt_ South)	30	38.8	36.4	33.2	38.9	36.0	38.7
Cheadle Roundabout	45					29.0	37.0

Tube Locations: Cheadle



[3] At the Planning Inspection Hearings, on suggesting the Oxford Economics Model be removed from the evidence base, the Consultant from Lichfields acting on behalf of SMDC stated without that Oxford Model SMDC will not have a plan.

STAFFORDSHIRE MOORLANDS LOCAL PLAN – LOCAL GREEN SPACE DESIGNATIONS

NAME/NUMBER OF LGS: Ox Pasture (west) / 29

ORGANISATION RESPONDING: Cheddleton Parish Council

This small field sits in the historic heart of Cheddleton village immediately adjacent to the Conservation Area. It is bounded on the east by a traditional hedge and an historic public footpath. On the southern boundary is another well used public footpath. To the north from this path the field slopes down to the old village. The field shares several characteristics with the adjacent LGS 30 to form an open space which is bisected by the first footpath. The field was designated as Visual Open Space (VOS) in 1998, reassessed and confirmed in 2008, and a study in 2016 used the NPPF criteria to recommend LGS designation. This area is special to the community of Cheddleton and holds particular local significance for the following reasons:

1. TRANQUILLITY

With the adjacent field it provides a valuable area of tranquillity in the heart of the village. There are no roads around it, so users of the footpaths appreciate the tranquillity and visual relief that the field provides, away from nearby traffic noise and pollution. The eastern path is used by young and old on a daily basis, being the main safe pedestrian walkway from the newer housing estates in the south of the village to the school, church, community centre, tearoom / craft centre, and pub. The 2016 study described the field as having “high tranquillity”. The tranquillity has not changed since that assessment.

2. BEAUTY

The open nature of the field and its slope away from the southern footpath enable uninterrupted access to exceptional and cherished public views into and beyond the historic settlement to the Roaches and Hen Cloud in the Peak District National Park. Locals and visitors alike particularly appreciate the beauty of the panoramic views from the southern footpath. The VOS criteria included allowing “the public to enjoy significant external views.” The 2016 study described “Very attractive views from footpath on southern boundary out towards wider countryside (including church and roaches).” The views and their beauty have not changed since those assessments.

3. RECREATIONAL VALUE

Recreational walking groups that visit the village specifically include the paths around the Ox Pasture fields in their walks, and value the visual amenity that the fields offer.

4. CHARACTER

Along with LGS 30 this field contributes to the special character of the village by providing a significant green buffer and sense of separation between the historic core and the more recent residential development that has grown up to the south. Consequently, the community and successive authorities have protected these fields from encroaching urbanisation throughout eight decades of extensive expansion of the village. Most of the properties surrounding the fields have restrictive covenants which effectively prevent access to the fields, illustrating their long-standing special significance and the wish to retain the open space. Cheddleton village is included in the Churnet Valley Master Plan.

5. HERITAGE VALUE

The open views through and beyond the field allow the significance of designated heritage assets to be appreciated in their historic rural context. The field forms the southern setting of the Cheddleton Conservation Area, which contains several listed buildings including the Grade II* listed church of St Edward the Confessorⁱ. The mediaeval alignment of the village with the Churnet valley can be appreciated with the prominent church marking the historic core.

The field is still used for haymaking, contributing to the rural character of the separate and distinct old village. As part of the former Fould farm, the buildings of which are still in the centre of the old settlement, the field has an historic and economic link to the Conservation Area.

6. BIODIVERSITY and ECOLOGICAL VALUE

The richness of wildlife in the field and its surrounds makes it important to local biodiversity, as was evidenced in a professional ecological appraisal of the field carried out in March 2019ⁱⁱ. The ecologist concluded that the five habitats identified have the potential to be utilized by a variety of animal species, including several priority and protected species. The Staffordshire Ecological Record holds recent records of many species on the field and/or in adjoining gardens, including bats, badgers, hedgehogs, grass snakes, common frogs, common toads, and smooth newts. In addition, great crested newts (GCNs) have recently been confirmed as present, via eDNA testing, in a pond less than 100m from the field. The field includes undeveloped terrestrial habitat suitable for newts and there is a direct route to it, so there is a possibility of GCNs being present.

Over 40 bird species have been observed on or immediately around the field. The Ecologist commented that the field "...could be a pivotal ecological network and developments need to ensure resilience to current and future change by preserving said networks...". These fields function as a wildlife foraging area, refuge and dispersal corridor; they form a network with the Churnet valley.

7. COMMUNITY SUPPORT

A petition confirming that fields 29 and 30 are special to the local community, are of particular local significance and supporting their designation as LGS attracted 825 signatures (summer of 2019). Designation is supported by all three District Councillors for the Ward and unanimously by the Cheddleton Parish Council.

Staffordshire Moorlands Local Plan – Main Modifications Consultation October 2019.

This consultation response is from the Cheddleton Parish Council in support of retention of Local Green Space designations 29 and 30. The Inspector recommended their removal from the Local Plan as detailed in Main Modifications 61 and 73.

ⁱ <https://www.cheddletonresidents.org/documents/Ox%20Pasture-Residents-Heritage-Report.pdf>

ⁱⁱ <https://www.cheddletonresidents.org/documents/Ox-Pasture-Cheddleton-Elite%20Ecology-PEA-Report-March-2019.pdf>

Davies, David

From: Forward Plans
Subject: FW: LGS consultation statement

-----Original Message-----

From: Bowen, Michael (CLLR)
Sent: Thursday, October 31, 2019 4:49 PM
To: Davies, David
Subject: LGS consultation statement

Hi David

Could you please include the following in the material going to the inspector?

STATEMENT FROM CHEDDLETON PARISH COUNCIL

Cheddleton Parish Council believes that the material previously submitted to the LGS consultation, concerning Main Modifications 61 and 73, (Land adjacent to Ox Pasture, Cheddleton) did not receive sufficient consideration in order to make a sound decision.

Unfortunately, time restraints did not allow a full local investigation to take place at the time.

In the intervening period, much more work has taken place in order, we believe, to strengthen our submission.

The bulk of this has been undertaken by our residents, who feel strongly that the loss of our green space would be very detrimental to our village and its community.

We are of the opinion that the wealth of material now submitted, answers all the 3 criteria required by the NPPF and that the protection we enjoyed by the Visual Open Space designation, put in place in the Local Plan of the 1970s, should be restored in its latest incarnation.

It is further interesting to note that in a recent Government announcement on Climate Change, it was stated that there is an intention to increase the number of green spaces in our cities, towns and villages, if necessary, by creating new ones.

This begs the question, 'Why, then, are we in danger of losing our precious green space, which has been in existence for so many years?'

We trust that on this occasion our submission will receive the consideration it deserves.

Cllr Michael Bowen, Chairman, Cheddleton Parish Council

Thanks David

Regards

Mike

Sent from my iPad
Cllr. Michael Bowen B.Ed.
Portfolioholder for Communities
District & Parish Councillor for Cheddleton

Do you really need to print out this Email? Be green - keep it on the screen.

This email is intended for the addressee(s) only and may contain sensitive, privileged or confidential information that could be protectively marked. If you are not the addressee please do not use the information in any way. If you have received this email in error please notify the sender immediately and delete it from your system. Thank you.

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STAFFORDSHIRE MOORLANDS LOCAL PLAN – LOCAL GREEN SPACE DESIGNATIONS

NAME/NUMBER OF LGS: Ox Pasture (east) / 30

ORGANISATION RESPONDING: Cheddleton Parish Council

This small field sits in the historic heart of Cheddleton village adjoining the Conservation Area. It is bounded on the west by an historic public footpath and a traditional hedge. To the east from the path the field slopes away to a valley such that the busy A520, and most of the houses lining it, are obscured. The field shares several characteristics with the adjacent LGS 29 to form an open space which is bisected by the footpath.

The field was designated as Visual Open Space (VOS) in 1998, reassessed and confirmed in 2008, and a study in 2016 used the NPPF criteria to recommend LGS designation.

This area is special to the community of Cheddleton and holds particular local significance for the following reasons:

1. TRANQUILLITY

With the adjacent field it provides a valuable area of tranquillity in the heart of the village. There are no roads around it, but there is a well-used public footpath running north / south along the western boundary, the path takes a sharp turn to run along part of the northern boundary. Users of this footpath appreciate the tranquillity and visual relief that the field provides, away from nearby traffic noise and pollution. The path is used by young and old on a daily basis, being the main safe pedestrian walkway from the newer housing estates in the south of the village to the school, church, community centre, tearoom / craft centre, and pub.

The 2016 study described the field as having “high tranquillity”. The tranquillity has not changed since that assessment.

2. BEAUTY

The open nature of the field and the slope away from the footpath enables uninterrupted access to exceptional and cherished public views beyond the settlement to Morridge edge (225 metres higher); the edge is the boundary of the Peak District National Park. Locals and visitors alike particularly appreciate the beauty of this panoramic view.

The VOS criteria included allowing “the public to enjoy significant external views.” The 2016 study described “Very attractive views from footpath on western boundary out towards wider countryside...” The views and their beauty have not changed since those assessments.

3. RECREATIONAL VALUE

Recreational walking groups that visit the village specifically include the paths around the Ox Pasture fields in their walks, and value the visual amenity that the fields offer.

4. CHARACTER

Along with LGS 29 this field contributes to the special character of the village by providing a significant green buffer and sense of separation between the historic core and the more recent residential development that has grown up to the south. Consequently, the community and successive authorities have protected these fields from encroaching urbanisation throughout eight decades of extensive expansion of the village. Most of the properties surrounding the fields have restrictive covenants which effectively prevent access to the fields, illustrating their long-standing special significance and the wish to retain the open space.

Cheddleton village is included in the Churnet Valley Master Plan.

5. HERITAGE VALUE

The field is part of the rural setting of the adjoining Cheddleton Conservation Area which contains several listed buildings and is the mediaeval core of the old village. It is also the western setting of the Grade II listed Grange Farmhouse. This medieval grange farmstead, and the fields behind, are viewed over the valley that hides the A520.

The field is still used for haymaking, contributing to the rural character of the separate and distinct old village. As part of the former Fould farm, the buildings of which are still in the centre of the old settlement, the field has an historic and economic link to the Conservation Area.

6. BIODIVERSITY and ECOLOGICAL VALUE

The richness of wildlife in the field and its surrounds makes it important to local biodiversity, as was evidenced in a professional ecological appraisal of the adjacent field carried out in March 2019ⁱ. The ecologist concluded that the five habitats identified on the similar field have the potential to be utilized by a variety of animal species, including several priority and protected species. The Staffordshire Ecological Record holds recent records of many species in adjoining gardens, including bats, badgers, hedgehogs, grass snakes, common frogs, common toads, and smooth newts. In addition, great crested newts (GCNs) have recently been confirmed as present, via eDNA testing, in a pond 160m from the field. The field includes undeveloped terrestrial habitat suitable for newts, so there is a possibility of GCNs being present.

Over 40 bird species have been observed on or immediately around the two fields.

The Ecologist commented that field 29 "...could be a pivotal ecological network and developments need to ensure resilience to current and future change by preserving said networks...". These fields function as a wildlife foraging area, refuge and dispersal corridor; they form a network with the Churnet valley.

7. COMMUNITY SUPPORT

A petition confirming that fields 29 and 30 are special to the local community, are of particular local significance and supporting their designation as LGS attracted 825 signatures (summer of 2019). Designation is supported by all three District Councillors for the Ward and unanimously by the Cheddleton Parish Council.

Staffordshire Moorlands Local Plan – Main Modifications Consultation October 2019.

This consultation response is from the Cheddleton Parish Council in support of retention of Local Green Space designations 29 and 30. The Inspector recommended their removal from the Local Plan as detailed in Main Modifications 61 and 73.

ⁱ <https://www.cheddletonresidents.org/documents/Ox-Pasture-Cheddleton-Elite%20Ecology-PEA-Report-March-2019.pdf>

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

<p>Access to BD 068 and BD 087 - Road Safety Issues</p> <p>Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?</p> <p>The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have</p>
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

From: Jennie Squires <
Sent: Wednesday, October 30, 2019 9:39 AM
To: Forward Plans
Subject: Staffordshire Moorlands Local Plan Modified

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Re Page 63, Policy SS6 - Biddulph Area Strategy

6. Include areas of 'Safeguarded Land' - BD062, BD068 & BD087

Sound - justified - **NO** - there are errors - parts of the evidence were missed out when decisions on the main modifications were taken

Sound - Effective - **NO** - no, safeguarding here will not work well due to reasons stated below about sewage, wildlife, access etc

Sound - consistent with national policy - **NO** - failing in duty to have regard to biodiversity

Complies with Duty to Co-operate - **NO** - not consulting appropriately with Biddulph Town Council or paying heed to the more recent evidence base of the emerging Biddulph Neighbourhood Plan

Concern 1 - Sewage Works - Health Concerns

BD062 and BD068 are both immediately adjacent to a sewage works. Residents already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding the brook at the end of Essex Drive (13/9/16) where pressure builds up inside the junction box and the lid blows off, especially in heavy rain. This happened again in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the field needs to be kept as a natural buffer.

We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDV Council Planning Officers on 26th June 2019 which led to these fields being put forward for 'Safeguarding' (<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CIId=284&MIId=1368&Ver=4>) (i.e. making a building air-tight does not change the situation outside or inside the home when windows are doors are open). Adding more houses and increasing surface run off from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.

In a letter sent on the 27th May 2016 United Utilities stated *"The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"*

Concern 2 - Biodiversity

Key points are:

- The SMDC Phase 1 Ecological Survey evidence base is being ignored.
- The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.
- The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound.
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of.

Details for the above points:

Biodiversity - The SMDC Local Plan Phase 1 Habitat Survey (Site BD062 / FID122, 2014) concluded "...the site is not recommended for potential development..." [1] and that the site is "...very well connected to other biodiverse habitats through hedgerows, scrub, broadleaved woodland and running water which accentuates the value of the site"
<https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>).

The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC Map7.5 pg.77
<https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10>
[SMDC Green Infrastructure Strategy May 2018.pdf](#))

The emerging Biddulph Neighbourhood Plan commissioned external consultants to provide additional detail and evidence for wildlife corridors and potential Local Wildlife Sites across the Biddulph Parish. The mapping for BD062 indicates semi-natural grassland habitat and found to be sited in an important location bringing together two key wildlife corridors – that of the Biddulph Brook and the Biddulph Valley Way
<https://biddulph.co.uk/neighbourhood-plan/>).

The entire ecological evidence base was missed out of the assessment and ranking exercise carried out by SMDC and reported to Council Members on 26th June 2019 which led to the designation of these fields as 'Safeguarded'. The sources used for the exercise are listed and ecological assessments are missing
<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CID=284&MID=1368&Ver=4>). This omission is then reflected in the assessment tables in Appendix C and Appendix D and the conclusions drawn (which are unclear and not sound)

This is despite the fact that this information was contained within the previous Sustainability Appraisal Report which accompanied the local plan submission version (Feb 2018) where it was reported that BD062 was 'deemed to have ecological value.'

Only evidence regarding the Green belt review, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other economic and development criteria (Options Assessment Tables list pg.30 <https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CID=284&MID=1368&Ver=4>). The land classification used in this SMDC report on 26th June 2019 is also wrong for all 3 sites in Gillow Heath. They were reported to be urban/industrial land when in fact they are classed as agricultural grassland on the Dudley Stamp Land Use Classification system (Magic Map <https://magic.defra.gov.uk/MagicMap.aspx>) and a quick search on google earth reveals that they are indeed semi-natural habitat (BD062) or agricultural grassland (BD068 / BD087).

Ignoring the ecology in this decision making process totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management.

This contradicts Section 40 of the *Natural Environment and Rural Communities Act 2006*, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Sites also need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC Council Members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800m of the town centre when they clearly are not at Gillow Heath. The ranking method is unsound.

ISSUE 3: Community access

The local community have had unfettered access to this site since the estate was built. For over 40 years, there has been total open access and the land has been used by local residents for events and walking dogs. As recently as 7th July 2019 (and repeatedly since) local residents organised a work party to clear the overgrown footpaths which cross this site and have been doing this for over 40 years. This land has been designated as Local Greenspace by the emerging Biddulph Neighbourhood Plan (currently undergoing REG14 consultation) as it was found to meet the criteria required (<https://biddulph.co.uk/neighbourhood-plan/>).

ISSUE 4 - Access roads

Neither the *distributor road* (Mow Lane) nor the *feeder roads* (Essex Drive and York Close) meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The roads are too narrow and the road bend radii are too small. There are two pinch points over bridges on Mow Lane to the east and west of the access to BD062, and a new sewage pump on Mow Lane all of which reduce the feeder road to a single carriageway in at least 3 locations. There is no alternative access to BD062.

Planning permission has been refused on highways grounds in the past and the situation has only got worse with the creation of the third pinch-point on Mow Lane. **The actual distributor road width (Mow Lane) falls below the minimum required of distributor roads by the Residential Design Guide.** Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Mow Lane is 4.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).

Access to BD068 & BD087 - Road Safety issues.

Public safety issue - The land proposed for the access road for BD068 & BD087 and the bridge on to BD087 is only 1.5m above normal river height and we know that in the latest flash flood, water reached 2.6m. This land has been identified as Flood Risk 2/3. It is the only access road an bridge on to BD068 and BD087 both enclosed sites. What happens in a flash flood? Will there need to be an Emergency Evacuation Plan in place? Have the emergency services been involved in the pre selection of these sites?

The maximum rise of the river during a flash flood is 2.6m (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6m wide (4m + 2m) single access road and bridge on to these sites, a support wall will have to be built along the river bank. The access road on to BD087 is on the narrow side of the river bank approx 10m wide. Has an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible, given the ground condition is marsh land?

Surely BD068 & BD087 should be dismissed as sites from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested parties (not just the site owner) and provided all the necessary information, including a SFRA Level 2 Flood Risk Assessment, Public Safety Risk Report, Soil sample reports and a SCC Transport report? This should provide the necessary information to ensure that BD068 & BD087 could even be put forward for future planning permission?

ISSUE 5 - Flooding

BD062 (land at end of York Close / Essex Drive) suffers from a high amount of surface water flooding. It is classed as a wet meadow (evidenced by certain marsh flora) and plays an important role in slowing down rainwater flowing into the Biddulph Brook (natural flood management). This field drains part of the Biddulph Valley way as evidenced by the Environment Agency flood maps (<https://flood-warning->

information.service.gov.uk/long-term-flood-risk/map). The proposed eastern site access of Essex Drive is in a floodplain. The field should remain as semi-natural habitat and its' role in natural flood management enhanced.

Concern 6 - Out of date information used to develop the Modified Plan

On June 26th 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had no objections to these sites, however, no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified plan reintroduced sites BD062, BD068 & BD087.

Past information supplied to the SMDC by the Environmental Agency stated "*When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*"

It was also stated at this meeting that they used findings from 2014, 2015 & 2026 to justify their developmet/conclusion to support the modified local plan. This excluded information from 2017, 2018 & 2019 - why?

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood Risk Analysis for BD087, however, when checking with the Environmental Agency (2nd September 2019), this has not been completed. There is only a SFRA Level 1 on record?

In a letter dated 26th August 2015 the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before these sites. BD062, BD068 & BD087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only identified 12 sites of the original housing plan in 2014 of which there was 27. The 3 sites chosen as level 1, BD062, BD068 & BD087, were all considered at great length and excluded.

- The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector - Reason for rejection - a site called BDNEW was to be removed from the Local Plan as it was Green Belt land. All 3 of the above sites are all on Green Belt land.

- In the 2015 Green Belt report commissioned by the SMDC stated that all 3 sites should only be considered under Exceptional circumstances but the same report stated that land to the south of Akemoor Lane on which BDNEW is situated should be considered for consideration for future development. Why has this report not been used as a factual base for the development of Biddulph?

- Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up to date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potentially 3-5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Kind Regards

Sansom, Claire

From: steve clowes
Sent: Wednesday, October 30, 2019 5:29 PM
To: Forward Plans
Subject: Safeguarding of fields in Biddulph

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Biddulph and Gillow Heath.

I notice that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly. You omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect.

The decision to safeguard fields in Biddulph and Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019).

The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Thanks

Stephen Clowes
Sent from my iPad

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

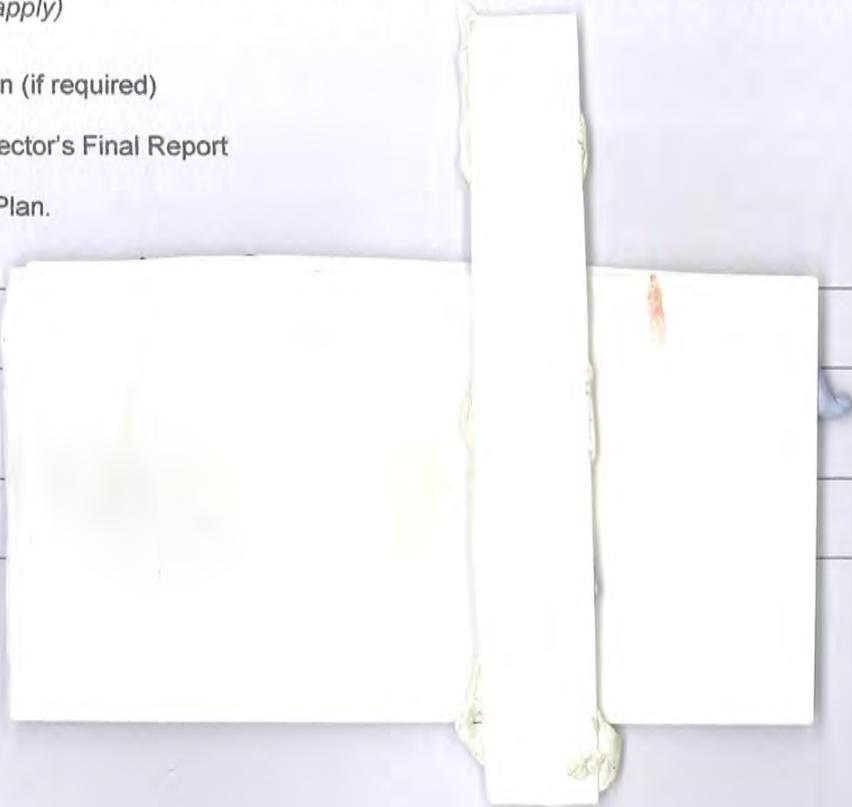
Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

Date:



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

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- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

Date:

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access road
 Marsh Green Road does not meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The road is too narrow & there is a pinch point over the bridge on Marsh Green Road before the access to BD067. Marsh Green Road is too narrow along its total length & has no footpath for most of its length. Road Widening will require the compulsive purchase of gardens near its junction with Congleton Road
 Marsh Green Road falls below the minimum required of distributor roads by the Residential Design Guide. Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Marsh Green Road is 3.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).



4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signature: 

Date: 24/10/19

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Sound - Positively prepared	<input type="checkbox"/>	X
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BIODIVERSITY

Key points are:

- The SMDC Phase 1 Ecological Survey evidence base is being ignored.
- The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.
- The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound.
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of.

Details for the above points:

Biodiversity - The SMDC Local Plan Phase 1 Habitat Survey (Site BD062 / FID122, 2014) concluded " *...the site is not recommended for potential development...*" [1] and that the site is " *...very well connected to other biodiverse habitats through hedgerows, scrub, broadleaved woodland and running water which accentuates the value of the site*" (<https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>).

The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC Map7.5 pg.77

(https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10_SMDC_Green_Infrastructure_Strategy_May_2018.pdf)

The emerging Biddulph Neighbourhood Plan commissioned external consultants to provide additional detail and evidence for wildlife corridors and potential Local Wildlife Sites across the Biddulph Parish. The mapping for BD062 indicates semi-natural grassland habitat and found to be sited in an important location bringing together two key wildlife corridors - that of the Biddulph Brook and the Biddulph Valley Way (<https://biddulph.co.uk/neighbourhood-plan/>).

The entire ecological evidence base was missed out of the assessment and ranking exercise carried out by SMDC and reported to Council Members on 26th June 2019 which led to the designation of these fields as 'Safeguarded'. The sources used for the exercise are listed and ecological assessments are missing

(<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>). This omission is then reflected in the assessment tables in Appendix C and Appendix D and the conclusions drawn (which are unclear and not sound).

This is despite the fact that this information was contained within the previous Sustainability Appraisal Report which accompanied the local plan submission version (Feb 2018) where it was reported that BD062 was 'deemed to have ecological value.'

Only evidence regarding the Green belt review, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other economic and development criteria (Options Assessment Tables list pg.30

<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>). The land classification used in this SMDC report on 26th June 2019 is also wrong for all 3 sites in Gillow Heath. They were reported to be urban/industrial land when in fact they are classed as agricultural grassland on the Dudley Stamp Land Use Classification system (Magic Map (<https://magic.defra.gov.uk/MagicMap.aspx>) and a quick search on google earth reveals that they are indeed semi-natural habitat (BD062) or agricultural grassland (BD068 / BD087).

Ignoring the ecology in this decision making process totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management. This contradicts Section 40 of the *Natural Environment and Rural Communities Act 2006*, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Sites also need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC Council Members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800m of the town centre when they clearly are not at Gillow Heath. The ranking method is unsound.

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signature: 

Date: 24/10/19

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Sewage works

BD062 and BD068 are both immediately adjacent to a sewage works. Residents who live on Essex Drive, York Close and Long Valley Road already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding into the brook at the end of Essex Drive (13/9/2016) where pressure builds up inside the junction box and the lid blows off, especially following heavy rain. This happened again in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the

field needs to be kept as a natural buffer. Local residents should be listened to in this matter instead of repeatedly being ignored. Building adjacent to the sewage works will create even more of a statutory nuisance (noise, odour, sewage flooding) and an unhealthy neighbourhood.

We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDC Council Planning Officers on 26th June 2019 in the meeting which led to these fields being put forward for 'Safeguarding'.

(<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>) (ie. making a building air-tight does not change the situation outside or inside the home when windows and doors are open). Adding more houses and increasing surface runoff from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signatu

Date:

24/10/19.

Part B - Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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MM/ document reference MM/12

Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land - No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

No buy in by the people of Biddulph
Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable?

These sites are on a Flood plain and have soil issues. Running sand has been a frequent issue for many sites in Biddulph. During the course of creating a soak away for rainwater run-off in the garden of my house, at a site only 2.5 meters away from the site I discovered that beneath a thin layer of heavy clay, there is a deep deposit of very soft running sand. Photographic evidence is attached. The presence of running sand is confirmed by the British Geological Survey who made the following statement: -

"Some rocks can contain loosely-packed sandy layers that can become fluidised by water flowing through them. Such sands can 'run', removing support from overlying buildings and causing potential damage.

Running sand hazards can occur where excavations in the sand go below the water table, where springs occur at the base of sand outcrops, around leaking drains or mains water supply pipes or in entire sand bodies if vibrated (liquefaction) e.g. by an earthquake.

A property affected by running sand may experience the following problems:

- *Access paths and roads may be broken and disrupted*
- *Service connections to water, gas and electricity supplies may break*
- *Structural damage to foundations and to the fabric of the building if uneven sinking occurs under the foundations. "*

Construction on this site would be likely to allow the sand to run causing subsidence and damage to existing properties in Portland Drive, for which consequential damage SMDC may be partly liable. All of these factors would mean that any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action which in the end would prove very expensive to the local council.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendments) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

9/10/19



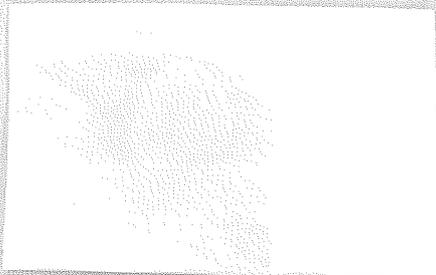
Sansom, Claire

From: torben.clowes
Sent: Wednesday, October 30, 2019 1:59 PM
To: Forward Plans
Subject: Staffordshire Moorlands Local Plan Modified

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Sent from my Samsung Galaxy smartphone.



Re Page 63, Policy SS6 - Biddulph Area Strategy

6. Include areas of 'Safeguarded Land' - BD062, BD068 & BD087

Sound - justified - **NO** - there are errors - parts of the evidence were missed out when decisions on the main modifications were taken

Sound - Effective - **NO** - no, safeguarding here will not work well due to reasons stated below about sewage, wildlife, access etc

Sound - consistent with national policy - **NO** - failing in duty to have regard to biodiversity

Complies with Duty to Co-operate - **NO** - not consulting appropriately with Biddulph Town Council or paying heed to the more recent evidence base of the emerging Biddulph Neighbourhood Plan

Concern 1 - Sewage Works - Health Concerns

BD062 and BD068 are both immediately adjacent to a sewage works. Residents already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding the brook at the end of Essex Drive (13/9/16) where pressure builds up inside the junction box and the lid blows off, especially in heavy rain. This happened again in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the field needs to be kept as a natural buffer.

We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDV Council Planning Officers on 26th June 2019 which led to these fields being put forward for 'Safeguarding'

(<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CIId=284&MIId=1368&Ver=4>) (i.e. making a building air-tight does not change the situation outside or inside the home when windows are doors are open). Adding more houses and increasing surface run off from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.

In a letter sent on the 27th May 2016 United Utilities stated "*The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works*"

Concern 2 - Biodiversity

Key points are:

- The SMDC Phase 1 Ecological Survey evidence base is being ignored.
- The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.
- The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound.
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of.

Details for the above points:

Biodiversity - The SMDC Local Plan Phase 1 Habitat Survey (Site BD062 / FID122, 2014) concluded "*...the site is not recommended for potential development...*"^[1] and that the site is "*...very well connected to other biodiverse habitats through hedgerows, scrub, broadleaved woodland and running water which accentuates the value of the site*" (<https://www.staffs Moorlands.gov.uk/article/1368/Ecological-studies>).

The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC Map7.5 pg.77 (<https://www.staffs Moorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10> SMDC Green Infrastructure Strategy May 2018.pdf)

The emerging Biddulph Neighbourhood Plan commissioned external consultants to provide additional detail and evidence for wildlife corridors and potential Local Wildlife Sites across the Biddulph Parish. The mapping for BD062 indicates semi-natural grassland habitat and found to be sited in an important location bringing together two key wildlife corridors – that of the Biddulph Brook and the Biddulph Valley Way (<https://biddulph.co.uk/neighbourhood-plan/>).

The entire ecological evidence base was missed out of the assessment and ranking exercise carried out by SMDC and reported to Council Members on 26th June 2019 which led to the designation of these fields as 'Safeguarded'. The sources used for the exercise are listed and ecological assessments are missing (<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CIId=284&MIId=1368&Ver=4>). This omission is then reflected in the assessment tables in Appendix C and Appendix D and the conclusions drawn (which are unclear and not sound)

This is despite the fact that this information was contained within the previous Sustainability Appraisal Report which accompanied the local plan submission version (Feb 2018) where it was reported that BD062 was '*deemed to have ecological value.*'

Only evidence regarding the Green belt review, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other economic and development criteria (Options Assessment Tables list pg.30 <https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CIId=284&MIId=1368&Ver=4>). The

land classification used in this SMDC report on 26th June 2019 is also wrong for all 3 sites in Gillow Heath. They were reported to be urban/industrial land when in fact they are classed as agricultural grassland on the Dudley Stamp Land Use Classification system (Magic Map (<https://magic.defra.gov.uk/MagicMap.aspx>) and a quick search on google earth reveals that they are indeed semi-natural habitat (BD062) or agricultural grassland (BD068 / BD087).

Ignoring the ecology in this decision making process totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management.

This contradicts Section 40 of the *Natural Environment and Rural Communities Act 2006*, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Sites also need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC Council Members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800m of the town centre when they clearly are not at Gillow Heath. The ranking method is unsound.

ISSUE 3: Community access

The local community have had unfettered access to this site since the estate was built. For over 40 years, there has been total open access and the land has been used by local residents for events and walking dogs. As recently as 7th July 2019 (and repeatedly since) local residents organised a work party to clear the overgrown footpaths which cross this site and have been doing this for over 40 years. This land has been designated as Local Greenspace by the emerging Biddulph Neighbourhood Plan (currently undergoing REG14 consultation) as it was found to meet the criteria required (<https://biddulph.co.uk/neighbourhood-plan/>).

ISSUE 4 - Access roads

Neither the *distributor road* (Mow Lane) nor the *feeder roads* (Essex Drive and York Close) meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The roads are too narrow and the road bend radii are too small. There are two pinch points over bridges on Mow Lane to the east and west of the access to BD062, and a new sewage pump on Mow Lane all of which reduce the feeder road to a single carriageway in at least 3 locations. There is no alternative access to BD062.

Planning permission has been refused on highways grounds in the past and the situation has only got worse with the creation of the third pinch-point on Mow Lane. **The actual distributor road width (Mow Lane) falls below the minimum required of distributor roads by the Residential Design Guide.** Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Mow Lane is 4.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).

Access to BD068 & BD087 - Road Safety issues.

Public safety issue - The land proposed for the access road for BD068 & BD087 and the bridge on to BD087 is only 1.5m above normal river height and we know that in the latest flash flood, water reached 2.6m. This land has been identified as Flood Risk 2/3. It is the only access road an bridge on to BD068 and BD087 both enclosed sites. What happens in a flash flood? Will there need to be an Emergency Evacuation Plan in place? Have the emergency services been involved in the pre selection of these sites?

The maximum rise of the river during a flash flood is 2.6m (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6m wide (4m + 2m) single access road and bridge on to these sites, a support wall will have to be built along the river bank. The access road on to BD087 is on the narrow side of the river bank approx 10m wide. Has an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible, given the ground condition is marsh land?

Surely BD068 & BD087 should be dismissed as sites from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested parties (not just the site owner) and provided all the necessary information, including a SFRA Level 2 Flood Risk Assessment, Public Safety Risk Report, Soil sample reports

and a SCC Transport report? This should provide the necessary information to ensure that BD068 & BD087 could even be put forward for future planning permission?

ISSUE 5 - Flooding

BD062 (land at end of York Close / Essex Drive) suffers from a high amount of surface water flooding. It is classed as a wet meadow (evidenced by certain marsh flora) and plays an important role in slowing down rainwater flowing into the Biddulph Brook (natural flood management). This field drains part of the Biddulph Valley way as evidenced by the Environment Agency flood maps (<https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>). The proposed eastern site access of Essex Drive is in a floodplain. The field should remain as semi-natural habitat and its' role in natural flood management enhanced.

Concern 6 - Out of date information used to develop the Modified Plan

On June 26th 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had no objections to these sites, however, no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified plan reintroduced sites BD062, BD068 & BD087.

Past information supplied to the SMDC by the Environmental Agency stated "*When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*"

It was also stated at this meeting that they used findings from 2014, 2015 & 2026 to justify their developmet/conclusion to support the modified local plan. This excluded information from 2017, 2018 & 2019 - why?

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood Risk Analysis for BD087, however, when checking with the Environmental Agency (2nd September 2019), this has not been completed. There is only a SFRA Level 1 on record?

In a letter dated 26th August 2015 the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before these sites. BD062, BD068 & BD087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only identified 12 sites of the original housing plan in 2014 of which there was 27. The 3 sites chosen as level 1, BD062, BD068 & BD087, were all considered at great length and excluded.

- The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector - Reason for rejection - a site called BDNEW was to be removed from the Local Plan as it was Green Belt land. All 3 of the above sites are all on Green Belt land.

- In the 2015 Green Belt report commissioned by the SMDC stated that all 3 sites should only be considered under Exceptional circumstances but the same report stated that land to the south of Akemoor Lane on which BDNEW is situated should be considered for consideration for future development. Why has this report not been used as a factual base for the development of Biddulph?

- Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up to date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potentially 3-5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should

be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Kind Regards



The Coal
Authority

Staffordshire Moorlands Local Plan - Main Modifications Consultation

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority
200 Lichfield Lane
Berry Hill
MANSFIELD
Nottinghamshire
NG18 4RG

Planning Email: planningconsultation@coal.gov.uk
Planning Enquiries: 01623 637 119

Date

31 October 2019

Staffordshire Moorlands Local Plan - Main Modifications Consultation

Thank you for your notification received on the 18 September 2019 in respect of the above consultation.

I can confirm that the Coal Authority has no specific comments to make on the Main Modifications proposed.

Regards

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader (Planning)

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

Personal details	
Title	MR
First name	IAN
Last name	CONDLIFFE
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Date:

6/10/2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

6 / 10 / 19



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

Personal details	
Title	MR
First name	IAN
Last name	CONDLIFFE
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

<p>Access to BD 068 and BD 087 - Road Safety Issues Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site? The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have</p>
--

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

6/10/19



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

Personal details	
Title	MR
First name	IAN
Last name	CONDLIFFE
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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<p>No Buy in by the people of Biddulph Short cutting of the Modification selection process is not acceptable.</p> <p>Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?</p> <p>I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.</p>

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

6/10/2019

Comment

Consultee	Mr G Cooper (493204)
Email Address	
Address	
Event Name	Main Modifications Consultation
Comment by	Mr G Cooper (493204)
Comment ID	MMC78
Response Date	30/10/19 20:23
Consultation Point	1 Main Modifications Consultation (View)
Status	Submitted
Submission Type	Web
Version	0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM12

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant	. Yes
Sound - Positively prepared	. Yes
Sound - Justified	. Yes
Sound - Effective	. Yes
Sound - Consistent with national policy	. Yes
Complies with the Duty to co-operate	. Yes

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Considers the plan is sound, legally compliant and complies with the duty to co-operate.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

No

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

Considers the plan is sound, legally compliant and complies with the duty to co-operate.

Officer Response

Support noted.

Recommendation

No change.

Comment

Consultee	Miss Keelie Cooper (1229318)
Email Address	
Address	
Event Name	Main Modifications Consultation
Comment by	Miss Keelie Cooper (1229318)
Comment ID	MMC22
Response Date	20/10/19 17:18
Consultation Point	1 Main Modifications Consultation (View)
Status	Submitted
Submission Type	Web
Version	0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM73 Page 284/5

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

Sound - Positively prepared

Sound - Justified

No

Sound - Effective

Sound - Consistent with national policy

Complies with the Duty to co-operate

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

It was proposed to allocate the green space east and west of Dorset Drive as local green space. However, the inspector has recommended their removal which puts them at risk of future development. Paragraphs 99-101 of the national planning policy framework allows for the designation of local green space, and the proposed designations clearly meet with the criteria. We, the undersigned, petition Staffordshire Moorlands District Council to robustly challenge the Inspector's recommendations and retain the green space off Dorset Drive as designated local green space.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Maintain Dorset Drive East and West as Local Green Space as recommended in the neighbourhood plan.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

Summary of response

Dorset Drive East and West clearly meet the LGS designation criteria so should be retained as LGS. Deletion of the designation puts them at risk of future development.

Officer Response

Refer to Inspector's Post Hearing Advice – Main Modifications and Related Matters – paras. 32 & 33. (EL6.004) and subsequent Inspector's letter (EL6.008). On the basis of the Inspector's recommendations, the Council agreed main modifications to delete the Local Green Space (LGS) at the Council Assembly meeting on 26th June 2019. The green space at Dorset Drive is still designated as open space which offers protection under Local Plan Policy C2 (see MM31).

Recommendation

No change.

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MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

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2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Sansom, Claire

From: Dianne <[REDACTED]>
Sent: Wednesday, October 30, 2019 4:50 PM
To: Forward Plans
Subject: Local SMDC Plan MM12 Safeguarding of fields in Gillow Heath

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

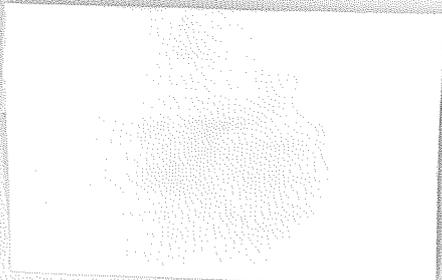
"Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Gillow Heath.

I notice that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly. You omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect.

The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019). The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Please acknowledge my comment."

Mr A Copeland



Comment

Consultee	Mrs Dianne Copeland (1229311)
Email Address	
Address	
Event Name	Main Modifications Consultation
Comment by	Mrs Dianne Copeland (1229311)
Comment ID	MMC73
Response Date	30/10/19 15:44
Consultation Point	1 Main Modifications Consultation (View)
Status	Submitted
Submission Type	Web
Version	0.4

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM12

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

Sound - Positively prepared

Sound - Justified . No

Sound - Effective . No

Sound - Consistent with national policy

Complies with the Duty to co-operate . No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Parts of the evidence were missed out when decisions on the main modifications were taken
Safeguarding here will not work well -there is a sewage works on this site which doesn't work properly.
There is a lot of wildlife on this land which we all look after, it's a little piece of paradise for our wild friends. There is a failing in duty to have regard to biodiversity

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

You should not build on this land it's wet, unsafe and there is no way a road can be put through for the extra traffic this would entail. It should be kept for the wildlife.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

No

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

Summary of response

- Parts of the evidence were missed out when decisions on the main modifications were taken. -
Safeguarding here will not work well -there is a sewage works on this site which doesn't work properly.
There is a lot of wildlife on this land which we all look after, it's a little piece of paradise for our wild friends. - There is a failing in duty to have regard to biodiversity.

Officer Response

See standard officer response in MMC256.

Recommendation

See MMC256.

Sansom, Claire

From: Dianne <[REDACTED]>
Sent: Wednesday, October 30, 2019 4:50 PM
To: Forward Plans
Subject: FW: Local SMDC Plan MM12 Safeguarding of fields in Gillow Heath

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

"Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Gillow Heath.

I notice that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly. You omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect.

The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019). The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Please acknowledge my comment."

Mrs D Copeland

REC'D 25 OCT 2018



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 1

Part A – Personal details and notifications

	Personal details
Title	Mr
First name	CHRISTOPHER
Last name	COOPER
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>

Part B - Representation

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ 12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.
2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

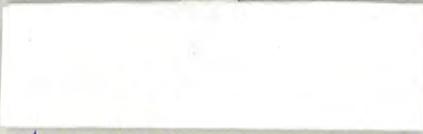
Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 8/10/19

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 2

Part A – Personal details and notifications

	Personal details
Title	Mr
First name	Graeme
Last name	Cox
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>.

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MM/ 12

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate; please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 8/10/19

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 3

Part A – Personal details and notifications

	Personal details
Title	MR
First name	CHRISTINE
Last name	COWLES
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ 12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:



Date:

8/10/19.

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Part A – Personal details and notifications

	Personal details
Title	MR
First name	CHRIS M
Last name	COMBS
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ 12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date: 8/10/19.

Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Part A – Personal details and notifications

	Personal details
Title	MR.
First name	GRAEME
Last name	POWER
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

8/10/19.

30 OCT 2019

SMDC
Moorlands House
Stockwell Street
Leek

27 October 2019

Dear Sir,

Herewith are my comments on the latest modifications to the Moorlands Local Plan. You will notice that my address indicates that I should declare an interest but I make these comments without prejudice.

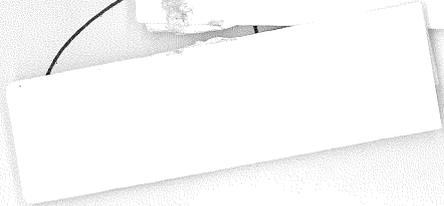
1. Reorienting the plans for Wharf Road, in that housing will now be preferred, instead of the formerly proposed retail/business use and making the old Meadows site available for retail, instead of housing, will be detrimental to the already struggling businesses in the High Street, by dragging footfall and trade to the top of the Biddulph Inner Ring Road.
2. The apparent plan for the proposed Mill Hayes/Victoria Road site, of a mix of residential and business premises is acceptable. Except that, please, do not develop it in such a way as to force the current residents in Victoria Row to look out onto industrial units. That would be unfair in terms of loss of light, noise and pollution from the businesses and the vehicular traffic that serves them. Better that the residential properties are built on their boundaries.
3. I believe the removal of the Gillow Heath sites adjacent to the sewage works and Biddulph Brook are not sustainable environmentally, economically or in terms of infrastructure. I note that these three sites were removed from the plan after being preferred sites in the early draft of the Local Plan. The question now is why have they been reinstated? What are the "exceptional circumstances" that have caused them to be changed, to now make them prime, (albeit "safeguarded") sites? I should like to see how you demonstrate their sustainability in terms of the NPPF para 135.
4. When the original draft of the Local Plan was made public, I and many other residents, commented on various aspects of it, including the choice of the (then) four sites around the sewage works. Concerns remain the same if any of these sites are retained in the Plan. They are flood risk, especially as the climate changes; smells, noise and flies emanating from the sewage works; the surrounding roads are nothing but tarmac covered farm tracks and are dangerously narrow; the junctions with Congleton Road are overburdened with traffic, especially at peak times.
5. But my biggest complaint is that this modified plan has taken no account whatsoever, of the environmental assessments performed by the members of the Biddulph Neighbourhood Plan Working Group, even though its draft document was sent to SMDC in May 2019, well in advance of the release of the modified Local Plan. I and many residents regard this as a dereliction of your duty to take all matters in to account, when drawing up the Plan.

6. Finally, you must be aware that the proposed site behind Portland Drive and the proposed site off Marsh Green Road are valuable pasture land, for many months of the year playing host to grazing cattle and being used for silage production. In my view, this should be taken into account as Brexit approaches, which will change our farming to make us more self sustaining.
7. As a general comment, I am extremely concerned that our local infrastructure, in terms of Primary Health Care and Schools capacity are already overstretched. I hope the Government Inspector is made aware of this, when he reviews the Modified Local Plan.

I'm grateful for the opportunity to comment on the Plan and trust my comments will add to your database, along with all the other comments from Biddulph residents.

Yours sincerely,

Janet Court



30 OCT 2019

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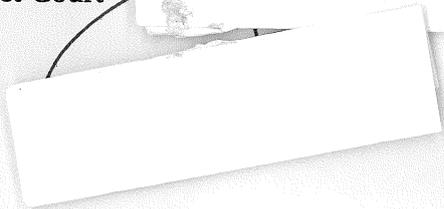
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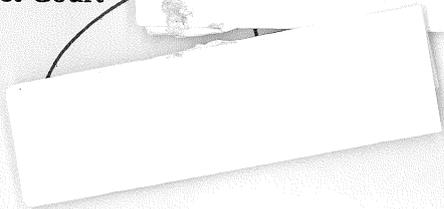
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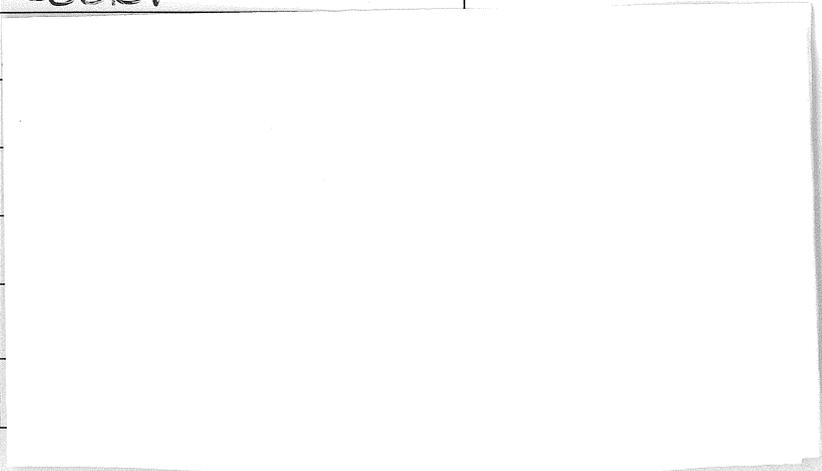
REC'D 25 OCT 2019

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 1

Part A – Personal details and notifications

	Personal details
Title	MRS
First name	JANE
Last name	COOK
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Part B - Representation

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ 12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature

Date:

8.10.19

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 2

Part A – Personal details and notifications

	Personal details
Title	MRS
First name	JANGI
Last name	COOKI
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ 12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Signature:

Date:

8.10.19

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 3

Part A – Personal details and notifications

	Personal details
Title	MRS
First name	JANET
Last name	COULT
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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MM/ 12

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

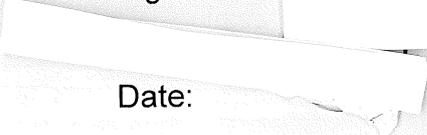
1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 

8.10.19

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Part A – Personal details and notifications

	Personal details
Title	MRS
First name	JANE
Last name	COULT
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Part B – Representations

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ 12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

8.10.19.

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Part A – Personal details and notifications

	Personal details
Title	MRS
First name	JANE
Last name	CURT
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 

8.10.19.

30 OCT 2019

SMDC
Moorlands House
Stockwell Street
Leek

27 October 2019

Dear Sir,

Herewith are my comments on the latest modifications to the Moorlands Local Plan. You will notice that my address indicates that I should declare an interest but I make these comments without prejudice.

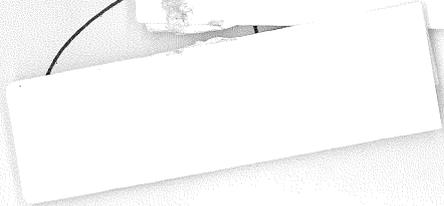
1. Reorienting the plans for Wharf Road, in that housing will now be preferred, instead of the formerly proposed retail/business use and making the old Meadows site available for retail, instead of housing, will be detrimental to the already struggling businesses in the High Street, by dragging footfall and trade to the top of the Biddulph Inner Ring Road.
2. The apparent plan for the proposed Mill Hayes/Victoria Road site, of a mix of residential and business premises is acceptable. Except that, please, do not develop it in such a way as to force the current residents in Victoria Row to look out onto industrial units. That would be unfair in terms of loss of light, noise and pollution from the businesses and the vehicular traffic that serves them. Better that the residential properties are built on their boundaries.
3. I believe the removal of the Gillow Heath sites adjacent to the sewage works and Biddulph Brook are not sustainable environmentally, economically or in terms of infrastructure. I note that these three sites were removed from the plan after being preferred sites in the early draft of the Local Plan. The question now is why have they been reinstated? What are the "exceptional circumstances" that have caused them to be changed, to now make them prime, (albeit "safeguarded") sites? I should like to see how you demonstrate their sustainability in terms of the NPPF para 135.
4. When the original draft of the Local Plan was made public, I and many other residents, commented on various aspects of it, including the choice of the (then) four sites around the sewage works. Concerns remain the same if any of these sites are retained in the Plan. They are flood risk, especially as the climate changes; smells, noise and flies emanating from the sewage works; the surrounding roads are nothing but tarmac covered farm tracks and are dangerously narrow; the junctions with Congleton Road are overburdened with traffic, especially at peak times.
5. But my biggest complaint is that this modified plan has taken no account whatsoever, of the environmental assessments performed by the members of the Biddulph Neighbourhood Plan Working Group, even though its draft document was sent to SMDC in May 2019, well in advance of the release of the modified Local Plan. I and many residents regard this as a dereliction of your duty to take all matters in to account, when drawing up the Plan.

6. Finally, you must be aware that the proposed site behind Portland Drive and the proposed site off Marsh Green Road are valuable pasture land, for many months of the year playing host to grazing cattle and being used for silage production. In my view, this should be taken into account as Brexit approaches, which will change our farming to make us more self sustaining.
7. As a general comment, I am extremely concerned that our local infrastructure, in terms of Primary Health Care and Schools capacity are already overstretched. I hope the Government Inspector is made aware of this, when he reviews the Modified Local Plan.

I'm grateful for the opportunity to comment on the Plan and trust my comments will add to your database, along with all the other comments from Biddulph residents.

Yours sincerely,

Janet Court



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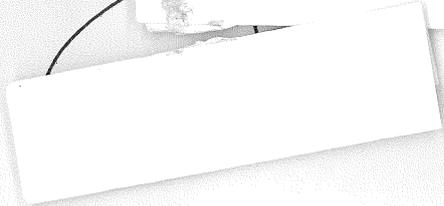
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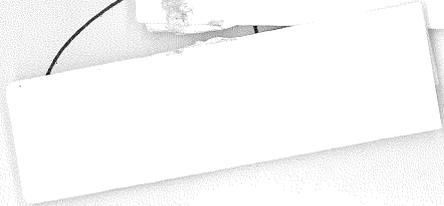
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MM/ document reference

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Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input type="checkbox"/>
Sound - Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Consistent with national policy	<input type="checkbox"/>	<input type="checkbox"/>
Complies with the Duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

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Policy DC 4

CPRE Staffordshire believes that it would be considered inappropriate for "Development proposals within a Local Green Space to be assessed against national Green Belt policy."

Reasons

- a. The proposed policy attempts to apply national policy to a local designation. We do not think that this accords with Government or Inspectorate advice.
- b. In our view, as a matter of planning principle, Green Belt policies should only be applied to areas of designated Green Belt. (not to Local Green Space or other land outside Green Belt)
- c. Some villages and identified Local Green Space may be considered to be 'within Green Belt', by virtue of being surrounded by it, but the village itself, and open spaces within it, are not designated as Green Belt.
- d. Identified Local Green Space in a Local Plan may not necessarily be within Green Belt - but is still worth protecting on its own merits.

Also

In villages outside designated Green Belt we suspect that the proposed policy would be argued, at appeal, to be a nullity since, as written in the modifications, it tries to use National Policy on Green Belts to apply to land outside designated Green Belt

Our requests:-

CPRE Staffordshire thinks that as Local Green Space is a local designation (Green Belts are national) the policy (DC4) should be free-standing with no reference to Green Belt and therefore:-

- i) We respectfully suggest the proposed Modification should now be withdrawn.
- ii) We ask that the Policy DC4) should stand as originally presented as a local policy in the Submitted Local Plan.

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Out of date information used to develop the Modified Plan

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

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3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

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 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MRS
First name	ANN-MARIE
Last name	CUMBERBATCH

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>.

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Sound - Consistent with national policy	0	X
Complies with the Duty to co-operate	0	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past information supplied to the SMDC - The Environmental Agency stated –
"When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted."

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would

potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land - No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 9/10/2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	Mr
First name	MARK
Last name	CUMBERSATCH
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>.

Part B - Representation

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	0	X
Sound - Positively prepared	0	X
Sound - Justified	0	X
Sound - Effective	0	X
Sound - Consistent with national policy	0	X
Complies with the Duty to co-operate	0	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan
I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone.

BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.
The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Signature:



Date:

9/10/2019.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Return BD087, BD068 & BD062 to Green Belt land

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Ian Dakin

Like many residents of, and visitors too Cheddleton, I value the green spaces on either side of The Gully. These spaces are important to my health and well-being, as they provide a place of tranquillity with great views to the hills and down onto other parts of Cheddleton. I have a feeling of calm and connection to nature as I walk along here. Especially with my dog, as he loves the smells of nature around him too. Walking along the gully or the footpath that runs from Ostlers Lane is always relaxing and there is abundant bird life from the established hedges, trees, bushes and meadows. The meadows also provide habitat for insects, and in the summer evenings you can see bats feeding over the meadows. I have also seen amphibious life in the area. It is a great joy to me, and when family and friends have visited from other parts of the country, they too have enjoyed this walk into the centre of the village. Loss of these green spaces would also adversely affect the environment and contribute to climate change, through release of carbon from the fields and from any development that would take place. Climate change is a source of concern to me and others. It is of particular concern to the young in our village. They face the future knowing that what my generation do is adversely affecting their future. The loss of these green spaces would also go against the aims of the District Council and the target of carbon neutrality by 2030. The council was unanimous on this matter and was democratically elected in 2019 to represent the people of Cheddleton and the Moorlands as a whole. I will feel a great sense of loss, and of failure to protect these green and open spaces for future generations. I say this also as a local Parish Councillor for Cheddleton.

Another resident (Dennis Parker-Jones) and I made a video recording the thoughts of local people. I also submit this as evidence in favour of protecting the green spaces, and evidence of how much our community values them. Here is a link to YouTube where you can see the video. I urge you to accept this as evidence of the beliefs of several generations of villagers.

<https://www.youtube.com/watch?v=TT7L6chs36s>

2019-10-27

Comment

Consultee

Mr Jim Davies (1116684)

Email Address

Address

Event Name

Main Modifications Consultation

Comment by

Mr Jim Davies (1116684)

Comment ID

MMC7

Response Date

29/09/19 17:38

Consultation Point

1 Main Modifications Consultation ([View](#))

Status

Submitted

Submission Type

Web

Version

0.9

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM41

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

Sound - Positively prepared

Sound - Justified

Sound - Effective

Sound - Consistent with national policy

Complies with the Duty to co-operate

No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

I am concerned that the development plan for this site BD 117 has been produced without due concern for the residents of Victoria Row and therefore does not satisfy the requirement of 'duty of co-operation'. The development plan shows industrial buildings opposite Victoria Row. No residents want this or requested it in the consultation about the site development.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

A more acceptable arrangement would be for the houses proposed in Mill Hayes Road to be placed opposite Victoria Row and the industrial development extended to Mill Hayes Road.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report

Summary of response

Concerned that the development plan for site BD117 has been produced without due concern for the residents of Victoria Row and therefore does not satisfy the requirement of 'duty to co-operate'. The development plan shows industrial buildings opposite Victoria Row. No residents want this or requested it in the consultation about the site development. A more acceptable arrangement would be for the houses proposed in Mill Hayes Road to be placed opposite Victoria Row and the industrial development extended to Mill Hayes Road.

Officer Response

MM41 shows the amended policy wording and supporting text for the Tunstall Road Strategic Development Area. It refers to the increased number of houses which can be accommodated on the

site as a result of detailed masterplan work and states that layout details (e.g. position of access, housing and employment uses) will be determined as part of the masterplan taking into account amenity impacts in relation to neighbouring land uses. Consequently the Local Plan allocation does not cover the detailed layout of the site. The masterplan is a separate document and was reported to Service Delivery Overview & Scrutiny Panel on the 25th September 2019. In any case before the site could be developed it would need planning permission and residents would then have the opportunity to raise any concerns they have about the detailed layout of the scheme which could differ from the masterplan.

Recommendation

No change.

Comment

Consultee	Mr Jim Davies (1116684)
Email Address	
Address	
Event Name	Main Modifications Consultation
Comment by	Mr Jim Davies (1116684)
Comment ID	MMC8
Response Date	29/09/19 18:44
Consultation Point	1 Main Modifications Consultation (View)
Status	Submitted
Submission Type	Web
Version	0.5

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM39

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

Sound - Positively prepared . No

Sound - Justified . No

Sound - Effective

Sound - Consistent with national policy

Complies with the Duty to co-operate . No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

I am concerned that the development plan for Wharf Road shows a retail park at the southern end of the site. This is in conflict with other areas of the Local Plan. SS6 states that town centre regeneration will be supported, development away from the town centre will not comply with this. MM 39 9.33 states that the new store should be sustainably located so that 'linked trips to the town can be achieved'. In the position proposed this cannot be achieved. The proximity of listed buildings also makes the proposed position non-compliant.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

The proposed retail development should be at the north end of the site, a sustainable position near the town centre, away from listed buildings and offers the possibility of linked shopping trips. This would make the development Local Plan compliant.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report

Summary of response

Concerned that the development plan for Wharf Road shows a retail park at the southern end of the site. This is in conflict with other areas of the Local Plan. SS6 states that town centre regeneration will be supported, development away from the town centre will not comply with this. MM 39 9.33 states that the new store should be sustainably located so that 'linked trips to the town can be achieved'. In the position proposed this cannot be achieved. The proximity of listed buildings also makes the proposed position non-compliant. The proposed retail development should be at the north end of the site, a sustainable position near the town centre, away from listed buildings and offers the possibility of linked shopping trips. This would make the development Local Plan compliant.

Officer Response

MM39 shows the amended policy wording and supporting text for the Wharf Road Strategic Development Area. It refers to the increased number of houses which can be accommodated on the site as a result of detailed masterplan work. The layout and position of individual uses e.g. retail is not covered in the Local Plan. This is covered in the masterplan, a separate document. A planning approval will be needed for the development to go ahead so any scheme would need to be in line with the Local Plan and national planning policy. The masterplan was reported to Service Delivery Overview & Scrutiny Panel on the 25th September 2019.

Recommendation

No change.

Comment

Consultee

Mr Jim Davies (1116684)

Email Address

Address

Event Name

Main Modifications Consultation

Comment by

Mr Jim Davies (1116684)

Comment ID

MMC9

Response Date

29/09/19 20:40

Consultation Point

1 Main Modifications Consultation ([View](#))

Status

Submitted

Submission Type

Web

Version

0.12

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM12

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

Sound - Positively prepared

Sound - Justified

No

Sound - Effective

Sound - Consistent with national policy

Complies with the Duty to co-operate

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

MM 12 New paragraph between 7.50 and 7.51. Inclusion of 'safeguarded' sites BD 062, BD 068 and BD 087. These sites are an unsound inclusion for the following reasons: United Utilities requested using other sites in preference, also noise and smell particularly in the summer (verified by residents living near sewage plant). Poor access via Marsh Green Road and difficult uphill egress onto A527. Documented flood risk on BD 087 and to access. Sensitive strategic wildlife area and wildlife corridor with diverse flora, clearly documented in the Biddulph Neighbourhood Plan documentation. Not a sustainable site regarding access to town centre.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

The removed BDNEW is in a sustainable location and has potentially good access and non of the other problems of the replacement sites. This should be reinstated as a 'safeguarded' site. It has been noted that this site could be brought forward in the future by Amec Foster Wheeler in their 'Recommendations for Green Belt release and Settlement Boundary Adjustment'. The inspector noted in his report that his advice could change on the receipt of suitable evidence. Confirmation of the flood risk on BD 087 and the documentation in the Biddulph Neighbourhood Plan provides this evidence.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

Publication of the Inspector's Final Report

Summary of response

Object to MM12 - Inclusion of 'safeguarded' sites BD 062, BD 068 and BD 087. These sites are an unsound inclusion for the following reasons: United Utilities requested using other sites in preference, also noise and smell particularly in the summer (verified by residents living near sewage plant). Poor access via Marsh Green Road and difficult uphill egress onto A527. Documented flood risk on BD 087 and to access. Sensitive strategic wildlife area and wildlife corridor with diverse flora, clearly documented in the Biddulph Neighbourhood Plan documentation. Not a sustainable site regarding access to town

centre. The removed BDNEW is in a sustainable location and has potentially good access and non of the other problems of the replacement sites. This should be reinstated as a 'safeguarded' site. It has been noted that this site could be brought forward in the future by Amec Foster Wheeler in their 'Recommendations for Green Belt release and Settlement Boundary Adjustment'. The inspector noted in his report that his advice could change on the receipt of suitable evidence. Confirmation of the flood risk on BD 087 and the documentation in the Biddulph Neighbourhood Plan provides this evidence.

Officer Response

These sites were included as options during an earlier Local Plan consultation in 2016 and the issues of noise, odour, access, flood risk and ecology etc. were all considered at that time. Refer to Biddulph Topic Paper (Document 13.2). Relevant references are: BD062 (pages 217-237), BD068 (pages 258-280), BD087 (pages 303 – 323). Land not considered to be suitable for release from the Green Belt in the Council's Green Belt Review (Document 22.4 and appendices) was not considered for safeguarding. The boundary of BD087 has been drawn to exclude land in the flood plain. United Utilities have not formally objected to the safeguarding of these sites. Ecological evidence has been gathered for the areas proposed for safeguarding. (Documents 14.1 and 14.8 in the Examination Library). However, as these sites are not proposed for development during this plan period, more ecological and other supporting evidence would be needed at any such time that they were considered for a possible housing allocation. The Inspector's Post Hearing Advice (document EL6.004) recommends removal of BDNEW from the Local Plan. On the basis of the Inspector's recommendations, the Council agreed main modifications to delete BDNEW at the Council Assembly meeting on the 26th June 2019.

Recommendation

To further emphasise that ecology, flooding and other relevant issues will be considered as part of any site allocation, it is suggested that if the Inspector considers it appropriate, an amendment to Policy SS6 could be made. For example, addition of wording such as "Any future development of the sites would require consideration of matters such as ecological surveys, layout, residential amenity and flood plain boundaries".

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Sound - Effective	<input type="checkbox"/>	X
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Local Plan Consultations

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Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:
Pat Day

Whilst I accept the need for 'affordable' housing, I feel the the development of the village and particularly the older part of the village, around the church, could cause major traffic and safety problems. Development needs to be done sensitively and sensibly. 2019-10-10

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Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: HYPERLINK "http://www.staffsmoorlands.gov.uk/localplan"
<http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

Leek Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ
(8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
Cheadle Councils Connect, 15a-17 High Street, Cheadle,
Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on
Monday, Wednesday and Friday)
Biddulph Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR
(9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : HYPERLINK "http://www.staffsmoorlands.gov.uk/localplan"
<http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13

6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Mr	
First name	Paul	
Last name	Dean	
Job title (if applicable)		
Organisation (if applicable)		
Address line 1		
Address line 2		
Address line 3		
Address line 4		
Post code		
Telephone number		
Email address		

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at [HYPERLINK "https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice"](https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice) <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

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MM/ document reference WE003 WE0052

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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As far as I understand the modification is to remove sites WE003 and WE0052 out of the greenbelt. I strongly object to more encroachment on the greenbelt when there is a better site on the border with Stoke-on-Trent on a brownfield for intensive affordable residential housing.

The two proposed sites in the green belt also provide an important role as a buffer zone to the prison and also gives Werrington it's rural feel and feeling of open space. It provides a sense of well being for the people of Werrington and the people passing through.

The buffer zone is also important and building homes within such close vicinity will cause serious problems, I refer to:-

<https://www.bbc.co.uk/news/uk-england-stoke-staffordshire-48756060>

“A young offender institution has been found by inspectors to have become less safe. The number of assaults on teenagers at HMYOI Werrington was "high" and violence against staff had doubled since a previous inspection, chief inspector of prisons Peter Clarke said.

It was found in February to have become less safe since being visited in 2018.”

<https://www.stokesentinel.co.uk/news/local-news/he-imprints-footprints-head-teenage-3401640>

“Two inmates at a youth prison subjected another teenager to such a vicious attack that he spent 12 days in intensive care. The 'vicious' assault happened in the exercise yard at Werrington Young Offender Institution”

Building homes at such close proximity to the exercise yard will be a terrible decision if allowed to progress. I recently spoke to the prison officers on their lunch break and they said this is going to be one more extra problem they will have to deal with. There is also a lot of bad language and racist language that can be heard from the prison at night and I recently spoke to someone who lives over on the Weston Heights estate several miles away and they can hear it as well.

Who is going to want to buy a house next to a prison and the village is already experiencing enough anti social problems, so building an estate of social housing where the residents are all claiming housing benefits next to a prison is not going to be a sound planning decision. I have no idea what Staffordshire Moorlands District Council planning officers are thinking as they pursue this crazy proposal. It is not even answering the ageing population crisis in the village, this proposal will just create more problems.

(Con
tinue on a separate sheet / expand box if necessary)

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Since the consultation process was a flawed process and became an exercise of nimbyism it did not answer the major problem facing the village of ageing residents. I propose a facility to be built on the Meigh Road playing fields for elderly people who wish to remain in the village but require assisted living like Bagnall Heights. I understand there is a covenant in place to stop the building of residential homes but when it was created the population were not living as long as they are now and there was not the elderly crisis we have at the national level. The covenant can be circumvented as this proposal is a facility which will be within its remit. I believe a covenant was not adhered to in Stockton Brook close by, we can do the same here.

There is the mothballed site available to build on in the Washerwall Ward just off Weston Close and Langton Court on the Meigh Road estate. Recently two local business people with national recognition in John Cauldwell and Denise Coates said there was a lack of executive housing in the area and this site would be perfect for families with children.

We have the brownfield site just on the border with Stoke-on-Trent on the old Mitchell High School off Corneville Road where affordable housing can be built and closer proximity to the City.

Please do not allow our green belt to be encroached on when there are better alternatives which will not cause any social problems, building in the buffer zone of a prison that houses violent prisoners is a failure in any duty of care.

(Continue on a
separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Yes I would like to attend the hearing sessions.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

Signature: Paul Dean

Date: 31.10.19

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Legally compliant	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

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3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Return BD087, BD068 & BD062 to Green Belt land

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Marj Edwards

Having lived in the village all my life the two fields are special to the community of Cheddleton and are particular significance as they provide a valuable area of tranquillity and are in the heart of the village.

There are no roads adjacent to either site therefor no vehicular access but there are well used public footpaths to the south of site 29 and running north/south between the sites, users of the two footpaths appreciate the tranquillity, beauty and abundance of wildlife that is the natural habitat for them. These paths are away from the traffic, pollution and noise making them a safe walk for young and old on a daily basis. The paths are a main safe route for the children to and from school and frequently used by young and old to the church, churchyard, community centre and tea rooms. I object strongly to this application and extremely concerned for the wildlife that have made it their home.

2019-10-24

Local Plan Consultations

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2019-10-24

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

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Return BD087, BD068 & BD062 to Green Belt land

The Forward Plans Team
Staffordshire Moorlands District Council
Planning Policy
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Our ref: UT/2008/104875/CS-
07/EW1-L01
Your ref:
Date: 31 October 2019

Dear Sir/Madam

STAFFORDSHIRE MOORLANDS LOCAL PLAN EXAMINATION

MAIN MODIFICATIONS

Thank you for consulting the Environment Agency on this consultation, which we received on 18 September 2019.

We have reviewed the proposals within the context of our statutory remit, the supporting evidence base such as the Level 1 SFRA and associated Water Cycle Study and previous advice given with regards to the development of these policies and proposals.

Modification MM12

We note the proposed modifications reference MM12 in relation to the safeguarding of land at Gillows Heath, and have no objection to this land being removed from the greenbelt. We specifically note the text on page 63 which clarifies that *'This land is not allocated for development at the present time. Planning permission for the permanent development of this land will only be granted following a Local Plan review which proposes the development'* as does page 62 where it states *'NPPF policy makes it clear that safeguarding land is not the same as allocating land. The intention is that it is set aside to meet future needs (rather than needs within the plan period like an allocation)'*. We do however have concerns regarding the suitability of this land in terms of its susceptibility to flooding which may affect its ability to meet future needs, and if not taken into consideration now will need to be addressed should this land come forward for development as a site allocation or a planning application in the future.

The site boundaries of BD068 and BD087 have been drawn along the line of the floodplain as identified within your Level 1 Strategic Flood Risk Assessment (SFRA) which is based upon our Flood Map for Planning. We assume this has been specifically undertaken to ensure the sites lie wholly within Flood Zone 1. Our flood mapping at this

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

location is indicative only and based on JFLOW modelling which provides a broadbrush indication of areas which may be at risk.

Should these sites (and also potentially BD062) come forward to be allocated for development at a later stage we would therefore look for Level 2 Strategic Flood Risk Assessments to be undertaken in support of their allocation, due to their close proximity to the floodplain, and uncertainty about the accuracy of the mapping in this location. This may affect the capacity of the sites for built development and affect the sites layout. This would not however be required for the land to be safeguarded. As the Biddulph Options Planning Analysis document clarifies, the same level of detailed information as would be needed for an allocation is not necessarily required when land is safeguarded as the position would be reviewed in the next plan before an allocation was made. We are happy that the proximity to the floodplain was acknowledged within this assessment, however we would also recommend it is flagged that the Biddulph Brook is at this location, a Main River and as such we would require a minimum 8m development easement to be maintained from the top of the bank of the brook, in order to provide essential space for overland flood flows, essential flood defence maintenance work and as a green corridor for water-based ecology.

As the sites are located within low risk Flood Zone 1 only, the Sequential Test would not be required to be undertaken in order for them to be allocated.

Modification MM15

We have no objection to the proposed changes to Policy SD15 Flood Risk as proposed under MM15, and support the principles outlined within the changes to encourage natural flood risk management measures, and discourage the discharge of surface water into the public main sewer unless absolutely necessary.

We would expect that should the above safeguarded sites would come through as planning applications prior to the local plan review, the requirements of this policy to be strictly adhered to in order to address the issues outlined above and to ensure that full assessment of how flooding may affect the site is undertaken, and appropriate mitigation in terms of site layout and mitigation be proposed.

Modification MM47

We note that through modification MM47 relating to Policy DSR2 Land east of Brooklands Way, Leekbrook the specific flood risk requirements have been removed with reference instead to wider planning policies (specifically in this case SD15 Flood Risk). We have no objections to this in principle, however recommend that some reference to how flood mapping does affect the site would be useful to highlight this issue at an early stage for potential developers as it will likely involve substantial work to address. The site EM2 (assumed to relate to this policy) as shown on the Leekbrook map includes outlines from our indicative JFLOW modelling partially across the northern boundary of the site. This indicative modelling is partially modified and as such reduced by the replacement of the JFLOW extents with information from our 2014 Hazard Mapping Study, and as part of any planning application we would expect this more detailed modelling to be extended across the length of the site to fully inform on how flooding may affect proposals.

Modification MM50

We note the addition of Policy DSR5 under MM50 which relates to Bolton Copperworks at Froghall, and removal of some associated text from Policy SS10 as detailed under MM13.

We note that through this policy the site is identified as an ‘*opportunity site*’ as it is referenced within the associated Churnet Valley SPD. We welcome the acknowledgement of the significant flood risk and contaminated land issues that affect this land.

It should be clarified however, that if this policy in any way *allocates* this land for development by establishing the principle of redevelopment, significantly more work will be required to support such an allocation at this stage in order that it meets flood risk policy outlined within the NPPF. Namely, the application of the Sequential Test and support of a Level 2 SFRA.

Should the Sequential Test not be required to be undertaken as part of the Local Plan process, it will be required as part of any subsequent planning application, regardless of whether a detailed FRA is undertaken and appropriate mitigation measures are proposed. Flood risk affecting the site will need to be assessed and quantified, and the site layout be sequentially laid out to avoid flood risk areas wherever possible. Where this is not possible it is essential that appropriate mitigation is proposed to ensure not only the end users of the site are safe, but that flood risk is not increased elsewhere. It will need to be demonstrated that there are no other sites at a lower risk of flooding that could accommodate such an end land use.

Sustainability Appraisal

We have no objections to the SA undertaken for both the Main Modifications and the Biddulph site options, submitted in support of this consultation.

If you have any queries regarding the above, please contact me on the details below.

Yours sincerely

Ms Jane Field
Planning Specialist

Direct dial 020 3025 3006

Direct fax 01543 444161

Direct e-mail swwmplanning@environment-agency.gov.uk

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Sound - Positively prepared	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

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MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

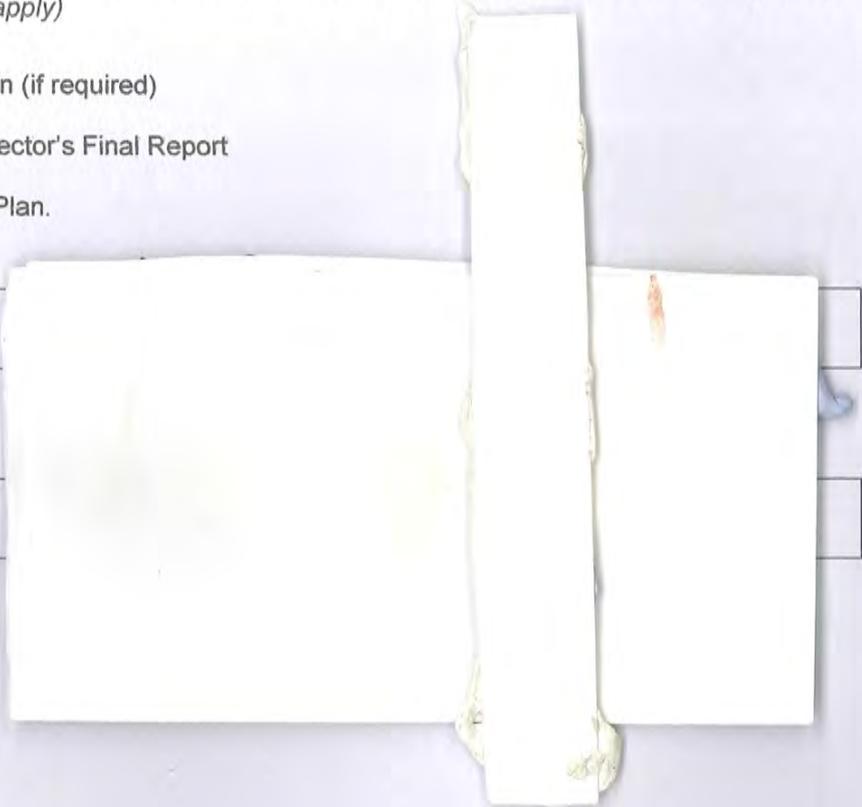
Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

Date:



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Guidance Notes

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

Date:

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access road
 Marsh Green Road does not meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The road is too narrow & there is a pinch point over the bridge on Marsh Green Road before the access to BD067. Marsh Green Road is too narrow along its total length & has no footpath for most of its length. Road Widening will require the compulsive purchase of gardens near its junction with Congleton Road
 Marsh Green Road falls below the minimum required of distributor roads by the Residential Design Guide. Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Marsh Green Road is 3.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).



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Return BD087, BD068 & BD062 to Green Belt land

5 Signature: 

Date: 24/10/19

Part B - Representations

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The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land - No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

No buy in by the people of Biddulph
Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable?

These sites are on a Flood plain and have soil issues. Running sand has been a frequent issue for many sites in Biddulph. During the course of creating a soak away for rainwater run-off in the garden of my house, at a site only 2.5 meters away from the site I discovered that beneath a thin layer of heavy clay, there is a deep deposit of very soft running sand. Photographic evidence is attached. The presence of running sand is confirmed by the British Geological Survey who made the following statement: -

"Some rocks can contain loosely-packed sandy layers that can become fluidised by water flowing through them. Such sands can 'run', removing support from overlying buildings and causing potential damage.

Running sand hazards can occur where excavations in the sand go below the water table, where springs occur at the base of sand outcrops, around leaking drains or mains water supply pipes or in entire sand bodies if vibrated (liquefaction) e.g. by an earthquake.

A property affected by running sand may experience the following problems:

- Access paths and roads may be broken and disrupted*
- Service connections to water, gas and electricity supplies may break*
- Structural damage to foundations and to the fabric of the building if uneven sinking occurs under the foundations. "*

Construction on this site would be likely to allow the sand to run causing subsidence and damage to existing properties in Portland Drive, for which consequential damage SMDC may be partly liable. All of these factors would mean that any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action which in the end would prove very expensive to the local council.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendments) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

9/10/19



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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

BD068

Dear Sir,

To sum up. There are a number of reasons why no one in their right mind would build on BD068.

1) It can easily flood, I have seen the water half way up the back gardens in Essex Drive. I have seen water up to $4\frac{1}{2}$ feet deep. I have seen the little bridge, where the main access to two of the new housing areas, gushing with as much water as it could take and this was only two days ago. The brook can break its banks in a moderate rainfall.

2) The field is bordered by the

1

2

into the brook contaminating the water and the land - you don't build on contaminated land. In warmer weather it emits a smell.

3) To make accesses to the fields very expensive, not easy to create and would cause mayhem ~~of~~ in Marsh Green Rd. adding 250+ extra cars to the Marsh Green Rd. traffic.

4) Tetanus, plague and foot and mouth disease have all been associated with BD068.

5) There is no way to eradicate midges - just ask the Ode's Hebrideans.

6) Our wildlife is in great danger and we have a wonderful sanctuary in the field. Mr Simmonds has threatened to obliterate this.

③ 7) The main sewage pipe runs. ③
down one side of the field not
far below the surface.

8) Because of the marshy ground
foundations have to be deep adding
to the cost of the houses.

9) This is a tranquil place enjoyed
by people from Biddulph and
surrounding areas.

I believe that there is a
stipulation that if a landscape
would be ruined then development
would not be permitted. I enclose
a photo of our beautiful valley.
Why is this green belt up for grabs
when there are 27 other areas
available? Surely this has to be
saved. Build on this and all we
will have left will be the sewage
works.

Yours Faithfully

Dear Sir,

In the 35 yrs that I have lived in Portland Drive I have studied the wildlife in our field with joy and kept diaries over the years, with my husband. Nowhere have I seen so many animals, birds and insects - or photographed and many others.

We have the return of the Kingfishers, bats, owls (Tawny & Little) and the endangered and protected hedgehogs.

Many of the residents here are over 60 and have taken a great deal of interest in the wildlife over the years providing food and housing in their gardens.

At the moment there are Pleas young out from all the wildlife organisations to provide sandwiches

For wildlife and to plant trees to provide clearer air. (2)

It's this valley was once part of the Biddeford Forest. It would be nice to keep it that way. I enclose a photo of the valley as it is today. It may look beautiful but it hides a host of expensive problems.

No-one would choose to buy a £200,000 house on a serene flood plain without the chance of a mortgage or house insurance next to a sewage farm. The council would not build there knowing the problems and social housing would not be good planning in amongst houses some of which are worth £250,000+.

Please turn down this

③

application where the costs.
of alterations far out-weigh
the costs of the houses. Who
pays for this?

Yours Faithfully





The brook in flood in the field July 2007



①
BD068

Dear Sir

Some detail of the field which lies between us and the brook may be of interest.

1) It is a serious flood plain Evidence through photographs shows this - Flooding to over 4 1/2 feet and only this week breaking its banks in several places ending with gushing water through the little bridge which is supposedly going to be the main access for the new houses onto Marsh Green Rd. This verges on the ridiculous!

2) It is next to the main sewage farm which in heavy rain can

② Leak into the flooding brook contaminating the water and the land which it flows over.

This means BD068 and BD087 are contaminated and unsuitable for development.

The smell from the sewage works is most evident particularly in the summer.

Mr Simmonds' inspection was taken in May - by no means the hottest month. Try July!

The noise from the sewage works can keep residents awake and forcing the closure of windows in the summer. A sewage works is a sewage works.

3) The field was once the site

③ of the Victorian horse fair and the soil still contains tetanus from those days and medical advice when I cut my hand badly was to have an anti-tetanus jab because I lived in Portland Drive.

4) We are called Marsh Green for a good reason!

5) Gillow's Heath is a plague village. Bodies from those times were buried in pits outside the village boundaries. The fields would have bordered the village { see the winegar stone in Marsh Green Rd } No-one is sure where the plague pits are located or whether the disease is merely dormant. This fact prevented open-cast mining here.

④
6) The main sewage pipe lies the length of the field on the left hand side facing Marsh Green Rd. and is not far below the surface of the field. As the ground is marshy how deep would the foundations have to go down? Past the sewage pipe's depth, I think, Foundations for any extensions in existing houses have had to be deep.

7) The mound at the Marsh Green Rd end of the field is where the carcasses of the cattle in the foot and mouth epidemic of 1968 were buried. This would have to be cleared

(5)

at some considerable cost,
 8) Underground streams run down from Biddulph Moor to the brook causing some gardens to have soakaways and pipes to take the water down through the field to the brook. Any alterations to the brook cannot stop this.

9) With the field being marshy most of the year it can be knee deep in mudges on a warm evening. I notice that the only inspection for this was made for Mr Simmewicks in May - not warm enough for mudges. Residents avoid going near the field in warm weather. I had 18 mudge

(6)

likes retrieving a trossel from the bottom of our garden in Simmewicks. How would people cope who had to live in the field?

All in all, water is the main problem in our field and yet there is no mention of flooding in BD068 in Mr Simmewicks report.

The alterations needed on this land and the adjoining road would cost more than the houses.

Yours Faithfully,



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	Mrs
First name	Susan
Last name	Fielding
Address line 1	[Redacted Address and Contact Information]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

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MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:



Date:

12th Oct 2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	Mrs.
First name	Susan
Last name	Fielding
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Date:

12th Oct. 2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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Personal details	
Title	Mrs.
First name	Susan
Last name	Fielding
Address line 1	[Redacted]
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Address line 3	
Post code	
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Out of date information used to develop the Modified Plan
 The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.
 The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.
 In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

12th Oct 2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

Personal details	
Title	Mrs.
First name	Susan
Last name	Fielding
Address line 1	[Redacted]
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Sound - Justified	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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12th Oct. 2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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	Personal details
Title	Mrs
First name	Susan
Last name	Fielding
Address line 1	
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No Buy in by the people of Biddulph
 Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
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Access road
 Marsh Green Road does not meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The road is too narrow & there is a pinch point over the bridge on Marsh Green Road before the access to BD067. Marsh Green Road is too narrow along its total length & has no footpath for most of its length. Road Widening will require the compulsive purchase of gardens near its junction with Congleton Road
 Marsh Green Road falls below the minimum required of distributor roads by the Residential Design Guide. Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Marsh Green Road is 3.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).



4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signature: 

Date: 24/10/19

Part B - Representations

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No buy in by the people of Biddulph
Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable?

These sites are on a Flood plain and have soil issues. Running sand has been a frequent issue for many sites in Biddulph. During the course of creating a soak away for rainwater run-off in the garden of my house, at a site only 2.5 meters away from the site I discovered that beneath a thin layer of heavy clay, there is a deep deposit of very soft running sand. Photographic evidence is attached. The presence of running sand is confirmed by the British Geological Survey who made the following statement: -

"Some rocks can contain loosely-packed sandy layers that can become fluidised by water flowing through them. Such sands can 'run', removing support from overlying buildings and causing potential damage.

Running sand hazards can occur where excavations in the sand go below the water table, where springs occur at the base of sand outcrops, around leaking drains or mains water supply pipes or in entire sand bodies if vibrated (liquefaction) e.g. by an earthquake.

A property affected by running sand may experience the following problems:

- Access paths and roads may be broken and disrupted*
- Service connections to water, gas and electricity supplies may break*
- Structural damage to foundations and to the fabric of the building if uneven sinking occurs under the foundations. "*

Construction on this site would be likely to allow the sand to run causing subsidence and damage to existing properties in Portland Drive, for which consequential damage SMDC may be partly liable. All of these factors would mean that any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action which in the end would prove very expensive to the local council.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

9/10/19



BDD68

Dear Sir,

Why have all the decisions made in 2016 giving us a 15 year stay on development because the field was totally unsuitable for building, been completely reversed, I can understand one or two being changed but all of them - no!

Why, when United Utilities would not to develop the fields, have they reneged on this (without any noticeable alterations) even though we have evidence of sewage overflow.
If this proposed development was to go ahead they would have to

extend the sewage works as it is running at full capacity now. This would bring the works closer to the houses increasing the problems and causing a great deal of expense. Who would pay for it?

Yours Faithfully,

[Redacted signature]

straighten what was, as a winding country lane with Farns and converted barns along its length leading into Willow Heath, a former plague village, still with its plague stone on its boundary on Marsh Green Rd. would destroy the whole character of the area,

The northward of Bidulph is the site of the National Trust property Bidulph Grange which is next to an ancient church in whose grounds are buried Saracens from the days of.

During the summer the traffic increases with tourists adding to the problem at the Marsh Green Rd junctions. There would also be an increase

Access

Dear Sir,

One of the major issues in the planning proposals for the fields BDO68, BDO87 and BDO83 is access.

Marsh Green Rd is widely considered to be one of the most dangerous roads in Bidulph especially at its junction with Congleton Rd. Access to Congleton Rd. by car can take a number of minutes as it opens onto two blind summits either side of the exit. As most houses have at least two cars this could mean an extra 225+ cars using this exit.

Mr Symcock's plan to widen and

③ in noise and pollution seriously damaging what is a well established neighbourhood and wildlife habitat.

The Biddulph Valley and the Biddulph Valley Way are widely acknowledged as beauty spots and are used and enjoyed by walkers, horse-riders and cyclists regularly. These would be lost and at what cost? The only green belt left to us would be the sewage plant!

I don't know how anyone could think of doing this?

Yours faithfully,

[Redacted signature]

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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MM/ document reference	MM/12
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Denise Gee

Is it of no coincidence that local residents have a Bounty of Queen Covenant on their deeds connected to the entrance and land of the fields to protect this beautiful area for generations to come. Consequently, the area has been a much loved and treasured part of the village for hundreds of years and continues to be so. The abundance of natural habitat, foxes, bats, hedgehogs, greater crested newts and badgers to name a few. The abundance of flora.

The area has a significant part to play for our future generations. Local school children use this part of the village for its historic value, environmental lessons and emotional health and well being learning. Government, Councils and schools now have emotional health and well being at the top of their remit as we see currently from Government advertising. Schools have had this on their curriculum for the past two years. This local area is seen by local people as a welcome break to contemplate and "just breath" and to take in the beautiful and peaceful view. Much Government consensus has also been to celebrate and teach " British values" and the agenda for schools to do so . This area does this in abundance and once again this connects with past generations recognising the need to place a Queen Anne Covenant to properties. Lastly, the 1200 St. Edwards the Confessor church which can be seen clearly from this area. This church connects the whole village and the significance that it holds to the villagers both young and old. Please protect our village and give this area the Green Space that it deserves which people along the generations have deemed right to do so. 2019-10-13

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Comment:

Robert Gee

It is not without reason that a Crown (Queen Anne) Covenant covers the entrance and land to the fields. They were valued hundreds of years ago and are still valued today as " Green Open Space", to be protected, valued and appreciated for all who reside in the village and to appreciate the significance of the historic heritage of this part of the village. A local farmer traditionally farms the areas. The local school children use it to enhance their environmental lessons. Ramblers pass through it and it is no coincidence that there is such abundance of wildlife. due to its cause of tranquility and undisturbed habitat. This peacefully leads you to our 1200 century gem of a church. 2019-10-13

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If you would prefer to make a representation by yourself please email plans@staffs Moorlands.gov.uk or by post to Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit www.cheddletonresidents.org

MRS B GILDART

Post code:

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Comment

PLEASE SEE ATTACHED LETTER.

To whom it may concern.

Mrs B. Giddart

I have lived in Cheddleton since 1961. I have walked the Gully many times with children + Grandchildren. I have found the Gully safe + secure to walk to the church + tea rooms

Why lose this oasis of Green in the middle of the housing and to never have it again for future Generation to enjoy

Staffordshire Moorlands Local Plan 2016-2031
Proposed Main Modifications and Associated Documents
Consultation

Gladman Development's Representations



October 2019

1. INTRODUCTION

- 1.1 This submission is in response to the above consultation and provides Gladman Developments' representations on Proposed Main Modifications to the Staffordshire Moorlands Local Plan 2016-2031 and associated documents. This follows our previous submissions to our statements to the Local Plan Examination in Public (EiP) held in October 2018 and to the consultation on the Housing Implementation Strategy earlier in 2019.
- 1.2 Through our previous representations to the Council and the EiP, Gladman has questioned the plan's ability to adequately deliver a 5 year housing land supply on adoption and the ability of the plan to deliver its development needs over the plan period. The Council has now prepared a significant list of main modifications which seek to make the plan 'sound'. It is also consulting on a number of documents supporting the proposed Main Modifications including a revised Housing Implementation Strategy. Whilst welcoming the preparation of this work and in supporting some of the changes made by the Council, Gladman still has serious concerns about the soundness of the plan. Even with the proposed main modifications and the Council's responses, Gladman considers that the Plan remains fundamentally unsound.
- 1.3 The National Planning Policy Framework (NPPF) sets out four tests that must be met for Local Plans to be considered sound. In this regard, Gladman reiterates that the Staffordshire Moorlands Local Plan is not positively prepared, justified, effective or consistent with national policy as it is evident that the Local Plan will not provide a sufficient supply of deliverable and developable housing land to produce a 5 year supply of housing land upon adoption and has not demonstrated that the housing requirement for the Plan will be met in full.

2. MAIN MODIFICATIONS

MM8

- 2.1 Gladman considers that the proposed modification to paragraph 7.22 should be amended as follows *“In order to address the objectively assessed needs for housing in the District the Local Plan proposes **at least** 6,080 dwellings for the period 2014 – 2033 (320 per year) which is expected to meet the projected household increase for the District over this period.”* This amendment would then be consistent with Paragraph 7.24 which makes it clear that the figure of 6,080 is a target and not an absolute ceiling.
- 2.2 Gladman objects to the application of the “Liverpool method” to the calculation of the 5 year housing land supply and disagrees with the Council’s view that the “Sedgefield” method would result in a five year requirement that is not realistically achievable. Gladman does not agree that the five year supply that would result from utilising the Sedgefield method is unachievable.
- 2.3 Given a wide range of deliverable sites without land assembly issues and /or significant infrastructure requirements, Gladman considers that the house building industry has the capacity to deliver a significant increase in building rates in the District. In Gladman’s view, the low building rates experienced in recent years in the District can largely be attributed to a lack of allocated sites. Housebuilders have consequently been forced to rely on the submission of speculative planning applications, many of which have been refused but subsequently granted on appeal. The Council’s approach in utilising the Liverpool methodology in its housing land supply calculation does not accord with the Government’s objective of significantly boosting housing supply and is therefore unsound.

MM9

- 2.4 Policy SS4 states that *“in order to meet the housing requirements identified in Policy SS3, sufficient land will be identified to accommodate 3802 additional dwellings.”* Gladman considers that this should read *“**at least** 3802 dwellings”*.

- 2.5 The policy then goes on, in Table 7.7, to specify how this requirement will be met in the four sub areas of the District in terms of new allocations, large windfall site allowance and small sites allowance, as follows:

Area	Total Potential Provision
Leek	889
Biddulph	734
Cheadle	1,136
Rural	660
Total	3,419

- 2.6 The table provides for an expected provision of 3,419 dwellings against a minimum requirement of 3,802, representing an apparent shortfall of at least 383 dwellings over the plan period. The policy therefore fails to identify sufficient land to accommodate 3,802 dwellings which is its stated objective. Accordingly Gladman considers that the policy is unsound in that it is not effective. In order for the Plan to be found sound, Gladman considers that it will be necessary for the Council to allocate additional sites for residential development that are capable of coming forward during the plan period.

3. HOUSING IMPLEMENTATION STRATEGY

- 3.1 In his letter to the Council dated 11th April, the Inspector requested the Council to include a section in the Housing Implementation Strategy (HIS) about measures to be used to ensure that a five year supply of housing will be maintained over the Plan period to meet the housing target.
- 3.2 The Inspector also requested that the five year supply position and trajectory be updated with a base date of 31st March 2019, that the trajectory be also be revisited

to sense check delivery expected in 2018-19 and that the Council should consider the delivery of housing on specific sites having regard to comments received during the consultation on the HIS and the conclusions of *“Start to Finish: How Quickly do Large-Scale Housing Sites Deliver? (Nathaniel Lichfield and Partners, November 2016)”*.

- 3.3 The Council has accordingly updated the five year supply position and the housing trajectory, and consequently calculates that as at 31st March 2019 it can demonstrate a 5.16 years housing land supply.
- 3.4 The Council, in Section 10 of the HIS, states that “in addition to applying evidence from the Local Plan and Site Allocations Viability Study, consultation responses on the draft Housing Implementation Strategy in early 2019, regard to “Start to Finish” (Nathaniel Lichfield & Partners, 2016) and officers’ knowledge and experience of the area, the assumptions regarding the rate of development have been updated”.
- 3.5 More detail regarding the Council’s delivery assumptions in updating the housing trajectory are contained in Appendix 2 of the HIS.
- 3.6 Gladman has carefully analysed the Council’s delivery assumptions and considers that Council’s assessment in respect of allocated sites remains overly optimistic and fails to have proper regard to the Lichfield conclusions. In particular:
 - The Council’s site size categories (0-50; 50-199 and 200 – 499) do not directly accord with those used in the Lichfield report (0-99; 100-499; and 499+);
 - In respect of allocated sites, the Council’s timescales are from the submission of the first planning application to the first delivery of housing on the site. The Council’s timescales fail to include the lead in time for the submission of the first application. Lichfield’s research found a significant variation in lead in times for the sites that it sampled, however on average it was 3.9 years from the first identification of the site for housing to the submission of the first planning application. The Lichfield sample, however, only included sites of over 500 dwellings; Gladman concedes that it is feasible that smaller sites may have a shorter lead in time and therefore, for the purposes of this submission and its reworked trajectory, Gladman has therefore included only one and a half year lead in time for allocations less than 200 dwellings and two years for sites of 200 dwellings or more;

- Council has wrongly calculated the delivery time of large allocated sites (2.3 planning then 1.8 years delivery = 4.1 years not 3.1 years as stated by the Council)

3.7 In the light of these defects in the Council's reworked trajectory, Gladman has therefore produced a revised housing trajectory as set out in Appendix 1 of this submission. Gladman's reworking is based on the following assumptions in accordance with the Lichfield research.

Sites in the trajectory	Site size	Lead in time: allocation to first p.a	Delivery: first p.a to delivery on site	Revision
Allocated Sites	0-50	1.5 years	Planning approval 1.1 years then 1.7 years to delivery = 2.8 years	4.3 years till first dwelling delivered
	50-199	1.5 years	Planning approval 1.1 years then 1.7 years to delivery = 2.8 years	4.3 years till first dwelling delivered
	200-499	2.0 years	Planning Approval 2.3 years then 1.8 years delivery	6.1 years till first dwelling delivered

3.8 On the basis of this revised trajectory, Gladman has also reworked the five-year housing supply calculation as at 31st March 2019. This results in a supply of only 3.65

years. The Plan is therefore unsound as it will not provide for a five year supply of housing land upon adoption.

- 3.9 It is also important to note that this recalculation has been carried out on a plan-making basis i.e. having regard to advice in NPPF (2012). In the decision-making context (i.e. in respect of future planning applications for housing) the five-year supply calculation would be undertaken in the context of NPPF (2019) which contains a more rigorous definition of what constitutes a deliverable site. The Glossary to the NPPF (2019) states that “Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there **is clear evidence** that housing completions will begin on site within five years”. (our emphasis)
- 3.10 Gladman considers that for many of the sites with outline planning permission or allocated sites included within the Council’s trajectory, no clear evidence has been provided by the Council that housing completions will take place on these sites within five years. Gladman considers that for there to be any certainty that a site will come forward within five years that the Council must be able to confirm to the Inspector that there is a willing housebuilder involved with the intention and resources to deliver the site within the timescales proposed by the Council, otherwise sites should not be included within the five year housing land supply calculation in any future appeal situation. This would therefore result in an even lower housing land supply than that shown in Gladman’s revised calculation.

4. CONCLUSIONS

- 4.1 Gladman considers that the proposed Main Modifications fail to make the Plan sound. Policy SS4, as proposed to be modified, identifies insufficient land to accommodate 3,802 new dwellings within the Plan period. The Council’s revised Housing Trajectory remains unrealistic in terms of the expected delivery of housing on allocated sites within the first five years of the Plan following adoption. Gladman’s revised Trajectory and 5 year housing land supply calculation indicates that there is only 3.65 years housing land supply on adoption. Further deliverable allocations are therefore required to render the Plan sound.

APPENDIX 1 GLADMAN REVISED HOUSING TRAJECTORY

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total
Past Completions	276	99	126	142	165															
Sites Under Construction						98	98	98												
Large sites with FPP						15	93	73	45	13										
Large sites with OPP								138	218	112	78	60	60	13						
Other committed sites						93	93	94												
Allocations																				
Leek Newton House (179)										15	30	30	30	30	30	14				
Leek Cornhill (50)										15	30	5								
Leek Horsecroft Farm (15)									7	8										
Leek Macclesfield Road (25)									7	15	3									
Leek The Mount (345)											25	50	50	50	50	50	20			
Leek land West of Ashbourne Road (0)																				
Leek large windfall allowance (15 p.a)									15	15	15	15	15	15	15	15	15	15	15	15
Leek small sites allowance (10 p.a)									10	10	10	10	10	10	10	10	10	10	10	10
Biddulph The Mills (57)										15	30	12								
Biddulph Wharf Road (442)											25	50	50	50	50	50	50	50	50	50
Biddulph Tunstall Road (105)										15	30	30	30	30						
Large windfall allowance (20)										2	2	2	2	2	2	2	2	2	2	2
small sites allowance (10 p.a)										10	10	10	10	10	10	10	10	10	10	10
Cheadle North (320)											15	40	40	40	40	40	40	40	40	25
Cheadle Cecilly Brook (106)									15	30	30	30	1							
Cheadle Froghall Road (45)															7	15	15	8		
Cheadle Rear of the Birches (51)										7	15	15	14							
Chealde Stoddards (32)										7	15	10								
Cheadle the Green (42)										7	15	5								
Chealde Mobberley (430)											25	50	50	50	50	50	50	50	50	50
Small sites allowance (10 p.a)											10	10	10	10	10	10	10	10	10	10
Gallows Green Alton (0)																				
Blythe Vale (182)										15	30	30	30	30	17					
Endon Stoney Lane (22)										7	15									
Upper Tean St Thomas's Road (15)										7	8									
Waterhouses Leek Road (36)										7	15	14								
Werrington YO1 (75)											15	30	30							
Small sites allowance (30 p.a)											30	30	30	30	30	30	30	30	30	30
PDNPA (100)						7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
Total completions	278	99	128	142	165	213	291	410	381	450	519	510	425	377	328	303	259	232	209	
Projected completions	278	99	128	142	165	213	291	410	381	450	519	510	425	377	328	303	259	232	209	
cumulative completions	278	377	505	647	812	1025	1316	1726	2107	2557	3076	3586	4011	4388	4716	5019	5278	5510	5719	
Local Plan Annualised requirement	320	320	320	320	320	320	320	320	320	320	320	320	320	320	320	320	320	320	320	320
Cumulative requirement	320	640	960	1280	1600	1920	2240	2560	2880	3200	3520	3840	4160	4480	4800	5120	5540	5760	6080	
Dwellings above or below Local Plan requirement	-42	-263	-455	-633	-788	-895	-924	-834	-773	-643	-444	-254	-149	-92	-84	-101	-262	-250	-361	

APPENDIX 2: GLADMAN REVISED 5 YEAR HOUSING SUPPLY CALCULATION

A. Completions from April 2014 to 30 March 2019	=	812
B. Sites in the trajectory including under construction	=	1745
10% lapse rate on commitments		-98
Sites in the trajectory including under construction		1647
C. Housing Requirement (2014-2033) 320 x 19	=	6080
D. Annual Requirement (C/19)	=	320
E. Target Completions (April 2014 to March 2019) (Dx5)	=	1600
F. Current Shortfall (E-A)	=	788
G. 5 Year requirement with shortfall [(Dx5) + ((F/14) x 5)) x 1.2]	=	2257
H. Annual 5 year requirement with shortfall (G/5)	=	451
I. No. of years of supply (B/H) (1647/451)	=	3.65 years



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Mr	
First name	Richard	
Last name	House	
Job title (if applicable)		
Organisation (if applicable)	Gladman Developments Limited	
Address line 1	Gladman House	
Address line 2	Alexandria Way	
Address line 3	Congleton	
Address line 4	Cheshire	
Post code	CW12 1LB	
Telephone number	01260 288 982	
Email address	r.house@gladman.co.uk	

Notifications and Consent

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Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM8

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Justified	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound - Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Gladman considers that the proposed modification to paragraph 7.22 should be amended to be consistent with Paragraph 7.24 which makes it clear that the figure of 6,080 is a target and not an absolute ceiling.

Gladman objects to the application of the "Liverpool method" to the calculation of the 5 year housing land supply and disagrees with the Council's view that the "Sedgefield" method would result in a five year requirement that is not realistically achievable. Gladman does not agree that the five year supply that would result from utilising the Sedgefield method is unachievable.

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Paragraph 7.22 should be amended as follows *"In order to address the objectively assessed needs for housing in the District the Local Plan proposes **at least** 6,080 dwellings for the period 2014 – 2033 (320 per year) which is expected to meet the projected household increase for the District over this period."*

(Continue on a separate sheet / expand box if necessary)

Please note

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Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5 Signature:

Richard House

Date:

30th October 2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

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Part A – Personal details and notifications

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Title	Mr	
First name	Richard	
Last name	House	
Job title (if applicable)		
Organisation (if applicable)	Gladman Developments Limited	
Address line 1	Gladman House	
Address line 2	Alexandria Way	
Address line 3	Congleton	
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Post code	CW12 1LB	
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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM9

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Table 7.7 provides for an expected provision of 3,419 dwellings against a minimum requirement of 3,802, representing an apparent shortfall of at least 383 dwellings over the plan period. The policy therefore fails to identify sufficient land to accommodate 3,802 dwellings which is its stated objective. Accordingly Gladman considers that the policy is unsound in that it is not effective.

Please refer to attached submission for further detail.

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

In order for the Plan to be found sound, Gladman considers that it will be necessary for the Council to allocate additional sites for residential development that are capable of coming forward during the plan period.

(Continue on a separate sheet / expand box if necessary)

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5 Signature:

Richard House

Date:

30th October 2019



Staffordshire Moorlands Local Plan Examination

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Last name	House	
Job title (if applicable)		
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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference Housing Implementation Strategy
--

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The Council's revised Housing Trajectory remains unrealistic in terms of the expected delivery of housing on allocated sites within the first five years of the Plan following adoption. Gladman's revised Trajectory and 5 year housing land supply calculation indicates that there is only 3.65 years housing land supply on adoption.

Please refer to attached submission for further detail

(Continue on a separate sheet / expand box if necessary)

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The Housing Trajectory should be revised to provide for more realistic delivery expectations for allocated sites.

The Five Year Housing Supply Calculation needs reworking accordingly.

Further allocations for housing need to be included in the Plan.

(Continue on a separate sheet / expand box if necessary)

Please note

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- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

Richard House

Date:

30th October 2019

From: Planning (SMDC)
To: Forward Plans
Subject: FW: LOCAL PLAN CONSULTATION FOR TWO FIELDS
Date: 31 October 2019 15:41:01

-----Original Message-----

From: Harold Gleave [redacted]
Sent: Thursday, October 31, 2019 3:32 PM
To: Planning (SMDC)
Subject: LOCAL PLAN CONSULTATION FOR TWO FIELDS

HAROLD GLEAVE

[redacted]

IF THE TWO FIELDS ARE LOST TO OUR COMMUNITY THEN CHEDDLETON WILL NEVER BE THE SAME AGAIN, IT WILL NOT FEEL LIKE A VILLAGE ANY MORE.
A GREEN AREA IS ESSENTIAL TO THE HEART OF EVERY VILLAGE AND WE HAVE NO DESIRE TO SLOWLY TURN INTO A SMALL TOWN.

WE HAVE A SCHOOL, A CHURCH, A PUB, A COMMUNITY CENTRE, AND WE MUST KEEP OUR GREEN CENTRAL HEART.
NO ONE WHO LIVES IN CHEDDLETON WANTS TO LOOSE THIS GREEN SPACE. AS WE ARE THE ONES WHO LIVE HEAR WHY SHOULD WE NOT BE THE ONES WHO MAKE THE DECISION.

I CANT THINK OF A SINGLE EXAMPLE OF HOW THIS DEVELOPMENT WOULD ENHANCE THE QUALITY OF LIFE EITHER NOW OR IN THE FUTURE. HOWEVER THERE ARE MANY REASONS WHY IT WOULD BE A DISADVANTAGE. (THESE DISADVANTAGES HAVE ALREADY BEEN LISTED WITH THE PLANNING OFFICE.)

THE BOTTOM LINE IS THAT -- WE THE PEOPLE OF CHEDDLETON DO NOT WANT IT --

OX PASTURE HAS ALREADY STARTED TO TURN INTO A CAR PARK PARTICULARLY AT CRITICAL TIMES..
ACCESS TO THE SIGHT HAS ITS DANGERS PARTICULARLY AT SCHOOL TIMES WITH INCREASED NOISE AND POLLUTION.
MORE POLLUTION, MORE NOISE, MORE TRAFFIC, MORE PEOPLE, BUT NO MORE JOBS IN CHEDDLETON.

I DO HOPE THAT OUR ELECTED COUNCIL IS ON THE SIDE OF THE PEOPLE.

REGARDS 

HAROLD GLEAVE

Sent from my iPad

28 October 19

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

Dear Sirs

Re:- MAIN MODIFICATIONS CONSULTATION – BLYTHE BRIDGE

We write in response to comments requested to the main modifications from the Examination Hearings for development land in the Local Plan.

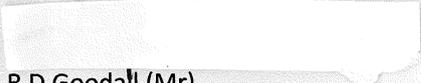
We suggest that the monitoring review to the Local Plan every five years be in line with the NPPF because the current situation in Blythe Bridge favours the increasing size of St Modwen's development at Blythe Vale. The size of the site and housing number restricts other potential planning opportunities in Blythe Bridge.

At the moment there is a great need for housing in the countryside which supports rural diversification and sustainability. You need to revisit overlooked green belt sites which support a reduction in CO 2 emissions by just utilising better transportation links, viz on the doorstep to the railway station. The Blythe Vale is located a very long walk from the local railway station and the St.Modwen site is and will undoubtedly cause severe traffic congestion, delays all due to a new concentrated volume of traffic. Even now along the stretch to the site there is pavement mounting of vehicles which is just an accident waiting to happen.

Your Council need to ensure a five year supply is maintained and engage with landowners, developers in order for potential sites to continue to be brought to the forefront of this Local Plan which have far greater amenities and transport links.

We trust the above comments are considered and recorded.

Yours faithfully


R D Goodall (Mr)
For and on behalf of S J Malpass (Mrs) J M Belcher (Mrs)

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Justified	<input type="checkbox"/>	X
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Sound - Consistent with national policy	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

Sansom, Claire

From: Ann Gratton
Sent: Wednesday, October 30, 2019 7:09 PM
To: Forward Plans
Subject: Safeguarding of fields

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Biddulph and Gillow Heath.

I notice that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly. You omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect. The decision to safeguard fields in Biddulph and Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019).

The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Thanks

Ann Gratton

Sent from my iPad

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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BIODIVERSITY

Key points are:

- The SMDC Phase 1 Ecological Survey evidence base is being ignored.
- The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.
- The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound.
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of.

Details for the above points:

Biodiversity - The SMDC Local Plan Phase 1 Habitat Survey (Site BD062 / FID122, 2014) concluded " *...the site is not recommended for potential development...*" [1] and that the site is " *...very well connected to other biodiverse habitats through hedgerows, scrub, broadleaved woodland and running water which accentuates the value of the site*" (<https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>).

The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC Map7.5 pg.77

(https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10_SMDC_Green_Infrastructure_Strategy_May_2018.pdf)

The emerging Biddulph Neighbourhood Plan commissioned external consultants to provide additional detail and evidence for wildlife corridors and potential Local Wildlife Sites across the Biddulph Parish. The mapping for BD062 indicates semi-natural grassland habitat and found to be sited in an important location bringing together two key wildlife corridors - that of the Biddulph Brook and the Biddulph Valley Way (<https://biddulph.co.uk/neighbourhood-plan/>).

The entire ecological evidence base was missed out of the assessment and ranking exercise carried out by SMDC and reported to Council Members on 26th June 2019 which led to the designation of these fields as 'Safeguarded'. The sources used for the exercise are listed and ecological assessments are missing

(<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>). This omission is then reflected in the assessment tables in Appendix C and Appendix D and the conclusions drawn (which are unclear and not sound).

This is despite the fact that this information was contained within the previous Sustainability Appraisal Report which accompanied the local plan submission version (Feb 2018) where it was reported that BD062 was 'deemed to have ecological value.'

Only evidence regarding the Green belt review, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other economic and development criteria (Options Assessment Tables list pg.30

<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>). The land classification used in this SMDC report on 26th June 2019 is also wrong for all 3 sites in Gillow Heath. They were reported to be urban/industrial land when in fact they are classed as agricultural grassland on the Dudley Stamp Land Use Classification system (Magic Map (<https://magic.defra.gov.uk/MagicMap.aspx>) and a quick search on google earth reveals that they are indeed semi-natural habitat (BD062) or agricultural grassland (BD068 / BD087).

Ignoring the ecology in this decision making process totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management. This contradicts Section 40 of the *Natural Environment and Rural Communities Act 2006*, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Sites also need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC Council Members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800m of the town centre when they clearly are not at Gillow Heath. The ranking method is unsound.

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signature: 

Date: 24/10/19

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access road
 Marsh Green Road does not meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The road is too narrow & there is a pinch point over the bridge on Marsh Green Road before the access to BD067. Marsh Green Road is too narrow along its total length & has no footpath for most of its length. Road Widening will require the compulsive purchase of gardens near its junction with Congleton Road
 Marsh Green Road falls below the minimum required of distributor roads by the Residential Design Guide. Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Marsh Green Road is 3.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).



4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signature: 

Date: 24/10/19

Part B – Representations

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Sewage works

BD062 and BD068 are both immediately adjacent to a sewage works. Residents who live on Essex Drive, York Close and Long Valley Road already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding into the brook at the end of Essex Drive (13/9/2016) where pressure builds up inside the junction box and the lid blows off, especially following heavy rain. This happened again in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the

field needs to be kept as a natural buffer. Local residents should be listened to in this matter instead of repeatedly being ignored. Building adjacent to the sewage works will create even more of a statutory nuisance (noise, odour, sewage flooding) and an unhealthy neighbourhood.

We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDC Council Planning Officers on 26th June 2019 in the meeting which led to these fields being put forward for 'Safeguarding'.

(<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>) (ie. making a building air-tight does not change the situation outside or inside the home when windows and doors are open). Adding more houses and increasing surface runoff from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signatu

Date:

24/10/19.



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	Mr
First name	Jonathan
Last name	Creatbath Creatbath
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date: 9/10/2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	JONATHAN
Last name	GREATBATCH
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date: 9-10-2019



**Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019**

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	JONATHAN
Last name	GREATBATCH
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Part B - Representation

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

9-10-2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

Personal details	
Title	MR
First name	JONATHAN
Last name	GREATBATCH
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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MM/ document reference MM/12

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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Date:

9-10-2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	JONATHAN
Last name	GREATBATCH
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
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Return BD087, BD068 & BD062 to Green Belt land

Signature

Date:

9-10-2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	JONATHAN
Last name	GREATBATCH
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Cons...

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Part B – Representations

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Signature:

Date:

9-10-2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	MISS
First name	MADLAINE
Last name	GRESHAM
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.
2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 9/10/19



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

Personal details	
Title	MISS
First name	MADELAINE
Last name	GRESHAM
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Sound - Justified	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Staffordshire Moorlands Local Plan Examination

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

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<p>Access to BD 068 and BD 087 - Road Safety Issues</p> <p>Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?</p> <p>The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have</p>
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Sound - Positively prepared	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

[Redacted]
[Redacted]

From: Anthony Hall
Sent: Tuesday, October 29, 2019 10:27 AM
To: Forward Plans
Subject: Local plan Modifications

Follow Up Flag: Follow up
Flag Status: Flagged

Planning Dept.

I would like to put forward my objections to the proposal that sites BD 062, BD 068 and BD 087 be reintroduced in the Modified Local Plan.

Picking on one aspect from so many. Access to the sites.

Access to these sites will be from the A527 onto two of the worst roads in Staffordshire and the land proposed for access to BD 068 and BD 087 would pose many problems taking into account the flooding aspects and site conditions.

Mow Lane and Marsh Green roads are the worst roads in Staffordshire because they are not easily improved requiring large sums of money and meeting countless objections from residents, as the viability of peoples houses would be seriously compromised. Mow Lane starts as a cutting with houses much higher than the road, both junctions would need considerable improvement. These costs would be of such proportions that they would not be able to be met through the profits of the housing to be built.

Mow Lane has the added complication of Sewage. In conditions of heavy rainfall the manholes 'blow' filling Mow Lane with sewage. This situation is well known to United Utilities who have spent a great deal of money already on mitigation, but say that to alleviate this problem would be too costly! This situation happens once or twice each year putting residents at risk of disease not to mention the smell and detritus left on the road, a busy road spreading these materials to a much wider community. Changes on the sites in question would undoubtedly increase this problem which is unacceptable as it is. The sewage works even if it can cope with the added sewage its infrastructure in the surrounding area, the sites in question, can not. Adding the cost of new infrastructure not only on the sites but throughout the system would make these sites unviable.

There are many other aspects to show the unsuitability of these sites, which I am sure you will have had from other people in our community, so I hope you will consider them carefully and remove these sites from the local plan.

D A Hall.

Sent from Mail for Windows 10

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Mrs Marion Hammond

The fields provide an area of fresh air for adults and children walking the gully, away from pollution and traffic. In 1953 my husband and I came to live in this area of Cheddleton for health reasons. My husband had contracted TB during the war and was advised to live where there were open fields, fresh air and trees. In 1953 there were very few houses in this part of the village and I have seen the development of the large housing estates over the years. The two fields are the last small area in the centre of the village kept as green fields and this where the church and school are. There are a number of established veteran trees on the edge of the fields which help cleanse the air and add to the beauty of the area.

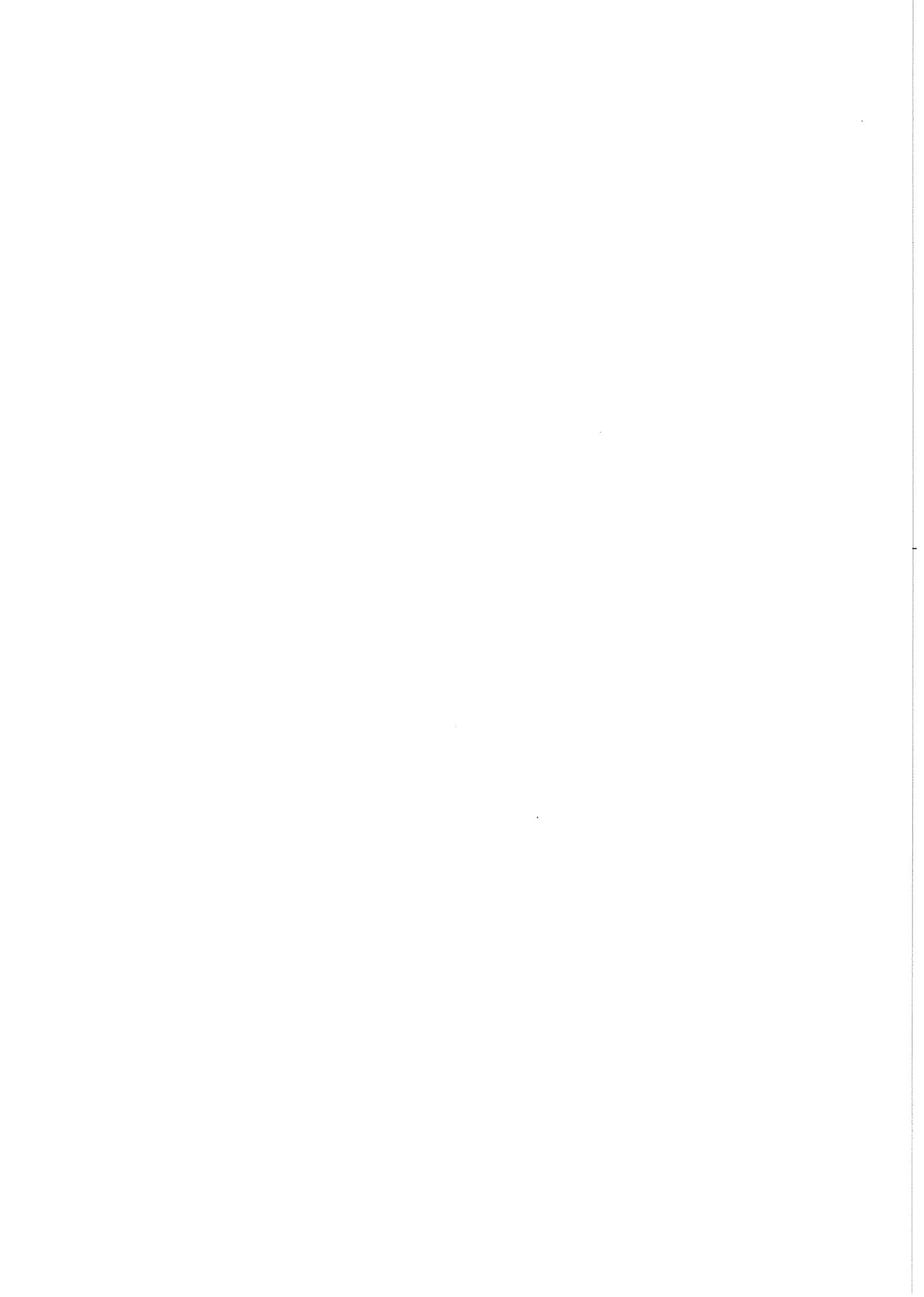
I have walked through the gully collecting my children from school and walked the southern footpath which has wonderful views across to the Roaches.

I am a watercolourist and have painted this part of the village a number of times especially because of the beautiful views and trees. I have attached 2 photos of my paintings done in the mid 1990s to show how special this area is to me.



C.A. Hammond
1925





Hammond P MMC450











Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Mr	
First name	Paul	
Last name	Hammond	
Job title (if applicable)		
Organisation (if applicable)		
Address line 1		
Address line 2		
Address line 3		
Address line 4		
Post code		
Telephone number		
Email address		

Notifications and Confidentiality

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>.

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference:

MM12

'Safeguarding' the field at the end of York Close/ Essex Drive via Mow Lane – Site BD062 / FID 122,

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input type="checkbox"/>
Sound - Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Sound – justified: NO. There are errors - parts of the evidence were missed out when decisions on the main modifications were taken.

Sound – Effective: NO Safeguarding here will not work well - sewage, wildlife, access, etc. *See below*

Sound - consistent with national policy: NO Failing in duty to have regard to biodiversity. *See below*

Complies with Duty to Co-operate: NO Not consulting appropriately with Biddulph Town Council or paying heed to the more recent evidence base of the emerging Biddulph Neighbourhood Plan. *See below*

Please see issues raised below as to why *modifications should not be deemed justified, effective, consistent with national policy an in compliance with duty to co-operate.*

ISSUE 1. Sewage works

BD062 is immediately adjacent to a sewage works. Residents who live on Essex Drive, York Close and Long Valley Road already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding into the brook at the end of Essex Drive (13/9/2016) where pressure builds up inside the junction box and the lid blows off, especially following heavy rain. This happened again in August 2019 and most recently October 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the field needs to be kept as a natural buffer. To suggest otherwise would be irresponsible. Local residents should be listened to on this matter instead of repeatedly being ignored. Building adjacent to the sewage works will create even more of a statutory nuisance (noise, odour, sewage flooding) and an unhealthy neighbourhood. We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDC Council Planning Officers on 26th June 2019 in the meeting which led to these fields being put forward for 'Safeguarding' (<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>) (ie. making a building air-tight does not change the situation outside or inside the home when windows and doors are open). Adding more houses and increasing surface run-off from built up areas along with removal of existing trees and vegetation will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.

Please see attached image of sewage overflow.

ISSUE 2: Community access

The local community have had unfettered access to this site since the estate was built. For over 40 years, there has been total open access and the land has been used by local residents for events and walking dogs. As recently as 7th July 2019 (and repeatedly since) local residents have organised work parties to clear the overgrown footpaths which cross this site and have been doing this for over 40 years. This land has been designated as Local Greenspace by the emerging Biddulph Neighbourhood Plan (currently undergoing REG14 consultation) as it was found to meet the criteria required (<https://biddulph.co.uk/neighbourhood-plan/>). It is a valuable local amenity for residents of Essex Drive, York Close and Long Valley Road, and surrounding areas in Gillow Heath, as highlighted by the 431 signatures on a petition of local residents objecting to the safeguarding of the fields.

ISSUE 3. Biodiversity

Key points are:

- The SMDC Phase 1 Ecological Survey evidence base is being ignored.
- The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.
- The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound.
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of.

Details for the above points:

Biodiversity - The SMDC Local Plan Phase 1 Habitat Survey (Site BD062 / FID122, 2014) concluded "...the site is not recommended for potential development..."^[1]and that the site is "...very well connected to other biodiverse habitats through hedgerows, scrub, broadleaved woodland and running water which accentuates the value of the site"
<https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>).

The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC Map7.5 pg.77
(<https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure->

The emerging Biddulph Neighbourhood Plan commissioned external consultants to provide additional detail and evidence for wildlife corridors and potential Local Wildlife Sites across the Biddulph Parish. The mapping for BD062 indicates semi-natural grassland habitat and found to be sited in an important location bringing together two key wildlife corridors – that of the Biddulph Brook and the Biddulph Valley Way (<https://biddulph.co.uk/neighbourhood-plan/>).

The entire ecological evidence base was missed out of the assessment and ranking exercise carried out by SMDC and reported to Council Members on 26th June 2019 which led to the designation of these fields as 'Safeguarded'. The sources used for the exercise are listed and ecological assessments are missing (<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?Cid=284&Mid=1368&Ver=4>). This omission is then reflected in the assessment tables in Appendix C and Appendix D and the conclusions drawn (which are unclear and not sound).

This is despite the fact that this information was contained within the previous Sustainability Appraisal Report which accompanied the local plan submission version (Feb 2018) where it was reported that BD062 was 'deemed to have ecological value.'

Only evidence regarding the Green belt review, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other economic and development criteria (Options Assessment Tables list pg.30 <https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?Cid=284&Mid=1368&Ver=4>).

The land classification used in this SMDC report on 26th June 2019 is also wrong for all 3 sites in Gillow Heath. They were reported to be urban/industrial land when in fact they are classed as agricultural grassland on the Dudley Stamp Land Use Classification system (Magic Map (<https://magic.defra.gov.uk/MagicMap.aspx>) and a quick search on google earth reveals that they are indeed semi-natural habitat (BD062) or agricultural grassland (BD068 / BD087).

Ignoring the ecology in this decision making process totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management.

This contradicts Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Sites also need to be considered on an individual basis. Ranking and

considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC Council Members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800m of the town centre when they clearly are not at Gillow Heath. The ranking method is unsound.

ISSUE 4 - Access roads

Neither the distributor road (Mow Lane) nor the feeder roads (Essex Drive and York Close) meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy.

The roads are too narrow and the road bend radii are too small. There are two pinch points over bridges on Mow Lane to the east and west of the access to BD062, and a new sewage pump on Mow Lane all of which reduce the feeder road to a single carriageway in at least 3 locations. There is no alternative access to BD062.

Planning permission has been refused on highways grounds in the past and the situation has only got worse with the creation of the third pinch-point on Mow Lane. The actual distributor road width (Mow Lane) falls below the minimum required of distributor roads by the Residential Design Guide. Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Mow Lane is 4.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).

ISSUE 5 - Flooding

BD062 (land at end of York Close / Essex Drive) suffers from a high amount of surface water flooding. It is classed as a wet meadow (evidenced by certain marsh flora) and plays an important role in slowing down rainwater flowing into the Biddulph Brook (natural flood management). This field drains part of the Biddulph Valley way as evidenced by the Environment Agency flood maps (<https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>). The proposed eastern site access of Essex Drive is in a floodplain. The field should remain as semi-natural habitat and its' role in natural flood management enhanced.

Please see attached images and video of standing water and brook in flood.

(Continue on a separate sheet / expand box if necessary)

(Continue on a separate sheet / expand box if necessary)

Signature:

P. Hammond

Date:

28/10/2019

Comment

Agent	Mr Kenneth Wainman (923412)
Email Address	
Company / Organisation	
Address	
Consultee	
Email Address	
Address	
Event Name	Main Modifications Consultation
Comment by	Mr & Mrs J. A. & C. Hamnett (997624)
Comment ID	MMC50
Response Date	27/10/19 09:44
Consultation Point	1 Main Modifications Consultation (View)
Status	Submitted
Submission Type	Web
Version	0.2

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM21

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant	<input type="checkbox"/>	Yes
Sound - Positively prepared	<input type="checkbox"/>	Yes

Sound - Justified . Yes
Sound - Effective . Yes
Sound - Consistent with national policy . Yes
Complies with the Duty to co-operate . Yes

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Mr and Mrs Hamnett support the continued inclusion of the land at the corner of Brookfield Avenue/Stoney Lane, Endon (Policy DSR1).

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

N/A.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

Mr and Mrs Hamnett support the continued inclusion of the land at the corner of Brookfield Avenue/Stoney Lane, Endon (Policy DSR1).

Officer Response

Support noted.

Recommendation

No change.

Comment

Agent Mr Kenneth Wainman (923412)

Email Address [Redacted]

Company / Organisation [Redacted]

Address [Redacted]

Consultee [Redacted]

Email Address [Redacted]

Address [Redacted]

Event Name

Comment by Mr & Mrs J. A. & C. Hamnett (997624)

Comment ID MMC51

Response Date 27/10/19 09:58

Consultation Point 1 Main Modifications Consultation ([View](#))

Status Submitted

Submission Type Web

Version 0.2

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM57

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant . Yes

Sound - Positively prepared . Yes

Sound - Justified . Yes
 Sound - Effective . Yes
 Sound - Consistent with national policy . Yes
 Complies with the Duty to co-operate . Yes

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

This modification now omits privately owned land in the Green Belt from the Open Space designation in Cheadle Park. This land is not used as open space and was included in error in the Submission Local Plan.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

This modification now omits privately owned land in the Green Belt from the Open Space designation in Cheadle Park. This land is not used as open space and was included in error in the Submission Local Plan.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

This modification now omits privately owned land in the Green Belt from the Open Space designation in Cheadle Park. This land is not used as open space and was included in error in the Submission Local Plan.

Officer Response

Comments noted.

Recommendation

No change.

Date 29 October 2019
Our Reference AKNO1/HAR823/1
Your Reference
Please ask for Alan Corinaldi-Knott
Direct Dial 01782 349539
Facsimile 01782 712522
Email alan.corinaldi-knott@knightsplc.com



Forward Plans
Staffordshire Moorlands District Council
Regeneration Services
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Dear Sirs

Response to the Consultation on Proposed Main Modifications to the Staffordshire Moorlands Local Plan Strategy on Behalf of Harlequin Development Strategies Limited

This letter is submitted on behalf of Harlequin Development Strategies (Crewe) Limited in response to the consultation on the Schedule of Proposed Main Modifications to the submitted Staffordshire Moorlands Local Plan. This letter considers the following modifications which are all inter-related as far as housing delivery and supply are concerned. These are:

- MM54
- MM55
- MM8
- MM72
- MM21

The second paragraph proposed to be inserted as part of **MM54** on page 105 of the Schedule of Main Modifications states that:

Policy SS4 details the housing land supply and includes an allowance for windfalls, the housing trajectory also includes windfalls which form an element of the rolling 5 year housing land supply. The Plan will be monitored to consider whether windfall sites are coming forward as anticipated and also if the windfall sites, particularly in the rural areas, are delivering affordable housing.

The fourth paragraph then states:

The Local Plan will be reviewed every 5 years in accordance with the National Planning Policy Framework 2019. The need for a full or partial review of the Local Plan will also be considered when the Monitoring Report identifies housing delivery has not met the housing requirements in the Local Plan or the Housing Delivery Test. The table below identifies which indicators relate to housing delivery and will be taken into

Knights plc
The Brampton
Newcastle-under-Lyme
Staffordshire
ST5 0QW

T 01782 619225
W knightsplc.com

account when determining if a Local Plan review is necessary. A full or partial review may be considered where there is a significant change in national policy, the evidence base or needs of the adjoining authorities, should it be necessary.

MM55 provides amendments to the monitoring table which is provided at Appendix 2 to the Schedule of Main Modifications.

MM8 sets out the proposed modifications to Policy SS3 and SS4, which includes changes to the plan period and updates to the housing delivery and residual requirement figures, taking into account recent permissions and completions.

Table 7.2 sets out the amended figures for commitments, taking into account a lapse rate and updated commitments and completions. Table 7.3 has also been updated in relation to each sub area. Paragraph 7.3 is proposed to be modified to include the slippage allowance of 10% to commitments that will be factored in to the housing trajectory.

The proposed modification to SS4 under MM8 inserts the following text:

The council has published a Housing Implementation Strategy (HIS) document which sets out how the five year housing land supply will be maintained in accordance with the trajectory.

MM72 seeks to provide at Appendix 7 the HIS and amended housing trajectory to reflect updated housing figures as of 31 March 2019.

The HIS published in July 2019 is provided as a supporting document to the Schedule of Main Modifications. The HIS contains the housing trajectory, schedule of sites and a 5 year housing land supply calculation.

With regard to the housing trajectory, the Inspector's letter to the Council dated 11 April 2019 in response to the HIS consultation (EL9.001) explicitly set out the following:

Sites with planning permission (generally) – if permissions have expired, they should be removed from the trajectory, unless they are proposed to be allocated in the Plan. Conversely large sites that have been granted planning permission in 2018/19 should be added to the trajectory

In light of the above factors, it is our position that the Barnfields site, Leek (Ref 2339), contributing 175 dwellings to the overall trajectory, and 75 within the 5 year period, should be removed from the trajectory because it no longer has planning permission and is not proposed for allocation. Outline consent for this site expired on 17/08/2019. The planning permission allowed four years for the submission of reserved matters under condition 2 and no reserved matters applications have been submitted.

It is acknowledged that the approval expired beyond 1 April 2019 base period, however even if this site were to be retained within the trajectory, then using the council's delivery assumptions for allocations (i.e. sites without planning permission), then development would not commence on this site until 2022/23.

This would have the effect of removing 30 dwellings from the housing trajectory in the first 5 years of the Local Plan following adoption.

We also note that in addition to the above, that the approval at London Mill, Leek (Ref 1810) has now expired, although again beyond the 1 April 2019 base date. We also note that the site has been marketed since 13 January 2015, and continues to be marketed without any apparent interest. We therefore respectfully suggest that the site is removed from the trajectory, or at the very least, the estimated commencement date for the delivery of this site is reviewed in line with the assumptions provided at Appendix 2 of the HIS, which would result in the commencement date of this site falling back by at least another 12 months resulting in 30 units being removed from the supply, and again, this would affect the housing land supply position.

In addition, the outline planning permission for 67 dwellings on land at Cheadle Road Upper Tean that is included within the trajectory expired on 15 June 2016. We therefore respectfully suggest that this site is removed from the trajectory, or at the very least, the estimated commencement date for the delivery of this site is reviewed in line with the assumptions provided at Appendix 2 of the HIS, which would result in the commencement date of this site falling back by at least another 12 months resulting in 22 units being removed from the supply, and again, this would affect the housing land supply position.

The above considerations therefore remove a minimum of 82 dwellings from the 5 year housing land supply, even if these sites were proposed to be allocated.

The Council has not provided an up to date housing land supply calculation for the purposes of the Local Plan Examination with the current consultation on Main Modifications. The calculation provided within the HIS gives a supply figure of 5.16 years, however the calculation does not take into account the factors identified above and the 10% lapse rate figure provided in the HIS is provided as -98. In the Schedule of Main Modifications, the lapse rate figure is provided as 119.

Taking into account the above factors and the Schedule of Main Modifications, we have amended the five year housing land supply calculation provided in the HIS below (existing figures indicated with a strikethrough and amended figures are underlined):

A.	Completions from April 2014 to 30 March 2019	= 812	
B.	Sites in the trajectory including under construction	= 2427	<u>2345</u>
	10% lapse rate on commitments	-98	<u>-119</u>
	Sites in the trajectory including under construction	2329	<u>2226</u>
C.	Housing Requirement (2014-2033) 320 x 19	= 6080	
D.	Annual Requirement [C/19]	= 320	
E.	Target Completions (April 2014 to March 2019) [Dx5]	= 1600	

F.	Current shortfall [E-A]	= 788
G.	5 year requirement with shortfall [(Dx5) + ((F/14) x5)) x1.2] (166 + (788/14x5=281) x1.2	= 2257
H.	Annual 5 year requirement with shortfall [G/5]	= 451
I.	No. of years supply [B/H] (23292226/451)	= 5.16 <u>4.93</u> Years

In light of the above considerations, it is our position that the Council will be unable to demonstrate a 5 year housing land supply upon the adoption of the Local Plan.

Furthermore, we note from the trajectory that the cumulative completions over the plan period result in a shortfall of 400 dwellings over the life of the plan against the requirement. Bullet point 2 of para 159 of the Framework is very clear that land should be identified to meet the need for housing over the plan period, and bullet point 3 of paragraph 182 is clear that in order for the plan to be effective, it should be deliverable over the plan period.

Even if the Inspector were to disagree with our submissions relating to housing land supply, the current figure that the LPA rely on of 5.16 years as set out in the HIS is only marginally above the minimum requirement, and it is still considered essential that the Council in this case identifies additional sites for housing development in the Local Plan to ensure a sufficient level of supply that can withstand any changes in circumstances that could reduce expected delivery rates. In effect, delivery only has to fall short by 73 dwellings to result in supply dipping below 5 years.

It is our contention that the updated housing supply and delivery figures provided within the Schedule of Main Modifications, and the trajectory provided within the HIS are unsound.

Other Modifications

We note that for **MM21**, the density of the proposed allocation at Tunstall Road, Biddulph increases the proposed housing numbers from 85 dwellings to 105 dwellings. The housing trajectory within the HIS identifies that development is expected to commence in 2022/23. Accompanying the Main Modifications consultation is the Tunstall Road Strategic Development Area Concept Masterplan which was commissioned by the Council. This masterplan document sets out the following:

1. Page 2 states that research suggests that the site is most suited to a housing mix of two and three-bedroom medium to high density dwellings. It then goes on to state that based upon the delivery of the adjacent industrial site that there is a reasonable level of confidence for the delivery of the site;
2. Page 5 states that there are several land ownerships and then goes on to state that the problem with the site is that viability at present, without some form of public sector support shows a negative land value and that land owners aspirations for value will have to be carefully managed.

This section of the masterplan document then goes on to state that a “master developer” for the site needs to be sought or the site progressed through a joint venture. The Council also prefers the delivery of the industrial development, key infrastructure and landscaping first before the residential element of the site comes forward. This section of the masterplan document also suggests that acquisition and funding options for the site remain to be explored.

The above clearly demonstrates that the deliverability of this site, due to viability and the need to agree land values and purchase with multiple land owners, is questionable in the short term. It is certainly not the case that this site will deliver housing in the next 5 years. The Council considers that this site would start to deliver in 2022/23, however owing to the known viability constraints and with no evidence of any funding coming forward from, for example, the Housing Infrastructure Fund, the Council’s delivery assumptions are not considered to be realistic. Furthermore, there is no evidence that a planning application is forthcoming. There is therefore an additional reason to amend the housing trajectory further, and again, this will have implications on the Council’s ability to demonstrate a 5 year housing land supply upon the adoption of the plan.

The above issues are considered to be important in this case. Whilst the Local Plan is being examined against the 2012 version of the National Planning Policy Framework, as soon as 12 months has passed following adoption of the plan, it is highly likely that there will be a shortfall in both housing land supply and delivery. Therefore, the Local Plan would not be effective over its lifetime because it would quickly become out of date, the tilted balance would be engaged and non-allocated sites outside of the settlement boundary would need to come forward to deliver housing to meet the identified shortfall.

In light of the above considerations, in order to make the Local Plan sound we believe that further sites need to be allocated. In such an event, we can, should the opportunity arise, bring forward potential attractive sites, which were reviewed favourably by the Council in both the SHLAA and the Green Belt review and would help to resolve the open market and affordable housing delivery objectives for the authority, in particular site reference BE041.

Should the Inspector deem it necessary to conduct further hearing sessions to examine the proposed main modifications in further detail, then we would welcome the opportunity to attend such hearing sessions.

Yours faithfully



ALAN CORINALDI-KNOTT

Sansom, Claire

From: Val Harries
Sent: Thursday, October 31, 2019 12:33 PM
To: Forward Plans
Subject: Local SMDC Plan MM12 Safeguarding of Fields in Gillow Heath

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Yellow Category

To the Planning Officer.

"Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Gillow Heath".

I notice that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly. You omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect.

The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019).

The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Please acknowledge my comment.

Mrs. V. Harries



Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East



How can you help?

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

If you would prefer to make a representation by yourself please email forward.plans@staffs Moorlands.gov.uk or by post to Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit www.cheddletonresidents.org

DAVID HATCHARD

Email: _____

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment

PLEASE SEE ATTACHED LETTER.

D, Hatchard,

5th September 2019

Planning Inspector.

Regarding fields behind Ox Pastures and Ostlers Lane, bisected by a public footpath known as "the gully"

For over thirty years myself and family often used to walk this area (gully footpath) when visiting relations in the area, the views to the church and village were not only spectacular but also enchanting, you also had a wide vista of many miles to the east and the distant hills from the roaches and along most of the Morridge top.

The early morning sunrises, a wide blue sky with fluffy white clouds, to grey winter days with snow showers passing to the distance hills, and all the other variations between make this a jewel for anyone to remember and hopefully continue to do so in the future.

The adjacent fields on both side of the gully footpath had the usual mixed growth of hedgerows, these were cut as is the usual farming practice every two years or so, this kept the visual open space for all to enjoy.

The hedges of these fields also supported a large variety of flora and fauna which were a delight for all to see.

I moved into Ostlers Lane eighteen years ago, after a few years I enquired of the farmer who was mowing the fields adjacent to my property when would they be cutting the hedges, the reply was "we are leaving them to grow so we can lay them" but this has never happened, the hedges are now encroaching into the fields by at least two meters in places and the height that makes the footpath dark even on the sunniest days and the street lights are on all day in the summer !

I now see why.

The overgrown trees and hedges have now given these fields an unkempt and derelict appearance, the openness and the views have by this utter neglect are now disappearing. This is a well known practice now being used by developers who buy land and speculate that if it is allowed to become run down, unused and derelict it will be easier to obtain planning permission or have VOS .

If the LGS is removed then all of the above will be lost forever and will be an utter disaster for not only the residents of Cheddleton but also the public at large. It would be by far more acceptable to have development within the local green belt than losing this gem for the public.

Yes there has been development in the nineteen thirties along Ostlers Lane, but this development is like an umbilical cord, joining the newer development towards the South of the old village thus separating the historic village from all the newer development outside of the historic centre and should stay that way.

So once again I plead with you, look at this site again, visualise it how it was before it was neglected and what it would / could become if the LGS is kept for the benefit of all.

D, J, Hatchard.



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

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Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

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Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	MR	
First name	David	
Last name	Hawley	
Job title (if applicable)		
Organisation (if applicable)		
Address line 1		
Address line 2		
Address line 3		
Address line 4		
Post code		
Telephone number		
Email address		

Notifications and Consent

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Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

document reference E/F

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	√	<input type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	√
Sound - Justified	<input type="checkbox"/>	√
Sound - Effective	<input type="checkbox"/>	√
Sound - Consistent with national policy	<input type="checkbox"/>	√
Complies with the Duty to co-operate	<input type="checkbox"/>	√

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

BD062, BD068 and BD087

There are concerns with the process of selecting these sites, out of date information was used.

Data provided by the Biddulph Neighbourhood plan was ignored this included upto date mapping, Environmental and Biodiversity data.

The sites have environmental and biodiversity value including wildlife trails, protected species and rare plants.

The sites are on a floodplain and regularly flood after heavy rain, they are close to the sewerage works and consequently undesirable material is evident when these floods take place.

The closeness to the sewerage works would mean that no future expansion could take place which is likely in the event of the number of additional dwellings proposed in the town.

In fact BDNEW which they are replacing is a far better option as a safeguarding site than these.

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

The process of proposing safeguarding sites should be reviewed and the most up to date data should be used with further consultation with the Environment Agency and United Utilities.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

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Notifications

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- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

David J Hawley

Date:

29/10/2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	MR	
First name	David	
Last name	Hawley	
Job title (if applicable)		
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document reference G

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	√	<input type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	√
Sound - Justified	<input type="checkbox"/>	√
Sound - Effective	<input type="checkbox"/>	√
Sound - Consistent with national policy	<input type="checkbox"/>	√
Complies with the Duty to co-operate	<input type="checkbox"/>	√

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The proposals put forward have been done with no consultation with Biddulph Town Council or the towns residents.

In the proposed option the retail industrial sites are away from the town centre. The original idea was that the industrial/retail sites should be close to the town centre which is what is required to support investment in the town centre. Also the proposed option seems to swap the school playing field and the old school.

The proposed option is not acceptable

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

There needs to be consultation with the town council and residents with respect to any proposal suggested. This has not yet happened.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

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- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

David J Hawley

Date:

29/10/2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	MR	
First name	David	
Last name	Hawley	
Job title (if applicable)		
Organisation (if applicable)		
Address line 1		
Address line 2		
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Post code		
Telephone number		
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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

document reference H

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	√	<input type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	√
Sound - Justified	<input type="checkbox"/>	√
Sound - Effective	<input type="checkbox"/>	√
Sound - Consistent with national policy	<input type="checkbox"/>	√
Complies with the Duty to co-operate	<input type="checkbox"/>	√

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

The options put forward have been done with no consultation with Biddulph Town Council or residents.

The consultation event on the options was flawed with those residents closest to the site having no idea it was taking place.

The suggested option is totally unacceptable, you cannot put industrial units next to existing housing. They need to be as far away as possible, probably backing onto Mill Hays Road.

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

There needs to be consultation with the town council and residents with respect to any options suggested. This has not yet happened. Then a formal consultation period.

Please note

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Publication of the Inspector's Final Report

Adoption of the Local Plan.

5 Signature:

David J Hawley

Date:

29/10/2019

Comment

Consultee	Mrs Nicola Hearson (1229256)
Email Address	
Address	
Event Name	
Comment by	Mrs Nicola Hearson (1229256)
Comment ID	MMC49
Response Date	25/10/19 12:48
Consultation Point	1 Main Modifications Consultation (View)
Status	Submitted
Submission Type	Web
Version	0.2

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM73 Page 284/5

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

Sound - Positively prepared

Sound - Justified

No

Sound - Effective

Sound - Consistent with national policy

Complies with the Duty to co-operate

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

It was proposed to allocate the greenspace east and west of Dorset Drive as Local Green Space. However, the Inspector has recommended their removal which puts them at risk of future development. Paras. 99-101 of the National Planning Policy Framework allows for the designation of Local Green Space, and the proposed designations clearly meet with the criteria. We, the undersigned, petition Staffordshire Moorlands District Council to robustly challenge the Inspector's recommendations and retain the greenspace off Dorset Drive as designated Local Green Space.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Maintain Dorset Drive East and West as Local Green Space as recommended in the Neighbourhood Plan

Please note

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Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

No

Notifications

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- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
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Summary of response

Dorset Drive East and West clearly meet the LGS designation criteria so should be retained as LGS. Deletion of the designation puts them at risk of future development.

Officer Response

Refer to Inspector's Post Hearing Advice – Main Modifications and Related Matters – paras. 32 & 33. (EL6.004) and subsequent Inspector's letter (EL6.008). On the basis of the Inspector's recommendations, the Council agreed main modifications to delete the Local Green Space (LGS) at

the Council Assembly meeting on 26th June 2019. The green space at Dorset Drive is still designated as open space which offers protection under Local Plan Policy C2 (see MM31).

Recommendation

No change.

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MM/ document reference	MM/12
------------------------	-------

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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<p>Access to BD 068 and BD 087 - Road Safety Issues</p> <p>Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?</p> <p>The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have</p>
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Our Reference:
Your Reference: Main Modifications Consultation

David Pyner
Asset Manager

Planning Policy Team
Staffordshire Moorlands District Council

The Cube
199 Wharfside Street
Birmingham B1 1RN

via Email:
forward.plans@staffsmoorlands.gov.uk

28/10/19

Dear Sir/Madam,

STAFFORDSHIRE MOORLANDS LOCAL PLAN - MAIN MODIFICATIONS CONSULTATION

Thank you for consulting Highways England on the Staffordshire Moorlands District Council (SMDC) Local Plan post-Examination Main Modifications.

Highways England is responsible for the operation and maintenance of the Strategic Road Network (SRN) in England. The network includes all major motorways and trunk roads. Highways England are therefore committed to supporting Government objectives on economic growth and sustainable transport, and recognises the need for closer integration of transport and land use planning as set out in the Department for Transport (DfT) Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'. The SRN that runs through Staffordshire Moorlands District consists of the A50 trunk road between Blythe Bridge and Uttoxeter.

In our latest response in February 2019 we highlighted a lack of detailed analysis made of potential trip generation of the revised housing and its potential traffic impact on the Strategic Road Network (SRN), and prioritisation of more detailed traffic assessment of the A50/A521 junction in relation to the Blythe Vale development. Furthermore, we recommended that the individual site promoters should undertake detailed transport analysis and assessment of their sites, either at this plan making stage or as part of future planning applications. We also noted that Highways England would wish to be involved in the scoping of these assessments.

Regarding the main modifications set out, we have noted that the intended plan period end year of 2031 has been increased to 2033, and the plan period start year of 2016 has been taken back to 2014. It is noted that the net housing requirement, has been reduced from 3,859 to 3,802 dwellings. Also, the intended employment allocation under Policy SS4 has been increased from 27ha by 2031 to 32ha by 2033. These revisions will need to be taken into account in the forthcoming transport analysis.

Policy DSR1 relating to the 48.5ha mixed-use allocation of land at Blythe Vale will be considered independently of the general employment land requirements for the District set out in Policy E2. Proposed amendments to the delivery of Policy DSR1 include the provision of a comprehensive masterplan with indicative phasing programme. The phased delivery will need to be reflected in the forthcoming transport analysis.

We welcome the stated requirement for the drafting of a Transport Assessment in support of the Blythe Vale development, and welcome engagement with the site promoter at the earliest opportunity to consider matters related to the site's impact on the A50.

In summary, the main modifications do not alter the essence of our previous comments. Rather, the detail of the main modifications will need to be reflected in the forthcoming transport analysis.

Please do not hesitate to contact me if you require any more information or clarification.

Yours sincerely,



David Pyner
Asset Manager
Email: David.Pyner@highwaysengland.co.uk

Dear Sir,

I would like you to consider my comments regarding your recommendation to remove the designation of Local Green Space namely the land referred to as the West (29) and East (30) side of the Gully to the rear of Ox Pasture, Cheddleton.

I believe that these pieces of ground are demonstratively special to myself, my family and the community of Cheddleton.

I have lived in Ox Pasture, Cheddleton all 63 years of my life and the fields have been a big part of my life from as long as I can remember and continue to be so. These fields have seen my family through four generations from my parents in 1953 to my grandchildren now.

As a child my earliest memories are going with my mother to the village schools and visiting her friends via the Southern footpath which runs alongside the field to the west and onto the gully.

My years as a child was spent walking this route either to school, meet friends and playing games such as hide and seek and man hunt along the paths and in the fields and sledging in the snow on the east side, as did my own children and presently my grandchildren.

During my life and the time spent around these footpaths and fields I have seen the countryside mature with hedgerows of native trees and shrubs full of many different wild birds, wildflowers and grasses in the meadows and the natural habitat for wildlife which have settled and become home to many different species. This small unspoiled natural area is the home for many insects including numerous bees' nests in the wall bordering the fields which can be seen throughout the summer months. This year alone there was four nests along the path of different species of bees.

With the exception to the fields being mown twice a year it is a safe and secure environment to all wildlife for breeding and maintaining life.

I walk to school and back twice a day with my 6 year old granddaughter, we both enjoy every minute of the journey whatever the weather, along the footpaths adjacent to the meadows and she will talk about nature and how she can smell it in the air, she can identify flowers, trees by their leaves, plants and berries that are poisonous and the seasons from the frost on the grass to the wildflowers growing in the fields. This I feel, just reinforces the learning in school from a drawing and text in a book to life experience something which is so very special, important and quite rare for a journey for a young child on their way to school. The children from the school have been involved over recent weeks putting together their views on the possibility of losing this green space having been to look at how this could impact on the village and the countryside. This is a village school and I strongly believe that we should protect and preserve this area of land for our future generations of children who can identify with the village history, learn from what they can see, hear, smell and touch and be proud that they can walk safely and healthily to school in their village, free from dangers of traffic and pollution and not see it turn into an urban school journey.

Aswell as walking to school I regularly walk this route at least three times a day with my dog as do members of my family. This walk is again safe and a pleasure, it is relaxing and easy. It is time spent meeting other walkers who stop for a chat, some of who have no family and so enjoy this opportunity. It is a well walked route for many local people, children and visitors. The Southern footpath is now awaiting submission on the Definitive Map following a Direction Decision from the Planning Inspectorate. This well used wooded footpath is also part of our village heritage.

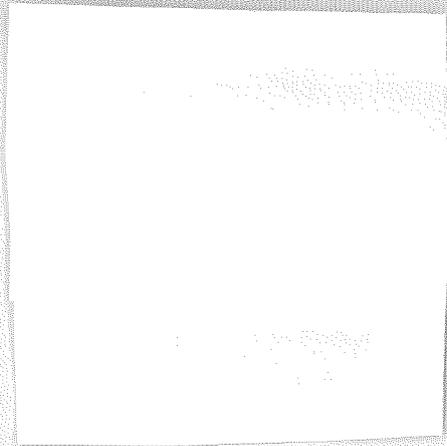
We often meet visitors to the village, walkers and rambling groups on the journey and they will always stop to talk about how they admire the views across the meadows from the Southern footpath and gully of the outreaching moorlands, the village church and the old buildings in the village and enjoy the peace and tranquillity of their walk. This is something that as a resident of the village makes me feel very proud.

The village of Cheddleton has been over developed over the decades outwards from around the old part of the village fortunately although the village has increased in size it has allowed this part of the village with the church, historic buildings and the meadows to the east and west of the gully to remain unchanged and retain its character and its beauty.

These fields are an important part of the village, they are a sanctuary for wild life and border the conservation area and the heart of our village and to risk losing them to development in the future would a disaster to our village, I would therefore like to ask that you give the fields in our old village the protection they need to remain untouched and not allow the small part of what is left of it be destroyed.

Yours sincerely,

Cath Hill.



October 9, 2019

Document Ref: - MM/12

Biddulph Modified Local Plan – Road Safety Issues

Dear Sir,

The cost of road widening, footpaths, street lighting etc to accommodate possible housing development on sites BD062, BD068 and BD087 would be astronomical. The amount of work involved would have a catastrophic effect on the surrounding area.

Some vital questions need to be answered here. Who would actually pay for this work? Has Staffordshire County Council stated it will fund the new road from Marsh Green Road to the sites? Why is all this upheaval so necessary for the sake of just a small number of houses on these sites?

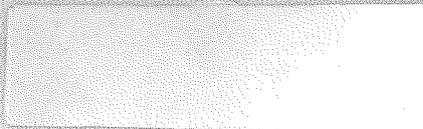
Major road safety issues are involved. The ensuing traffic congestion just doesn't bear thinking about. It would create a nightmare scenario for existing residents in surrounding properties, pedestrians, and drivers passing through the area.

The access road and bridge over the river to BD068 and BD087 has been identified as Flood Risk Level 2/3. It is the only access road. So what happens if there is a flash flood? In order to build an adequate road to service the potential sites, a support wall will have to be built along the river bank. This idea is preposterous. The ground is actually marsh land, hence the road name, Marsh Green Road.

The road improvements would involve compulsory purchase of land and would need to be completed before any development took place.

It is my opinion that the SMDC needs to conduct an enquiry with all relevant bodies in order to compile a comprehensive report on the above issues and many other problems involved in the Modified Local Plan.

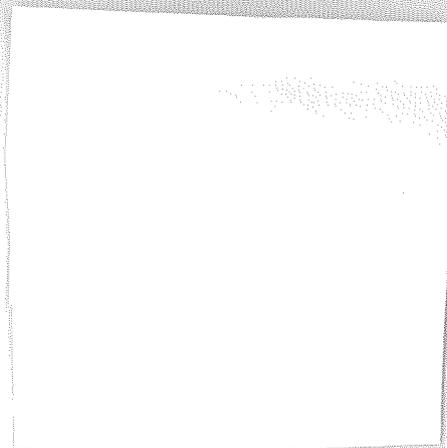
Yours faithfully,

A rectangular white box used to redact the signature of Michael Hilton.

Michael Hilton

CC: Joanna Brooks SMDC

REC'D 22 OCT 2019



Document Ref: MM/12

October 9, 2019

Biddulph Modified Local Plan – Missing Information

Dear Sir,

I write to outline my deep concern about vital information missing from the SMDC's planning team report to a meeting in June this year.

It is clear the Modified Local Plan has been put forward with information that is potentially several years out of date. It is also obvious that all other sites in the Biddulph area were not considered before BD062, B068 and B087 were reintroduced into the plan.

Four years ago, the Environmental Agency told the authority that all other potential development areas should be considered before looking at the above sites. The above named sites were originally excluded during the first consultation rounds in 2016.

Biddulph Town Council voted to exclude the three sites from the Local Plan in 2015.

In the same year, a Green Belt report instigated by the SMDC stated that the sites should only be considered under "exceptional circumstances". A pertinent question here. Why has the Green Belt report been ignored in relation to the future development of Biddulph?

As part of the Modified Local Plan schedule, the planning team has only earmarked 12 sites from the original housing plan of 2014 when there were originally 27 possible sites. Back then, BD062, BD068 and BD087 were excluded.

The sites were mysteriously reintroduced in May this year after the Local Plan was thrown out by the Planning Inspector. It was ruled that another site BDNEW should be taken out of the Local Plan because it was Green Belt land. The three sites, BD062, BD068 and BD 087, are ALL Green Belt land.

In my opinion, the Modified Local Plan in relation to the three sites should be rejected outright and returned to the SMDC for further consideration.

Yours faithfully



Michael Hilton

CC: Joanna Brooks SMDC

602 133 44

October 9, 2019

Document Ref:-

MM/12

Biddulph Modified Local Plan – General Objections

Dear Sir,

I write to express my total opposition to specific issues relating to the above plan, namely potential housing development on sites BD062, 068 and 087.

In outlining the first of several concerns, I would say there has been an abject lack of progress with the Local Plan by the SMDC.

Back in June this year, the authority voted to amend the Local Plan to reintroduce the three sites in the vicinity of Biddulph Water Treatment Works. It was claimed by the authority's planning team that United Utilities raised no objection to this change of direction.

Conveniently, the planning officers did not mention that both United Utilities and the Environmental Agency had requested that all other options plus 27 other potential sites be considered for development before looking at BD062, 068 and 087.

The Environmental Agency has stated in the past that SMDC should steer clear of areas with a high flood risk (the named sites are flood risk areas and we have photographic evidence to support this). and also ensure that any new development is safe and reduces flood risk to other areas of land.

Furthermore, the Environmental Agency decided that where new housing increases flood risk, such plans should not be permitted. As a property owner affected by the potential new development, I feel strongly

that the organisation should conduct a site inspection with the aim of producing a full and detailed report on this ludicrous situation.

The Government has also reiterated their rule that flood plains should not be considered for housing where other sites are available.

There is something seriously amiss with this whole issue. Why have these three sites been reintroduced in to the Local Plan when there are plainly other sites more viable for development? A full inquiry by a higher authority is clearly needed.

In summing up, I would say that under no circumstances should the aforementioned sites be included in the Modified Local Plan.

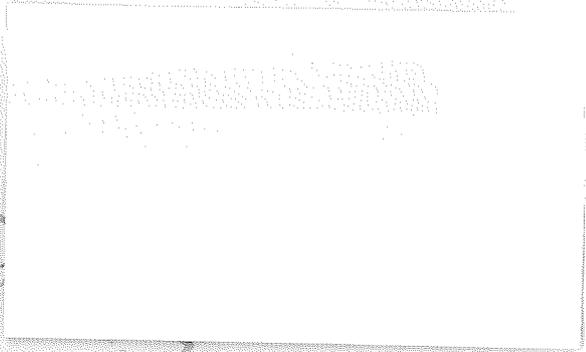
I also wish to inform you that I tend to address further concerns about the same issue in future correspondence with your department and the SMDC.

Yours faithfully



Michael Hilton

CC: Joanna Brooks SMDC



October 9, 2019

Document Ref: MM/12

Biddulph Modified Local Plan – Public Health Issues

Dear Sir,

Potential housing sites should not be close to water treatment works. That is the opinion of United Utilities re SMDC considering possible areas of land suitable for development.

This ruling has clearly not been considered in the authority's decision to include BD062, 068 and 087 in the Modified Local Plan.

In fact, there have been numerous complaints about odour and leakage of sewage from the water treatment works into the nearby brook. United Utilities officials have agreed there is a problem. We, as residents, have witnessed several occasions when raw sewage floats along the brook towards Congleton and obviously we suffer the subsequent smells. Yet the site owner has provided a survey to the council stating there isn't an issue! Who is correct?

As the proposed development for BD062 and BD068 is within 10M of the water treatment boundary, there could obviously be a risk of an infectious disease breaking out. It needs to be made quite clear that United Utilities and the Environmental Agency should decide on a minimum distance from the waterworks boundary line for any potential housing plan. Such a move could well restrict the number of dwellings on these sites and therefore render the scheme unviable.

United Utilities could also face possible lawsuits in the future from the owners of any newly-built properties.

A full and frank report on the viability of these sites needs to take place before any firm decision is made about potential development.

Yours faithfully,



Michael Hilton

CC: Joanna Brooks SMDC



October 9, 2019

Document Ref: MM/12

Biddulph Modified Local Plan – SMDC Motives

Dear Sir,

The modified plan has met with dozens of objections from worried residents in relation to the inclusion of sites BD062, BD068 and BD087, previously omitted from the blueprint.

It's my considered opinion that SMDC is pushing ahead with the plan with indecent speed. Why? Just what are the motives behind this ludicrous scheme? To my mind, there has been inadequate preparation for the proposals to go ahead.

The modifications to the plan have been made very late in the day. Is this in order to thwart residents' opposition? Adding safeguarded land to the plan without proper investigation, particularly when the land in question involves public safety issues, plus a lack of public consultation by the council, could easily lead to the authority facing legal action and hefty financial claims.

The above sites are ranked as prime building land. No other potential sites have that rank. Sixteen of the original sites identified in 2015 were not even considered. Why?

The previously safeguarded sites are on a flood plain, so potential home owners would not get a mortgage or property insurance.

The correct process of conducting full site investigations, gathering reports from organisations involved, consulting the public etc has not been followed. Why?

The SMDC has had eight years to get the local plan right. The modified plan has taken just three months from June this year.

There has been a hurried consultation period between September 18 and October 31 with hardly anyone being informed. Why? However, the site owners have been kept up to date with ongoing developments.

The whole situation stinks. The modified plan with these three sites would be entirely detrimental to the town of Biddulph and indeed its residents.

Yours faithfully,

A rectangular box with a thin black border, used to redact the signature of Michael Hilton.

Michael Hilton

CC: Joanna Brooks SMDC

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM / 12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

AS RESIDENTS IN CONGLETON ROAD WE HAVE ALREADY
OUTLINED OUR MAJOR CONCERNS + OPPOSITION RE: BDO87,
BDO68 & BDO62 GREEN BELT LAND PROPOSALS.
WE WOULD ALSO LIKE ADDITIONAL FACTS TO BE TAKEN
INTO CONSIDERATION NAMELY - BDO87 HAS NEVER
HAD BUILDINGS ON IT, CONTRARY TO THE LAND
OWNER'S CLAIMS.

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

 _____

26.10.2019 _____

Part B - Representation

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
------------------------	-------

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

1. In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date:

10 OCTOBER 2019

Part B - Representation

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

10 OCTOBER 2019

Part B - Representation

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

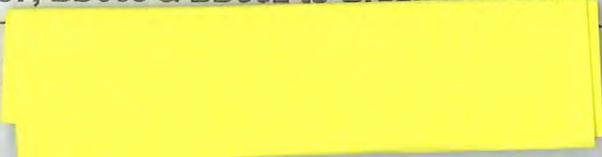
Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 10 OCTOBER 2019

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

S
Date:

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Sign:

Date:

12/10/2019

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East



How can you help?

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the [Local Plan website](#) and in the [Statement of Representations Procedure Document](#) on the SMDC website.

If you would prefer to make a representation by yourself please email forward.plans@staffsmoorlands.gov.uk or by post to Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit www.cheddletonresidents.org

Mrs. Barbara Hine

Name	
Address	
Postcode	
Signature	
Date	

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment

The two areas of green space numbered 29, 30, the centre of Cheddleton are a quiet peaceful oasis between two extremely busy roads. The quiet which passes through them, is a safe but narrow thoroughfare, which enable the children & villagers to get to school, walk their dogs, attend church + the Black Lion etc. I know this area + those fields, + would hate to see them spoiled by housing it's an area, which would not be out of place in the wilds of Scotland, with the high hedges, fields left alone for the wildlife, which we are being told to encourage. Cheddleton does not want any more housing estates, we have enough.



Historic England

MIDLANDS OFFICE

Staffordshire Moorlands Council
Main Modifications Consultation

Telephone: 0121 625 6851

Email: kezia.taylerson@HistoricEngland.org.uk

FAO
Local Plans Team Leader

31 October 2019

Dear Sir, Madam,

Re: Staffordshire Moorlands Main Modifications Consultation

Many thanks for consulting Historic England on this Main Modifications consultation. We have raised particular comments in the table below:

Historic England comments on the Staffordshire Moorlands Main Modifications consultation

Main Modification Number	Historic England comments in response to the proposed amendments
MM12	<p>We have some concerns about safeguarding three sites for potential development in Gillow Heath, within the Local Plan, at this time. Whilst we recognise that the text states that they will require a Local Plan Review in order to be released officially and considered an allocation, we are unclear as to why they have been included at this time. Additionally, what assessment has been undertaken to consider whether the principle of development in these areas is likely to be acceptable? It is possible that prospective developers will consider their inclusion in the Plan as safeguarded land, as land that has the potential to be suitable for the use they have been safeguarded for, when we are not clear that this has been established. We would be grateful to see heritage impact assessment reports for these sites and comment on these or would recommend that they are included as potential allocations in a Local Plan Review and not as safeguarded sites at this time.</p> <p>Further paragraph 6 relates to planning permission being required for the 'permanent' development of this land which is a misleading statement.</p>
MM27	We have no concerns regarding the amendments proposed and are supportive

Historic England, 8th Floor, The Axis, 10 Holliday Street, Birmingham B1 1TG

Telephone 0121 625 6870 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



	<p>of the positive statements regarding heritage at risk.</p> <p>Policy DC2 – clause 6 relates to buildings at risk only and we would be supportive of a positive approach for heritage at risk generally which could include other heritage assets such as Registered Parks and Gardens or Scheduled Monuments etc.</p>
MM34	<p>We would welcome a sentence that includes reference to heritage policies in this list, alongside other environmental considerations such as biodiversity and flooding and in line with other statutory agency considerations.</p>
MM35 – MM50	<p>These comments relate to all site specific policies where there is reference to heritage mitigation and the Council’s Landscape, Local Green Space and Heritage Impact Study. We recognise that linking to an external evidence base to highlight appropriate mitigation measures may not be considered appropriate in this context, as highlighted by the proposed main modifications from the Planning Inspector. However, there are site specific policies within this list that still do relate to these studies above, which may be an error or there may be a particular reason why. We are concerned that by not linking to the external evidence base study that some appropriate mitigation measures may now not be referenced and that only some mitigation measures are now specifically cited.</p> <p>We would recommend that if this reference is no longer to be contained that there is a considered analysis of the heritage impact study for these sites and any required mitigation measures are now included as policy text within the Plan.</p> <p>Additionally, there is a lack of detail on what might constitute a ‘mitigation of heritage impact’ and we would be concerned that the level of detail accompanying planning applications will not be appropriate. We would recommend the insertion of a paragraph that states that planning applications should be accompanied by a statement of significance (or similar) that assesses the significance of any heritage assets potentially affected by proposed development, including their setting and an impact assessment of the level of harm as a result of the proposed development, which should include avoidance, mitigation or enhancement measures, in proportionate detail to the asset’s significance and by an appropriate qualified professional where relevant or some similar wording that sets out detail of what would be expected and a link to the Council’s heritage impact study generally so that prospective developers are aware of its existence.</p>
MM54	<p>The policy text states that there will be the removal of village boundaries for small villages. This is to allow windfall sites to be considered in the Plan period.</p>



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	We would recommend including a clause to ensure that all local plan policies are applied and that heritage policies are considered when dealing with any windfall sites, that may previously have been outside of settlement boundaries but that now may be considered potentially acceptable.
MM56	There are a number of local green space designations that are being removed from the local plan. Are these now going to be considered as part of the settlement and considered as 'white land' suitable for potential windfall sites? Again see comments relating to MM54 if so.
Appendix 2 Monitoring Indicators Table	Policy DC2 The Historic Environment indicator only relates to buildings at risk and not the wider heritage at risk agenda. We have made suggested amendments in MM27 and this complements these earlier comments. It may be useful to refer to Historic England's Heritage at Risk register and could usefully also refer to Conservation Areas and data held by the Council. This would allow a fuller consideration of the health of the historic environment in the Council area.

We hope you have found these comments useful in preparing a positive strategy for the historic environment in your Local Plan. If you have any questions on the content of this response, please contact me.

Kind regards

Kezia Taylerson

Kezia Taylerson

Historic Environment Planning Adviser (Midlands)



Historic England, 8th Floor, The Axis, 10 Holliday Street, Birmingham B1 1TG
Telephone 0121 625 6870 HistoricEngland.org.uk

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Lack of due process control
 On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.
 Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Lack of due process control

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In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Sound - Effective	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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<p>Access to BD 068 and BD 087 - Road Safety Issues</p> <p>Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?</p> <p>The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have</p>
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Mr	
First name	Rob	
Last name	Sanderson	
Job title (if applicable)	Senior Planning Manager	
Organisation (if applicable)	Homes England	
Address line 1	5 St. Philip's Place	
Address line 2	Colmore Row	
Address line 3		
Address line 4	Birmingham	
Post code	B3 2PW	
Telephone number	0121 234 9987	
Email address	Rob.sanderson@homesengland.gov.uk	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM49

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	✓	<input type="checkbox"/>
Sound - Positively prepared	✓	<input type="checkbox"/>
Sound - Justified	✓	<input type="checkbox"/>
Sound - Effective	✓	<input type="checkbox"/>
Sound - Consistent with national policy	✓	<input type="checkbox"/>
Complies with the Duty to co-operate	✓	<input type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Homes England supports the proposed changes to Policy DSR4 and its supporting text set out in MM49, as well as the associated amendments to the Development Boundary adjacent to the sites, shown on Werrington Map A4.11, (i.e., MM64).

The proposed additional supporting text helpfully sets out the exceptional circumstances that exist to justify the release of the sites from the Green Belt and the relatively small impact that development of the site would have on the purposes of the Green Belt.

The minor amendments to the Development Boundary (and extension of the proposed housing allocations) will ensure that satisfactory highway access to both sites can be achieved and will help to ensure the future delivery of the sites, thereby assisting the LPA in maintaining a 5 year housing land supply.

Note that references to the sizes of the sites in paragraphs 9.119 and 9.123 should also be changed, to reflect the proposed wording of Policy DSR4.

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

N.A.

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector’s Final Report
- Adoption of the Local Plan.

5 Signature:

Date:



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

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Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Mr	
First name	Rob	
Last name	Sanderson	
Job title (if applicable)	Senior Planning Manager	
Organisation (if applicable)	Homes England	
Address line 1	5 St. Philip's Place	
Address line 2	Colmore Row	
Address line 3		
Address line 4	Birmingham	
Post code	B3 2PW	
Telephone number	0121 234 9987	
Email address	Rob.sanderson@homesengland.gov.uk	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM64

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	✓	<input type="checkbox"/>
Sound - Positively prepared	✓	<input type="checkbox"/>
Sound - Justified	✓	<input type="checkbox"/>
Sound - Effective	✓	<input type="checkbox"/>
Sound - Consistent with national policy	✓	<input type="checkbox"/>
Complies with the Duty to co-operate	✓	<input type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Homes England supports the amendments to the Development Boundary adjacent to the two sites that it owns in Werrington – i.e., sites WE003 and WE0052 - shown on Werrington Map A4.11 and proposed as part of Main Modification 64.

The minor amendments to the Development Boundary (and extension of the proposed housing allocations) will ensure that satisfactory highway access to both sites can be achieved and will help to ensure the future delivery of the sites.

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

N.A.

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector’s Final Report
- Adoption of the Local Plan.

5 Signature:

Date:

Sansom, Claire

From: Rachael Hindmarch <[REDACTED]>
Sent: Wednesday, October 30, 2019 8:24 PM
To: Forward Plans
Subject: Local SMDC Plan MM12 Safeguarding of fields in Gillow Heath

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Dear Sirs

"Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Gillow Heath.

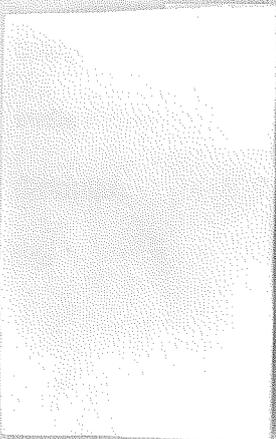
I notice that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly. You omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect.

The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019).

The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Please acknowledge my comment."

Mr G Hood



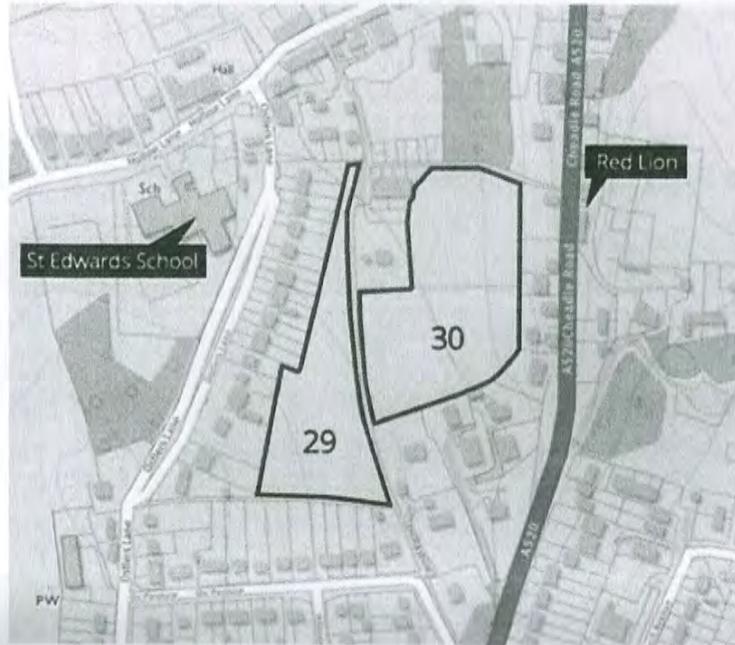
Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East



How can you help?

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

If you would prefer to make a representation by yourself please email forward.plans@staffs Moorlands.gov.uk please make sure you include your name and address.

Name: JOHN HOUSLEY

Empty form box for address and contact details.

The important bit... 11/9/2019

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

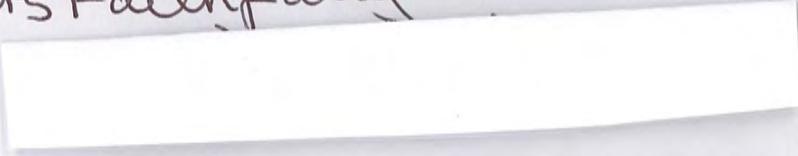
Comment Dear Sir or Madam, As a resident of Cheddleton for 42 years I would like to know how come all of a sudden these 2 fields have attracted the attention of a government Inspector, is it because someone has had planning permission turned down twice and removing the LGS will make it easier to get the plans passed. I will be watching the developments very closely. At this moment in time we are currently taking and collecting our grandchildren to and from school, we use the gully which is the local name for the footpath between the 2 fields which we used to take our own children to school some 40 years ago. It is the safest most tranquil walk carbon monoxide free with far reaching views of the surrounding countryside. When we are walking to school the grandchildren are always look at things and asking what they are in between the gaps in the hedges another safe way of learning about our beautiful countryside these open fields are a credit to

Please post your completed form to: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

P.T.O.

Cheddleton. The importance of these 2 fields is paramount to the area especially the diverse wildlife, and visitors to the area. to and from local attractions, I believe to lose its LFS would be catastrophic for cheddleton and future generations and we will fight this proposal all the way. I hope your decision will not be financially motivated.

yours Faithfully



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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
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In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:

29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Jennifer Hulme

The loss of these fields will be detrimental to the environment and the character of our lovely village. Remove these fields and where will the school children go for nature classes. The numerous species of flora and fauna will be lost for ever. How will the next generation know about these.

The paths between the two sites are used on a daily basis by young and old. It is even a route used by the local "walking for health" group. This amenity will be lost resulting in greater pressure on the NHS.

The fields are a buffer between the historic centre with the Village church and the newer housing estates and offers residents and visitors panoramic views of the country side. These could be lost forever to future generations.

LSG designation would protect the sites from harm and help the council meet its obligations re heritage assets and protected species. 2019-10-21

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Comment:

Trevor Hulme

The fields are important to our village as they provide a habitat for a large variety of flora and fauna some of which are in the 'protected' category. The fields provide a learning ground for future generations.

Numerous walking groups use the public footpaths to enjoy the panoramic views, improve their health and well being not to mention using it as an access route to the historic village centre where they can visit the church, community centre, pub and tea rooms.

LGS designation would protect the area from harm and save it for future generations to enjoy. 2019-10-21

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

[REDACTED]

From: Julie Jackson [REDACTED]
Sent: Wednesday, October 30, 2019 10:23 PM
To: Forward Plans
Cc: [REDACTED]
Subject: [REDACTED]

Follow Up Flag: [REDACTED]
Flag Status: Flagged

Dear Sir/Madam,

I, as a resident and a home owner [REDACTED] would like to register my disapproval of the development of the greenbelt land bordering Victoria Row, Tunstall Road and Mill Hayes Farm. This land is a valuable site for wildlife as well as serving as a natural boundary between Staffordshire Moorlands and Stoke-on-Trent districts. There have been many observations of various species of wildlife including bats which reside in trees on the edge of this land. All species of bats in the UK are protected, as well as their breeding and resting places. There are also Song Thrushes which have regularly been seen. These birds are on the 'red' list and are protected under the Wildlife and Countryside act 1981. These acts are passed for a reason, not to be ignored for the sake of 'development'. Among other birds observed on this land are Lesser Spotted Woodpeckers which are also on the red list. The trees themselves are also very established and are essential to the wildlife should also be preserved. If this land were to be developed, apart from the damage caused to flora and fauna, the properties in Victoria Row would literally be surrounded by industry on all sides. There are much more suitable areas of land which would have far less impact and with better access than this site.

The nearest junction to the site entrance is well known for being an accident blackspot. The density of traffic passing through the A527 where Brown Lees Road and Victoria Row join it make this stretch of road to be constantly busy. There is a Gatso camera in place very close to this junction and these are installed in notoriously accident prone locations. Any further development in this area will only increase the risk of more accidents due to the accessibility to the site and dramatic increase in the number of vehicles at this location.

Please accept this email as my strong objection on all the above grounds and more to any form of development to the land adjacent to Victoria Row, Tunstall Road and Mill Hayes Farm Knypersley.

Yours faithfully,
Julie Jackson

From: MICHAEL JACKSON
Sent: Thursday, October 31, 2019 6:17 AM
To: Forward Plans
Cc: Ade Barker
Subject: Fwd: Staffordshire Moorlands Local Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Sent

Beg

[pl.com](#)>

Dear Sir/Madam,

I would like to register my objection to any development of the green belt land adjacent to Victoria Row, Tunstall Road and Mill Hayes Farm in Knypersley, Stoke-on-Trent.

I have been a resident and property owner at

It is a well known fact that this area is rife with various wildlife, some of which are protected under the Wildlife and Countryside act 1981. There have been regular and recent sittings of foxes playing in the field bordering Victoria Row. Other recent sightings include Greater Spotted Woodpeckers and the more rare and protected Lesser Spotted Woodpeckers including juvenile birds which highlights that they are breeding in this vicinity. Song Thrushes have also been seen recently, another protected species on the red list of protected species. As well as these there are many bats which are seen regularly in and around the trees in Victoria Row and also flying in and out of the Mill Hayes Farm buildings. These are also a protected species. Along with these, there are many other birds seen daily including various breeds of tits, sparrows, thrushes and blackbirds. There has also been an albino starling observed and recorded on film on this land. Great Crested Newts have also been seen on the site. This is their natural environment and any development will have a devastating effect on their wellbeing.

Another reason why this land is not suitable for development is due to the effect on an already very busy road and junction on the A527 where Brown Lees Road and Victoria Row join it. This is a recognised accident black spot which already has a Gatso camera in place due to this. Any access into more development at this site will have a significant effect and heighten the risk of accidents even further. Any access into this land will be creating a risk and there are other sites which would be more suitable including expanding Victoria Business Park into Stoke-on-Trent and Newcastle-under-Lyme. In fact, Newcastle-under-Lyme council were willing to pursue this. If this site were to be used there would be no need for an additional site entrance as there is good access to this site already off Tunstall Road and Brown Lees Road.

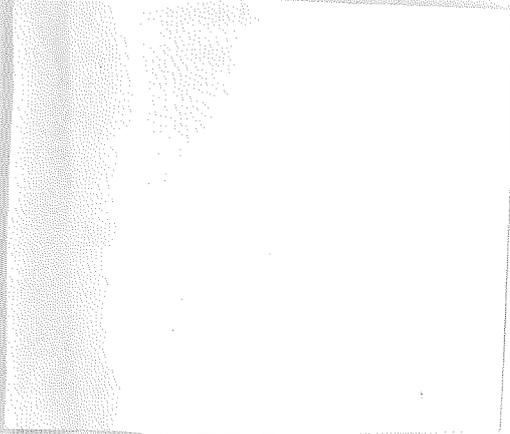
Another point I would like to make is regarding the misleading information which has been given out previously relating to another development close by. Prior to the building of

industrial units on Victoria Business Park, we were told that the units on that site would only be single storey units. The reality is that these are now massive units and nothing like the original plans. we are sure that if the current plans for industrial units on this site get passed then the same will happen outside our front windows.

We feel that the wool has been pulled over our eyes so to speak from the beginning regarding the plans to develop this site. Any development on this land will have the most effect on the residents of Victoria Row. When the plan was initially put forward there was a meeting at Knypersley Cricket Club regarding the proposals. The council issued a letter which should have been sent to every household within a certain radius of the land to invite them to the meeting and to inspect the plan. **NO-ONE IN VICTORIA ROW RECEIVED ONE OF THESE LETTERS!** The very people who would be mostly affected due to the proximity to their properties by the development were not invited. This is very underhanded and I request that this fact is recorded on file.

I would like this email to be accepted as my formal and strong objection on all the above grounds to any form of development on the green belt land bordering Victoria Row, Tunstall Road, Mill Hayes Road and Mill Hayes Farm.

Regards,
Michael Jackson,



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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

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The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Part B – Representations

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MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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<p>Access to BD 068 and BD 087 - Road Safety Issues</p> <p>Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?</p> <p>The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have</p>
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Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

POST ROOM
15 OCT 2019



STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 1

Part A – Personal details and notifications

	Personal details
Title	MRS
First name	AUO
Last name	JACKSON
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>

Part B - Representation

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MM/ 12

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

1-10-2019,

Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form 2

Part A – Personal details and notifications

	Personal details
Title	MR
First name	John
Last name	Jarvis.
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

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MM/ 12

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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There are a number of issues that I feel I should bring to your attention -

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

7-10-2019

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 3

Part A – Personal details and notifications

	Personal details
Title	MR
First name	JOHN
Last name	JAMES
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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MM/ 12

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

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1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

7-10-2019

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Part A – Personal details and notifications

	Personal details
Title	MR
First name	JOHN
Last name	JAMES
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ 12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:



Date:

7 - Oct - 2019

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Part A – Personal details and notifications

	Personal details
Title	MR
First name	JOHN
Last name	JAMES.
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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MM/12

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Legally compliant	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

7-Oct-2019

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Brenda Jennings

In 1972, my husband Euan and I fell in love with Cheddleton and decided to buy our house in Hollow Lane because of the sense of history, of the old village still intact, acting as the hub and anchor for all the new building that was taking place.

With some losses this is still true.

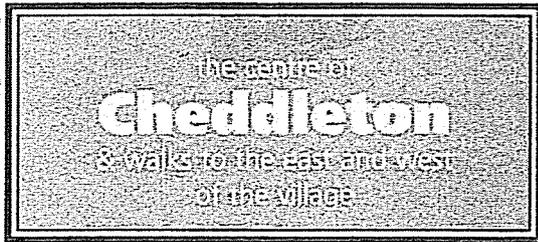
From my bedroom window I could see an old gnarled pear tree with lovely spring blossom, leaning over a damp depression in the ground. This led on to a small squarish meadow. The view caught my imagination, as though I was looking back in time. I recently was sent an old map which clearly showed this as the village pond and the village green. I didn't know its importance at the time but it still upset me to see that old tree being uprooted and the ancient meadow churned up by diggers. The new houses bordering Cheddleton Fields now stand on this ground. The houses also removed the long view of the church from the gully, which is a great shame. I could see what time it was as I returned from a trip to the shop.

I would hate the thought of losing any more of this fragile heritage

Cheddleton fields are the vital remains which hold the rural identity of the village and mark its essential difference. The views from the gully, over the land, set it in the landscape and explain its place in the Churnet Valley.

I know that I am just one of many people who hold Cheddleton dear to their hearts. It would be a great sadness to me to see it carelessly reduced to yet another anonymous collection of housing on the outskirts of Leek.

I am sending one of my husband's walking guides to the area from 1997, which explains in his words and drawings how he cared about the qualities of this special place we chose to make our home, and his invitation to share and help others discover it also.



St Edward's Church

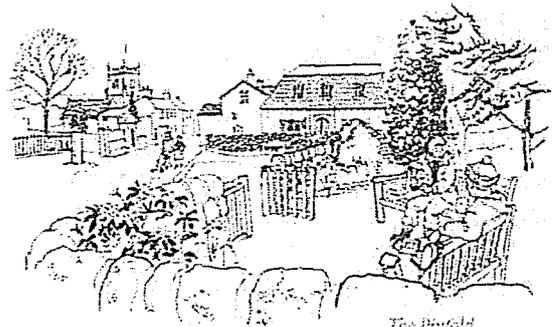
This guide starts in the original centre of Cheddleton.

Whilst the village has expanded since the end of the Second World War, with the Fletchers estate of the 50's, the Johnson estate of the 60's and the recent development near the bottom of Basford Bridge Lane, the centre is still much as it was at the beginning of the century.



The Old School

At the western end of Cheddleton there is the **Old School Craft Centre and Tea Rooms**, with a small car park to the rear and this has been chosen as the starting point for these walks. As its title suggests, this was the original village school, founded in c.1855 and continuing as part of Cheddleton First School until the middle 1980's.

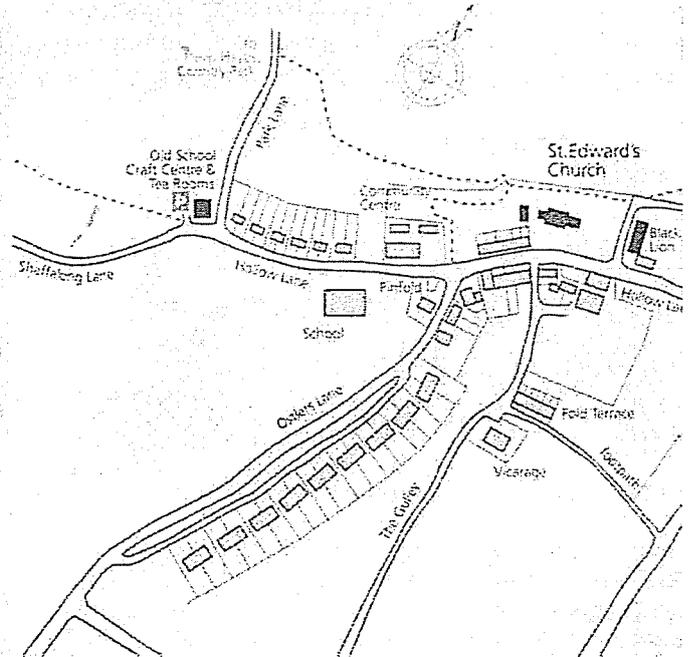


The Pinfold

Walk back down **Hollow Lane** towards the centre of the village and on your right you pass the new school built after the war and extended in 1986 as a middle school to cater for children aged 9 to 13, whilst on the left is the Community Centre and Youth Club, formerly the first school for the 5 to 9 age group.

Just before the junction with **Ostlers Lane** is the **Pinfold** or village pound, restored to mark the Silver Jubilee as a quiet resting place with seats. Its original purpose was to hold stray animals and to provide an overnight resting place for cattle being driven to market.

Ostlers Lane and Hollow Lane formed part of the main road from Leek to Stafford until 1763, when orders were made for new the Leek to Stone Turnpike to be built, which is now Cheddle Road, the A520.



On the opposite side of this Junction is **Chapel House**, the Methodist Chapel until 1973, when it was replaced by St Andrew's Church, 300 metres up Ostlers Lane on the right hand side. Next to Chapel House is a terrace of three houses, the first, **Fynney House** No.29 dating from at least 1765 was originally a detached house, and at some time in its history was a pub, The Fountain. Next door, **Church View** was built in 1778 filling the gap between Fynney House and **Phillip Lymer's** butchers shop.

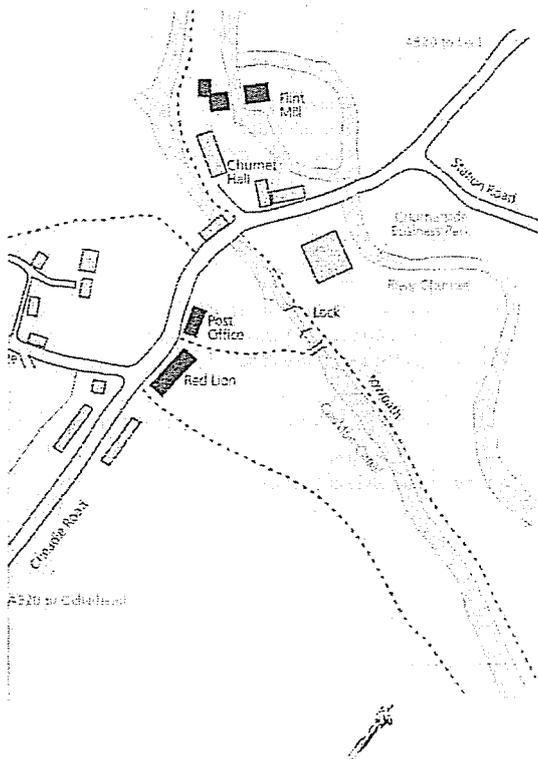
The **Church of St Edward the Confessor** is the focal point of the village, dating from about 1214, and extensively restored in Elizabethan times, the date 1574 can be seen on the tower battlements. Further restoration was undertaken in 1863-64 under the direction of Sir Giles Gilbert Scott. Full details of the Church may be found in *Cheddleton North Staffordshire, A village history* compiled by members of the Cheddleton Historical and Archaeology Society, edited by Robert Milner, published in 1983 (reprinted 1995).



The Church from the green lane

The footpath through the Churchyard, gives an excellent view up the valley to Longsdon Church, and across to St Edwards Hospital. Just behind the Church, a flight of steps lead down to a green lane giving private access to fields, and a footpath to Park Lane.

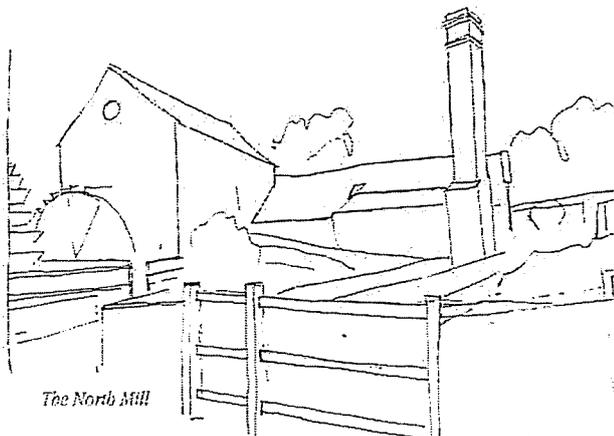
At the end of the Churchyard opposite the village stocks is the **Black Lion**, reputed to be the oldest pub in Cheddleton.



The Black Lion Inn

Back in Hollow Lane, opposite the Black Lion, is a house built into the rocks converted from smaller houses, appropriately named by its previous owner **The Curates Egg**. Continuing down the road passing a house on the left which also was a yet another pub in earlier times, we arrive at the main road.

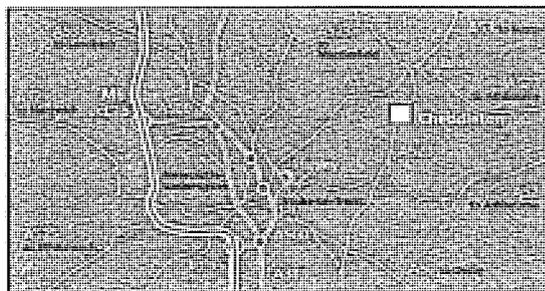
Turn left and after 50 metres to the canal, turn left again following the towpath, past **Churnet Hall** formerly the village social centre where dances were held shortly after the war, now occupied by Easyfix Emblems, to the **Flint Mill**.



The North Mill

The Cheddleton Flint Mill Industrial Heritage Trust was formed in 1967 to preserve and restore the two watermills as an industrial museum and to provide educational information concerning the historical development of pottery raw materials. Flint that had been burnt and ground, has been an important material for the pottery industry since the 1720's, and at Cheddleton, by the canal, are the remains of the kiln used for calcining the flint, the grinding pans and the narrow boat 'Vienna', typical of the type used to transport the product of the flint mill to *the Potteries*.

The Flint Mill is open on Saturday and Sunday afternoons throughout the year, admission is free, but donations are very welcome to enable the Trust to achieve its objectives.



Services in Cheddleton

St. Edward's Church
Hollow Lane
Church of England
services: 8.00 • 11.00 • 6.30

St. Andrew's Methodist Church
Ostlers Lane
Methodist
services: 10.00 • 6.30

Refreshments

The Old School Craft Centre & Tea Rooms, Hollow Lane
open 10.00 - 6.00

Black Lion Inn, Hollow Lane
Marston's Ale

Grizzly's, Cheadle Road
Free House

Red Lion Inn, 37 Cheadle Road
Free House

The Boat Inn,
Basford Bridge Lane
Marston's Ale

Cheddleton Chip Shop
The Avenue

Shops

Post Office, Cheadle Road

Philip Lymer, 25 Hollow Lane
Butcher

Alexander's/Londis, Cheadle Road
General store

Bopara's News / Spar
163 Cheadle Road
General store & newsagent

Churnet Wines & Beers
124 Cheadle Road
Off Licence

Accommodation

Brookhouse Farm
Brookhouse Lane
Mrs Elizabeth Winterton
01538 360296

Choir Cottage, Ostlers Lane
William & Elaine Sutcliffe
01538 360561

Fox House, 83 Cheadle Road
Paul & Cathy Doyle
01538 360772

Grange Farm
Cheadle Road
Richard & Janet Goodwin
01583 360344

Little Brookhouse Farm
Brookhouse Lane
Nancy & John Sherratt
01538 360350

Prospect House, 334 Cheadle Road
Christine & Norman Guntripp
01782 550639

Glencote Caravan Park
Station Road
Syd & Hilda Birch
01538 360745

Published by **Cheddleton Parish Council** 1997

The Community Centre, Hollow Lane, Cheddleton ST13 3XX

Mrs J Pilarczyk *Clerk to the Parish Council*

Design, Cartography & Illustration

© Euan Jennings, 29 Hollow Lane, Cheddleton ST13 7HP, 01538 360654

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Cheddleton footpath guide No.1



The start of the walk

1 The walk starts just outside the **Crafts Centre and Tea Rooms** at a squeeze stile and fingerpost marked **Cars Edge**. Go across the field to another stile on the entrance drive to **Hanfields**, a rather nice early eighteenth century farmhouse on your right. Having crossed this driveway over a second stile, the footpath crosses a large field towards a stile at the far side, which is clearly visible by the uprights projecting above the wall.

2 This stile is marked with a small yellow arrow **Deep Hayes Walk**. A short steep rise takes you over the brow of the slope onto a large field, aim for the corner with a row of trees on your right hand side and a small clump of trees to the left, where there is a signpost marking where two footpaths cross.

3 At the signpost turn left and follow the hedge and ditch to where they turn right and then bear diagonally to the stile in the middle of a paddock fence. Cross this small field to the signpost and stile on the driveway to **Little Shaffalong farm**. Turn left along the driveway and turn right into **Shaffalong Lane** opposite **Big Shaffalong Farm**, then right past the farm garden to a fingerpost marked **Brund Lane**, pointing left across a large field.

*If you were to carry on down the lane you would see **Shaffalong Cottage** on your right, and beyond this in an area of private woodland, is the site of the **Shaffalong Colliery**, closed before the first World War.*

4 Go through the stile to your left signed **Brund Lane** and keeping the hedge and ditch on your left continue along the edge of the field. The ditch ceases at a field entry and then the hedge becomes a wire fence with occasional bushes, and at an isolated oak tree, the fence turns back to the left. Looking ahead you see what appears to be an electricity sub-station, make for this and

go past keeping it to your right to the field entrance gateway where there is a fingerpost pointing back to **Shaffalong Lane**.

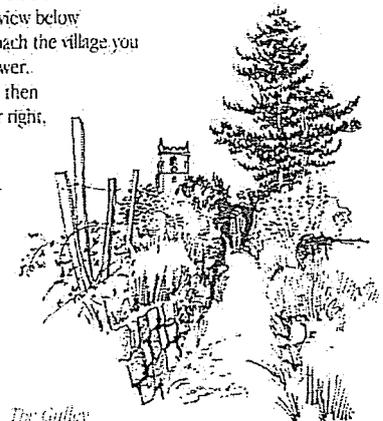
5 Turn left into **Brund Lane** and after about 150 metres you will see on the right hand side, an enamelled signpost saying turn right to **Rownall** which we will ignore, and turn left to **Ostlers Lane**, which we follow. Leave **Brund Lane** over a stile with a yellow arrow and a notice requesting that all dogs be kept on a lead, (there are usually sheep in this small L shaped field). Leave the field by the stile and keep to the right hand edge of the next field. This field tapers towards the far end and at first appears to be a cul-de-sac, but at the far corner, hard up against a hollybush at the top of a little bank, there is a stile with a yellow arrow indicating a sharp left turn after crossing. The next stile can be seen by an oak tree, leading into the next field where you can see a stile to the left of three hawthorn bushes.

6 This stile is marked with a yellow arrow pointing diagonally to a well used path across the field. Be careful when crossing this very high stile on top of a wall. This leads you to yet another electricity sub-station, and to the left of this there is a short fenced path with the sub-station on the right and a collection of strange fowl on the left.

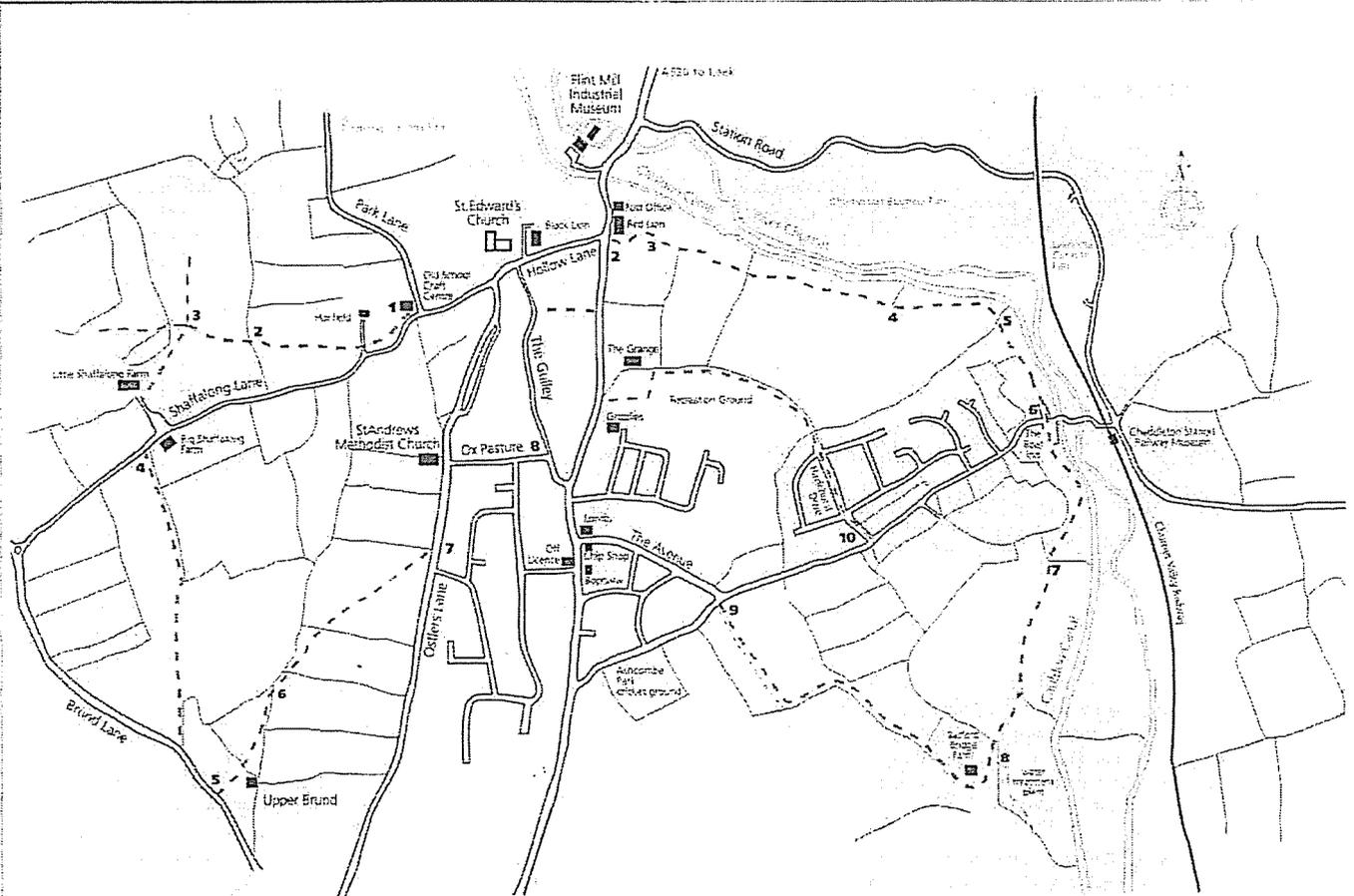
7 This brings you to **Ostlers Lane**, turn left and continue down until you come to **Ox Pasture**, a turning on your right opposite **St Andrews Methodist Church**. Turn right into **Ox Pasture** and continue to the bottom of the hill where the road bears sharply to the right.

8 Here you can turn left into **The Gully** (or Gullet), a footpath which will take you back to the centre of the village. It starts off as a narrow path with neatly trimmed holly hedges on either side, but soon on the left, where it opens out, there is a footpath which could lead you back to **Ostlers Lane**, but carry on down with the long tapering field on your left. You then come to an open field on your right hand side giving a marvellous view across to **Morrige** on the horizon, with **Grange Farm** at the far side of the main road which is hidden from view below the field. As you approach the village you can see the **Church tower**.

Pass the **Vicarage**, then **Fold Terrace** on your right, and arrive back in **Hollow Lane** between **Philip Lymer's butcher shop**. Turn left up back up **Hollow Lane** past the **Community Centre**, the **School** and back to the **Craft Centre**.



The Gully



east of the village
about 1/2 mile

- 1** Turn left out of the Crafts Centre car park and follow Hollow Lane past the Community Centre, Church and the Black Lion to its junction with the main Leek to Cheddle road. Bear right, cross over the zebra crossing.
- 2** Take the footpath immediately to the Right of the **Red Lion** car park, this goes down a narrow field to a stile marked with a yellow arrow and after this, a quick scramble up the bank opposite, you enter a long meadow which falls down to the canal on your left giving views to the hills above Leek with the industrial estate that has replaced Britain's Paper Mill in the foreground.

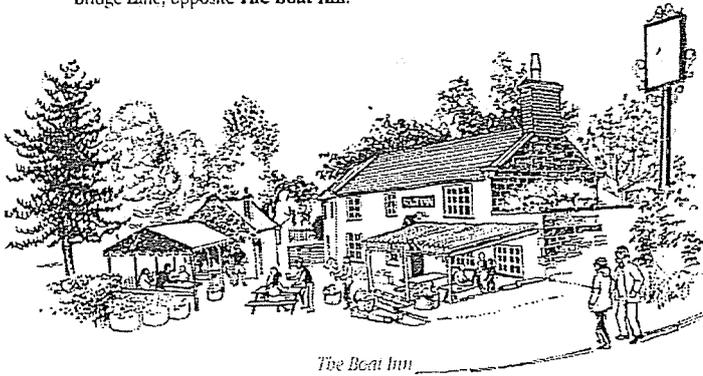


The Red Lion

3 The path runs parallel to the canal with an irregular hedge to your left. Part way along the field there is a stile with a nonexistent fence, and just beyond this there is a length of raised pipework going across a small valley, this is part of the water supply/drainage system from St. Edward's Hospital. Beyond an area of scrubland on the right hand side enclosed by a barbed wire fence, you can see work in progress on an extension of the newest housing development in Cheddleton which may eventually fill this side of the valley.

4 We come to an old stone squeezer stile marked with a yellow arrow, and the path bears left down towards the canal, and is well defined through an area of scrubland with recently planted saplings. Just below the housing development there is an isolated wooden stile without a fence.

5 The path then climbs slightly up above the canal, past a large holly bush and then steeply down to the canal. It then climbs up through the trees to follow the tall conifer hedge and the boundary fence of the new housing, through a clearing with garages (one of which possibly belongs to a Port Vale supporter) and brings you along the front of a terrace of houses to Basford Bridge Lane, opposite **The Boat Inn**.

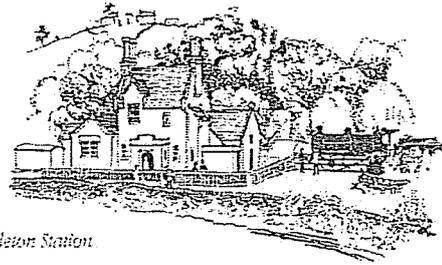


The Boat Inn

6 Here you have the choice of

- a Turning right for the shortened version of the walk *paragraph 10*
- b Turning left and crossing the canal and the River Churnet, to visit the Railway Museum, headquarters of the **Churnet Valley Railway**, and on a summer weekend enjoy a nostalgic ride behind a steam locomotive.
- c Stopping for refreshment.

or Continuing the walk by crossing in front of the pub through the pub yard negotiating beer crates to a stile on the left of an iron gate. The path continues through a clearing with the canal and river on your left and a view of the collection of railway carriages awaiting restoration beyond. The path rises slightly to a galvanised iron gate with a stile to the left then curves gently away from the canal rising towards three trees between which is a metal gate. The view to the left beyond the canal now reveals a field with a complex convoluted network of dirt tracks, sometimes noisily occupied by young motorcyclists.



Cheddleton Station

7 The gate is marked with an arrow showing that the path bears to the left following the bank and with the hedge on your left, giving a switch-back walk past two gateways, an inverted derelict dumper truck, finally curving to the right to the field entrance. The gatepost is marked with an arrow and brings us out to a new concrete road which goes down left to the water treatment plant and springs round right towards Basford Bridge Farm. Turn right towards the farm and just before the silage clamp there is a fingerpost on the right. This shows a path leaving to the left to Woodlands and Wetley Rocks, the subject of a future guide. Follow this for a few yards, and then turn right and with a short scramble return to the concrete road.

8 Follow the concrete road through the farm yard where it bears right and up past farmland on the right and the grounds of Ashcombe Park and then Ashcombe Park Cricket Club on the left, to Basford Bridge Lane.

9 Cross straight across the road into The Avenue, and through this privately maintained early twentieth century housing development to Cheddle Road. Turn right down the hill, across the zebra crossing and then left into Ox Pasture. Where the road bears sharp left after 30 metres, continue straight ahead into the Gully and return to the village following the route described in the west walk, at point **8**.

10 At the Boat Inn turn up the hill and carry on up Basford Bridge Lane and turn right into Hazlehurst Drive, and at the T junction with Rennie Crescent at the top, follow the footpath between No 41 and No 43. Follow the path around the edge of the playing fields with the hedge to your right in front of the Grange Pond and Farm. This brings you to steps down to the main road.

11 You can now turn left to Ox Pasture and regain the original route, or turn right and go downhill to a sloping path signposted to your left which will also rejoin the original route at Fold Terrace.

Circular Tour

These two walks can be combined into a longer pleasant day's journey by following either route but omitting the section from Ox Pasture down The Gully, and walking the full length of Ox Pasture between Ostlers Lane and the Leek to Cheddle Road.

From: [Laura Jones](#)
To: [Forward Plans](#)
Subject: Ox pasture east and west sites 29/30
Date: 30 October 2019 13:46:21

Dear Inspector,

I would like to put forward my views for retaining the local green space on the emerging local plan for sites 29/30 in cheddleton which are ox Pasture east and west.

My self and my young family life in Cheddleton village. We have enjoyed walking the gully for many years. My children have enjoyed the tranquil footpaths, commenting on the views and talking about which birds and wildlife we can see. Often in our quiet oasis the children imagine fairy's and come up with stories centred around our adventure through the gully. We collect fircones, and leaves to create our own habitats at home. These open sites create a sense of well-being and fuel young imaginations away from main roads and buildings. All this is on our doorstep, just a small but welcome break between the houses in the village. Should we not be protecting this historic footpath for our children's children to enjoy the same magical walks? As well as the gully there is also a footpath on the south side of the Ox Pasture west site. Here we can see magnificent views of the heart of our village the grade II* listed church, the roaches and the Peak District. The gully and footpath are used by most people who reside and visit the village, they take walkers right to the centre of the village. To the church, pub, community centre and are used by a lot of parents and carers on the school run, twice a day. This little haven is enjoyed not just by a few but by many, please help us to protect our Village and our right to open spaces for us and our future.

Many thanks for your time,

Laura Jones, Frankie Jones (8) Florence Jones (5) and Violet Jones (19months) just to add Violet loves to run off and explore on her own, the gully is her out of the pram safe run time.

Sent from my iPhone

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ 61 page 232. Deletion of Local Green Space designations 29 and 30 (Ox Pasture east & west).

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant		✓
Sound - Positively prepared		✓
Sound - Justified		✓
Sound - Effective		✓
Sound - Consistent with national policy		✓
Complies with the Duty to co-operate		✓

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

I would like to take this opportunity to express the importance of sites 29 and 30 (Ox Pasture East and West) and how special they are to me, my young children and the local community.

We hope the Inspector will observe the overwhelming support for the protection of these sites and decide that the Local Green Space (LGS) designation should remain on these 2 sites. The local community has clearly demonstrated that these sites are special meeting

the requirement of being '*demonstrably special*'.

Removing LGS from sites 29 and 30 would inevitably result in aggressive development proposals when a local plan for housing is sustainable and is therefore unnecessary. These fields could be lost forever becoming just another noisy through road and concrete obstruction to the scenic views of the Heritage core, the hills of the Peak District ruining the setting of the Cheddleton Conservation Area and Heritage assets (Grade II* St Edwards Church).

These two sites are the closest piece of open space available to the public to enjoy outside of the Conservation Area of Cheddleton via the public footpath (gully) and southern footpath. They act as a village green where community members use the footpaths as alternative routes away from busy and dangerous roads.

Both sites adjoin the Conservation Area boundary and offer the last opportunity to enjoy peace and tranquillity one would expect from a small semi-rural village in the Staffordshire Moorlands where many open spaces are being lost.

Residents were not consulted on these LGS designations or the Inspector's post hearing advice until late in the Local Plan examination process (mid Feb 2019). Since then the community has conducted market research (appendix 1), held a march in protest (appendix 2) over the proposed amendments and hundreds of people have expressed their objections via a petition or written representations.

There has been a lot of creative expression to demonstrate how special these sites are via the local primary school, local radio station and personal video interviews with local residents. The inspector now has evidence that any development on both sites would cause 'less than substantial harm' to the heritage and conservation setting, elevating their appeal to a designation of LGS thanks to the recent Conservation panel meeting.

The criteria for LGS is defined in the NPPF at paragraphs 99 says "*the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.*"

We feel that as a community we have identified these pieces of land as special and demonstrated how important they are. It seemed the consultation process was flawed and a lack of consultation resulted in the community being unable to demonstrate the fundamental criteria can be achieved. However we have now got a slim chance to do this.

At paragraph 100 is states "*Local Green Space designation should only be used where the green space is:*

- a) *in reasonably close proximity to the community it serves;*

As mentioned above these sites are at the center of the village joining the old and new residential areas via the historic footpath and the 'less than substantial harm' development would cause. It continues...

- b) *demonstrably special to a local community and holds a particular local significance for example"*

Example	Demonstrated by
<i>because of its beauty</i>	The site has an abundance of wildlife and offers extensive view in and across the heritage setting of Cheddleton and out of the Peak District. SMDC Planning Committee Chairman Cllr Ellis in his closing statement at the hearing of planning application 2018/0700

	<p>on Ox Pasture West said:</p> <p><i>"We saw many people using the footpaths and it is very clear that they are a popular walk way. From the footpath to the south of the site there are open views out of the site which would be adversely affected [by development] The view you see from the footpath give you that historic view in to the Cheddleton Conservation Area. The benefit of that footpath as your walking within the village on Green Field land with protected trees with protected hedgerows with views of the historic church popping up with the old stone buildings and everything else. That is the setting of the core history of Cheddleton."</i></p>
<i>historic significance</i>	The two sites' proximity to the historic core of Cheddleton and the conservation area confirms its significance. This is signified by the historic footpath and hedgerows dating back centuries that run between the two sites.
<i>recreational value</i>	<p>Although access is limited on the sites recreational value is created by experiencing the views from the southern footpath towards the church and from the gulley towards the Peak District which aids personal wellbeing and mental health where there are very few opportunities to experience anything similar so close to the old village Heritage core.</p> <p>St Edwards Primary School in the center of the village asked the children through classroom activities about how special the fields are with and overwhelming support. Many children and families enjoy passing the open spaces on their journey to school twice a day contributing to their health and experience of rural community.</p>
<i>tranquillity or richness of its wildlife</i>	<p>There is an abundance of wildlife in the fields as detailed in an ecology report.</p> <p>https://www.cheddletonresidents.org/documents/Ox-Pasture-Cheddleton-Elite%20Ecology-PEA-Report-March-2019.pdf</p>
<i>local in character</i>	The character of the land compliments the historic center of the village due to the wider setting. To lose one would inflict on the other. The NPPF holds a strong importance in the preservation of heritage assets and their setting in accordance to Chapter (Conserving and enhancing the natural environment). A recent planning application on Ox Pasture west was refused because of its importance to the setting of the heritage and conservation area.
<i>and is not an extensive tract of land</i>	At approximately 0.8 hectares (west) and 1.3 hectares (east) these are not extensive tract of land

The criteria above is clearly met however point (b) of para.100 which states sites need to be 'demonstrably special to a local community and holds a particular local significance' is written in a way that is unquantifiable and can only be concluded by matter of opinion.

We have attempted to quantify this with research data (Appendix 1), over 800 petition signatures, 500 written objections to planning applications and extensive press coverage (Appendix 2) and collectively demonstrated this through other creative means – please see <https://www.youtube.com/watch?v=QZVqIXsd-zE> (Appendix 3).

Development on either site has been described to be 'less than substantial harm' by the Conservation Panel which gives great weight to their setting in relation the Conservation Area.

This evidence is supported in by the refusal of a planning application SMD/2019/0143 on Ox Pasture West stating the following

(<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=227483>):

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. In relation to the setting of the Grade II Listed Building of the Church of St Edward the Confessor, it is considered that there would be 'less than substantial' harm to its setting by virtue of the development of an open and undeveloped area of land and the associated view of the Church which contributes towards its setting*

On the basis of one site visit the Inspectors Post Hearing Advice concluded these sites were not *demonstrably special* – all other criteria in p.100 has been met. However the Localism Act 2011 was ignored and the community could not provide evidence making the definition of 'demonstrably special' meaningless without the ability to demonstrate.

Now that the community has had the opportunity to demonstrate, the criteria has been met with a considerable degree of certainty, it would now be up to the decision makers to qualify the definition of the term '*demonstrably special*'.

If the decision is that the community has NOT showed the sites to be demonstrably special it would be imperative to give clear definitions of what activities and data could have been provided to conclude otherwise. This way other communities could learn and achieve the LGS designation with known targets.

I hope the Inspector agrees that the local community who benefit from these sites have proven they are demonstrably special and reinstates the Local Green Space designation they deserve.

Yours sincerely,

Paul Jones

Appendix 1

Cheddleton Local Green Space Survey

A survey to determine how the land in figure 1.0 and in particular the land adjacent to Ox Pasture is demonstrably special to the local community in Cheddleton.

Q1 - Out of 5 (5 being highest), how important is it to have open green spaces close to the centre of the village?

1	2	3	4	5	Responses
1.09%	0.55%	2.73%	3.28%	92.35%	183
2 responses	1 response	5 responses	6 responses	169 responses	

Q2 - Do you consider these areas special to the local community and of particular local significance?

Strongly disagree	Disagree	Don't know	Agree	Strongly Agree	Responses
2.17%	1.63%	1.09%	12.5%	82.61%	184
4	3	2	23	152	

Q3 - These areas of land provide peace and tranquillity to the village.

Strongly disagree	Disagree	Don't know	Agree	Strongly Agree	Responses
1.10%	1.66%	1.10%	10.5%	85.64%	184
2	3	2	19	155	

Q4 - If these areas of land were to be developed on it will have a negative impact on the historic centre of the village?

Strongly disagree	Disagree	Don't know	Agree	Strongly Agree	Responses
1.63%	2.72%	2.72%	9.24%	83.70%	184
3	5	5	17	154	

Q5 - Out of 5 (5 being highest), how important to you is the richness of wildlife in these areas?

1	2	3	4	5	Responses
0%	1.10%	1.65%	8.24%	89.01%	182
0	2	3	15	162	

Q6 - Do you feel that having open green spaces in the village improves your personal well-being, such as mental health and

physical health?

Strongly disagree	Disagree	Don't know	Agree	Strongly Agree	Responses
1.62%	1.08%	1.08%	10.81%	85.41%	185
3	2	2	20	154	

Q7 - Out of 10 (10 being highest), please score the beauty of the area stretching from the historic village centre to Ox Pasture as you walk down the gully.

1	2	3	4	5	6	7	8	9	10	Responses
1.09 (%)	0.54 (%)	0.54 (%)	1.09 (%)	0.54 (%)	2.17 (%)	2.72 (%)	11.96 (%)	16.85 (%)	62.5 (%)	184
2	1	1	2	1	4	5	22	31	115	

Q8 - Out of 10 (10 being highest), please score the beauty of the view stretching over historic village centre as you walk down the footpath behind Ox Pasture.

1	2	3	4	5	6	7	8	9	10	Responses
1.10 (%)	0.55 (%)	1.10 (%)	0.55 (%)	0.55 (%)	1.65 (%)	1.65 (%)	9.89 (%)	17.58 (%)	65.38 (%)	182
2	1	2	1	1	3	3	18	32	119	

Q9 - Out of 10 (10 being highest), as a green area rate how the open rural land either side of the gully has special significance to you?

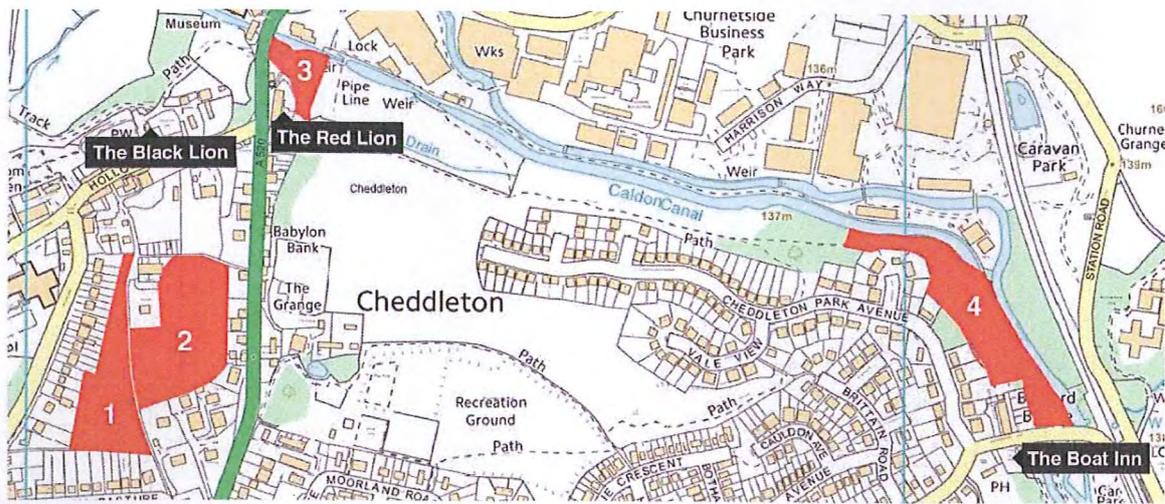
1	2	3	4	5	6	7	8	9	10	Responses
3.24 (%)	0 (%)	0.54 (%)	0.54 (%)	0.54 (%)	4.32 (%)	2.16 (%)	10.81 (%)	10.81 (%)	67.03 (%)	179
6	0	1	1	1	8	4	20	20	124	

Conducted 2nd March to 5th March 2019

Respondents were recruited to participate via closed social media groups limited to people who live in and have previously lived or regularly visit Cheddleton.

Survey designed by Go Sho Communications Ltd (www.go-sho.com) – Market Research Software Specialists using the Survey Monkey platform (www.surveymonkey.com)

Figure 1.0



Appendix 2

Cheddleton Local Green Space March

A peaceful demonstration by community members in Cheddleton protesting against the proposed removal of LGS designations and the development behind 10 Ox Pasture.

This march was to show how the field behind Ox Pasture is 'demonstrably special' to our local community and also highlight the danger of the access point.

This was reported with favourable social media comments in the Leek Post & Times and the Sentinel.

Over 50 villager turned out to the march on 2nd March 2019.

<https://www.stokesentinel.co.uk/news/local-news/protest-local-green-space-march-2602246>

StokeonTrentLive NEWS ▾ IN YOUR AREA SPORT ▾ WHAT'S ON ▾ STOKE CITY FC PORT VALE FC MORE ▾    

 News ▾ Local News

"We don't want Cheddletown" - villagers march against homes plan

The group were also marching against proposals to remove the 'Local Green Space' status of four sites in the village

SHARE     

By **Tom Burnett** Senior Live Reporter
15:53, 2 MAR 2019 | UPDATED 19:20, 2 MAR 2019

NEWS

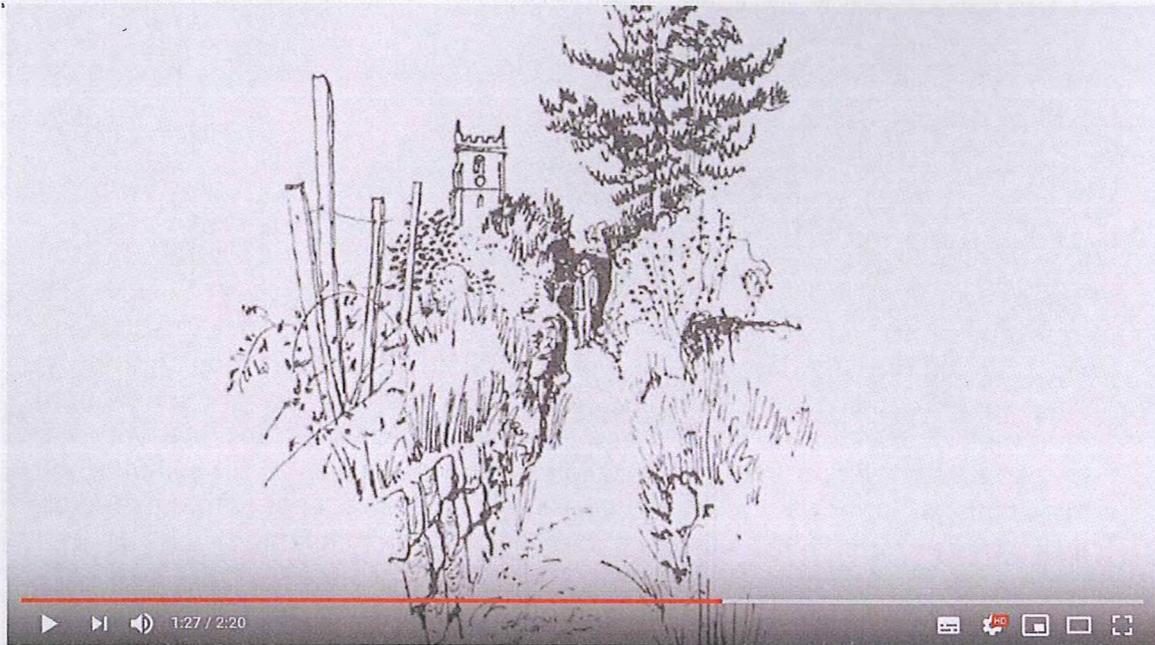


Villagers gathered to protest against the proposed development - and to preserve green spaces in Cheddleton
(Image: StokeonTrentLive/Tom Burnett)

Appendix 3

LASAR Radio – poem by John Boges, Illustrations by Euan Jennings performed by Derek Walker

<https://www.youtube.com/watch?v=QZVgIXsd-zE>



Cheddleton Fields

113 views • 7 Oct 2019

👍 1 💬 0 ➦ SHARE 📌 SAVE ⋮

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

YES

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required) ✓
- Publication of the Inspector's Final Report ✓
- Adoption of the Local Plan. ✓

5 Signature:

P Jones

Date:

31 October 2019

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	MR.	
First name	PAUL	
Last name	KASPEROWICZ	
Job title (if applicable)		
Organisation (if applicable)		
Address line 1		
Address line 2		
Address line 3		
Address line 4		
Post code		
Telephone number		
Email address		

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Mr. Mark Dakeyne.

Planning Inspector

Room 4/04 Kit Wing, Temple Quay House

2 The Square, Temple Quay

Bristol BS1 6PN

Staffordshire Moorlands Local Plan - Modified

Dear Sir,

I have been in contact with the Environmental Agency concerning the proposed Safeguarded Site BD 087. There are a number of issues with this site as it is the only Flood plain identified in the SMDC modified local plan.

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested by the Environmental Team in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 068 & BD 087. A further letter was sent to the SMDC on 13th June 2016 stating "*BD 087 will need to be assessed before being taken further. A SFRA Level 2 assessment will be required*" - in checking with the Environmental Agency on 2nd September 2019 this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site.

Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the SMDC Modified Local Plan the SMDC Planning Team has only identified 12 sites from the original housing plan in 2014; there were originally a total of 27 sites identified in this plan.

There are a number of unique concerns with BD087 that would need up front actions by the SMDC Planning Team before this site could be considered for Safeguarding, or it may seem that the SMDC was putting this site forward knowing that it would potentially fail at any future consultation process.

1. BD 087 is a flood plain as implied by Marsh Green. This is the only flood plain in the Biddulph area being considered and contains Flood Risk Level 1, 2 & 3; it also has the additional problem of Surface water run-off. More than 50% of the land on this site is on a Flood Risk Zone with both fluvial & pluvial flood issues affect this site. This is identified in the Environmental Agency Flood Plan.

In a letter dated 22nd September 2017 from the Agent of the Site Owner to the SMDC Planning Team stated - that proposed housing would be located on Flood Risk Zone 1. The Site Owner also has stated that all surface water will be directed into the brook.

In 2015 - The Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using this site. The Environmental Agency went on to state – *Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

BD087 is classified as a natural Flood Plain, current Government policy states that all other sites should be considered first (This would mean the whole of the Staffordshire Moorlands could be reconsidered).

Please Note -This is the most Northerly Site in the Biddulph area and the only site after the Water Treatment works - The Environmental Agency has major concerns on flooding in the Congleton area, the river running through this site is a major contributor to these concerns.

2. Public Safety Issue - The land proposed for the access road & bridge onto this site is only 1.5M above the normal river height. This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto this enclosed site. What happens in a flash flood – will there need to be an Emergency Evacuations Plan in place, have the Emergency Services been involved with the pre-selection of this site?
3. The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated In order to build a 6M wide (4M + 2M) single access road and bridge onto the site a supporting wall will have to be built alongside the River, this will make the water flow faster – this may very well cause floods downstream. The access road is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before this site was approved or Safeguarded in order to demonstrate it is actually possible.
4. The site - south to north has a 13M height drop, the site is also below the water treatment works the only direct route for surface water would be directly into the river thus increasing both the speed and levels of the flood waters. The river flows from South to North. Nearly 60% of the land with be lost to housing and roads, how will this amount of water be slowed down so as not to increase the flow rate of the river which currently floods the houses to the north of this site?
5. As this site is on a Flood plain any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance?
6. I strongly object to the very late modification to the SMDC Local Plan.
The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack public consultation could in the end prove very expensive to the local council.

I find that the SMDC Local Plan to be logically unsound and legally questionable and subject to challenge in the courts at a later date. If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site then they are pulling the wool over people's eyes. Short cutting the selection process is not acceptable. Why has this site been deemed Level 1 Building land given it was excluded in 2016 as unsuitable?

I would ask you to dismiss the Safeguarding of BD087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report) in order to ensure that BD 087 can be put forward in the future for planning consideration.

Kindest regards,

Paul Kasperowicz

Date 22nd September 2019

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

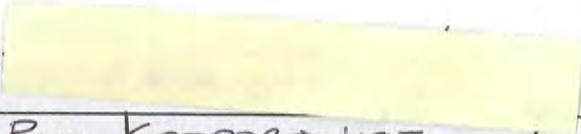
Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature


PAUL KASPELOWICZ

Date:

28th OCTOBER 2019

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	MR.	
First name	PAUL	
Last name	KASPEROWICZ	
Job title (if applicable)		
Organisation (if applicable)		
Address line 1		
Address line 2		
Address line 3		
Address line 4		
Post code		
Telephone number		
Email address		

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Mr. Mark Dakeyne.

Planning Inspector

Room 4/04 Kit Wing, Temple Quay House

2 The Square, Temple Quay

Bristol BS1 6PN

Staffordshire Moorlands Local Plan

Dear Sir,

I attended the Staffordshire Moorlands District Council (SMDC) Meeting held on Wednesday 26th June. The topic of the meeting was to consider SMDC Local Plan Modifications and implications for the Neighbourhood Plans.

This Local Plan modification was in response to the Planning Officers rejection of the original Biddulph housing Site Plan. This plan had been worked on for over three years and had the backing of the Biddulph Town Council & Biddulph Neighbourhood Planning team, but had an objection, raised, on a small area of Green belt land - BDNEW (2017).

Please note at least 80% of all new housing in the Biddulph area will be built on Green Belt.

The SMDC Planning team stated at the meeting that they used findings from 2014, 2015 and 2016 to justify their development / conclusion on a modified Local Plan summated to this meeting. This excluded up to-date information from 2017, 2018 or 2019. Little or no information for the Biddulph Neighbourhood Plan was used. The Biddulph Neighbourhood Plan is in its final stages of completion.

The SMDC Planning Team read from a report which they had created without local consultation. This identified a number of options which included increasing the housing density on the two proposed sites – this made sense, then the report went on to identify 4 Safeguarding options on three new Green Belt Sites (again without consultation) thus replacing 1 Green belt site BDNEW with 3 New Green belt sites. I understand that part of your objection was to the overall use of Green Belt Land.

These sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016.

The SMDC Planning Team had identified 12 sites from the original housing site plan in 2014; there were originally a total of 27 sites identified in the 2014 plan. What happened to the other sites? The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded in the first consultation phase due to :-

1. BD 037 is a flood plain as implied by Marsh Green. This is the only flood plain in the Biddulph area and consisting of flood level ratings 1, 2 & 3, it also has the additional problem of Surface water run-off -This is identified in the Environmental Agency Flood Planning of this Site. The Environmental Agency and United Utilities requested that the SMD Planning team consider all other options and 27 sites before using this site. The Environmental Agency went on to state – *Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In a letter to the SMDC dated 13 June 2016 the Environmental Agency stated that a Level 2 SFRA Flood Risk assessment would be required before BD 068 AND BD 087 could be taken forward for consideration. As of 2nd September 2019 this required action by the SMDC has not been completed. Could you please request a copy of the SFRA Level 2 assessment for sites BD 068 & BD 087 as part of your consultation process?

The Maximum rise of the river on this site is 2.6M (video evidence can be supplied). More than 50% of the land on this site is Flood Level 1, 2 or 3. Due to this site being 15M below the water treatment works. The site owner has stated in previous letters to the SMDC that the surface water from two sites (BD 068 & BD 087) would go directly into the river - thus increasing both the speed and levels of the flood waters.

The Environmental Agency has specifically stated that this river cannot be cultivated. The land proposed for the access road & bridge onto this site is only 1.5M above the normal river height. This land has been identified as Level 3 Flood Risk.

Please Note – BD087 is classified as a Flood Plain, current Government policy states that all other sites should be considered first (This would mean in the whole of the Staffordshire Moorlands could be reconsidered). As this site is on a Flood plain any housing or infrastructure to support the housing on this site would not be capable of being insured. The site owner has stated in previous letters to the SMDC that any housing would be built on a Level 1 Flood Risk area. Thus no Building insurance would be available to the proposed houses, there would be no mortgage availability.

Please Note -This is the most Northerly Site in Biddulph area and the only site after the Water Treatment works - The Environmental Agency has major concerns on flooding in the Congleton area, the river running through this site is a major contributor to these concerns.

2. Difficult to access - Marsh Green road is a single track road narrowest width is 2.5M maximum is 4M with 4 - 90 degree bends – impossible for large trucks to manoeuvre. Access to both BD 087 & 068 is on this road. This road has been described by Staffordshire Highways as the worst road in Staffordshire (it has no public footpath). The Junction to A527 is dangerous at best this may will require traffic controls?
Please note - It was reported at the SMDC meeting on 26th that a new road would be built? Who will pay for this and the potential remodelling of the junction onto the A527? Will this involve compulsory purchase of land?
3. BD 087 was considered by Biddulph Town Planning in 2005 for the site of the new Cemetery, due to concerns about access and the possibility of Coffins rising up due to ground water pressure this was rejected out of hand. So far this site has been rejected twice. BD 087 is 10M below the neighbouring housing on three sides (West, South and East) all of the surface water travels onto this site in combination with the river flooding the site becomes water logged with the water table above ground height (this has been photographed).
4. Site viability BD 087 – The plans suggested by the developer show 20 houses, but there is an Electrical sub-station on the North East corner of the field – on twin Telegraph poles about 6M off the ground which requires access (normally 4 off road vehicles including a hoist.) This will reduce the site housing by one. Five more houses are planned on Level 2 Flood Risk Area. This could reduce the site to just 14 or 15 houses – Is this site viable?
I find it surprising that out of the 27 other sites identified in 2014 Biddulph Plan that there is not a more suitable site for 15 houses.

5. The Green Belt Report 2015 (Parcel N7) commissioned by the SMDC – states that this land has a significant contribution in preventing neighbouring towns (Congleton & Biddulph) merging into one another. The report clearly states that this land which contains BD 087 has a significant contribution in Biddulph's Green Belt and that any development would produce an over extended linear pattern with limited relationship to Biddulph Town. BD087 is approximately 1.5 Miles from the town centre, 3 Miles from the High School. Please note that the report goes on to say that only in Exceptional circumstances should BD 062, 068 & 087 be considered – What are the Exceptional circumstances?

I strongly object to the very late modification to the Local Plan by the SMDC.

The addition of Safeguarded land without consultation, replacing one area of Green Belt with three areas of Green Belt land is close to crazy. The failure of the SMD Planning Team to investigate all other 26 sites and options, the spectre of property developers using the system to exclude BDNEW for their own benefit and to get BD 062, 068 & 087 Safeguarded is, in my opinion, not acceptable.

One of the reasons BDNEW was selected and supported by the Biddulph Town Council – It is the closest combined site to the Town Centre, School & the Medical clinic. This makes this site the most environmentally friendly, due to Biddulph's limited parking, people could walk into the town centre, and this site supports the town centre regeneration plan. Children could walk to school (not bussed as BD087) and the site is supported by the existing major infrastructure of the town.

To the North and West of Biddulph boundaries (within 5 miles of the boundary line, 7 miles from BD 062, 068 & 087) Congleton /East Cheshire are building around 10,000 new homes, yet the SMDC say that Biddulph needs 965 new homes, something is very wrong. This would mean an influx into this area of around 22 to 25,000 people over the next ten years!

I find that the SMDC Local Plan to be logically unsound and legally questionable and subject to challenge in the courts at a later date.

The SMDC Local Plan should clearly show how it supports not only the Staffordshire Moorlands but also the development of the West Midlands. The parochial view demonstrated in the SMDC Local Plan does nothing for the Staffordshire Moorlands nor the West Midlands. The only major road system passing through the Staffordshire Moorlands is the A50 Stoke-on-Trent to Derby – which if correctly developed could create an East to West Midlands industrial corridor.

I would ask you to find against the entire SMDC Local Plan and allow market forces and private enterprise to decide where housing and industrial units should be built in the Staffordshire Moorlands – as currently demonstrated by the East Cheshire Council.

Kindest regards,

Paul Kasperowicz

Date 20th September 2019

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5 Signature:

[Redacted signature area]

PAUL KASPELOWICZ

Date:

28th OCTOBER 2019.

[Redacted date area]

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	MR.	
First name	PAUL	
Last name	KASPEROWICZ	
Job title (if applicable)		
Organisation (if applicable)		
Address line 1		
Address line 2		
Address line 3		
Address line 4		
Post code		
Telephone number		
Email address		

Notifications and Consent

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Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Mr. Mark Dakeyne.

Planning Inspector

Room 4/04 Kit Wing, Temple Quay House

2 The Square, Temple Quay

Bristol BS1 6PN

Staffordshire Moorlands Local Plan - Modification

Dear Sir,

Please note at least 80% of all new housing in the Biddulph area will be built on Green Belt.

The SMDC Planning team stated at a meeting held on 26th June 2019 that they used findings from 2014, 2015 and 2016 to justify their development / conclusion on a modified Local Plan summated to the Planning Inspector. This excluded up to-date information from 2017, 2018 or 2019.

The sites BD 068 & 087 were originally excluded during the first round of consultation in 2016 due to a number of issues foremost were flooding and access to each of these enclosed sites. In the site plans summated by the Property Owner Agent on 22nd September 2017, the access roads are shown to be via Marsh Green Road – a single road farm track. I have been in contact with the Police concerning this proposal, off the record, they state it must be a joke due to how dangerous this road can be. I have outlined the concerns below -

1. Difficult to access - Marsh Green road is a single track road narrowest width is 2.5M maximum is 4M with 4 - 90 degree bends – impossible for large trucks to manoeuvre. Access to both BD 087 & 068 is on this road. This road has been described by Staffordshire Highways as the worst road in Staffordshire (it has no public footpath). The hidden Junction to A527 is dangerous at best of times; this may well require traffic controls? Please Note - Staffordshire County Council does not want traffic controls installed on this junction. Please note - It was reported at the SMDC meeting on 26th that a new road would be built? Who will pay for this and the potential remodelling of the junction onto the A527? Will this involve compulsory purchase of land? Will this road be built before the sites are approved? No answers were given!
2. Marsh Green Road runs East to West from the sites. The site access roads runs North to South staggered either side of the existing bridge over Biddulph Brook; the bridge is at a 30% angle to the road, making it a single track Bridge. The property Owner states in his letter to the SMDC that both the road and bridge will need modification – Who pays!
3. Marsh Green Road to the west is impossible for heavy good vehicles - from the access road to BD 087 the road is 2.5M wide with two S bends and a single track bridge. From the A527 to the sites the road is 4M wide (no foot path), the Junction is hidden in a dip (it is very difficult to see oncoming traffic) this road will have to be widened (via the purchase of private land) to 6M + 2M footpath for the volume of traffic both site will produce. Will the modification to the road and bridge be approved by the County Council before these sites are selected for Safeguarding, without the County Council approval all of this a waste of time!

Please note - It was reported at the SMDC meeting on 26th that a new road would be built? Who will pay for this and the potential remodelling of the junction onto the A527? Will this involve compulsory purchase of land? Will this road be built before the sites are approved? Have the Staffordshire County Council been informed about this new road requirement and do they have the money to fund a new road project to a private building site? Could you please investigate during your consultation process?

I find it surprising that out of the 27 other sites identified in 2014 for Biddulph that there is not a more suitable site for 100 houses. With good access roads and pavements for children to walk on.

The SMDC Planning Team had identified 12 sites from the original housing site plan in 2014; there were originally a total of 27 sites identified in the 2014 plan. What happened to the other sites? The only three sites chosen as Level 1 are BD 062, 068, 087.

I object to the very late modification to the SMDC Local Plan for Biddulph. The addition of Safeguarded land without proper public consultation or notification, replacing one area of Green Belt with three areas of Green Belt land is not acceptable. The failure of the SMD Planning Team to investigate all other 27 sites and options is very disappointing especially when the SMDC has identified a site on the Marsh Green Road and rated that site Level 4 due to Access Issues! Same Road, Same People.

I find that the SMDC Local Plan to be logically unsound and legally questionable and subject to challenge in the courts at a later date.

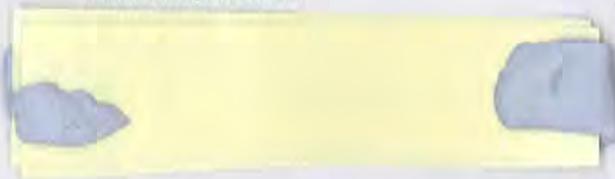
I would ask you to find against the entire SMDC Local Plan and allow market forces and private enterprise to decide where housing and industrial units should be built in the Staffordshire Moorlands

Kindest regards,



Paul Kasperowicz

Date 22nd September 2019



Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:


PAUL KASPELOWICZ

Date:

28th OCTOBER 2019

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Sansom, Claire

From: KINGSLEY ROWLAND
Sent: Wednesday, October 30, 2019 6:53 PM
To: Forward Plans
Subject: Re: Local Plan Examination

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

On Wednesday, 30 October 2019, 14:46:47 GMT, KINGSLEY ROWLAND <[redacted]> wrote:

Dear Sir/Madam,

Response to the main modification consultation, Sept. 2019; MM12

Issue 1: Sewage Works

BD062 and BD068 are both immediately adjacent to a sewage works. Residents who live on Essex Drive, York Close and Long Valley Road suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build homes even closer. Photographic and video evidence exists of repeated raw sewage flooding into the brook at the end of Essex Drive (13/09/2016), where pressure builds up inside the junction chamber and the lid blows off, especially following heavy rain. This happened again in August and October 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern side access) and sites downstream, including BD068 and BD087. This field needs to be kept as a natural buffer. Adding more houses and thus increasing surface run-off from built up areas will only make this situation worse.

Issue2: Bio-diversity

Key points:

The SMDC Phase 1 Ecological Survey evidence base is being ignored.

The Assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.

The ranking exercise which was used to inform SMDC Council Members and guide decision making at the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology is unsound.

Removing the Gillow Heath fields from the green belt and designating them as safeguarded sites for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood plan, which has a more recent and detailed evidence base, which has designated BD062 as local green space. This had already passed through two public local consultations, which SMDC was well aware of.

Sites need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC council members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800 m of the town centre when they clearly are not at Gillow Heath. The Ranking method is unsound. The proposed eastern site access of Essex Drive is in a flood plain and should remain as semi-natural habitat and its role in natural flood management enhanced.

Issue 3: Community access

The local community have had unfettered access to this site since the estate was built. For over 40 years, there has been total open access and the land has been used by local residents for events and dog walking. As recently as 7th July 2019 and repeatedly since. This land has been designated Local Green space by the emerging Biddulph Neighbourhood Plan (currently undergoing REG 14 consultation) as it was found to meet the criteria required.

Issue4: Access Roads.

Neither the distributor road (Mow Lane) nor the feeder roads (York Close and Essex Drive) meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The roads are too narrow and the road bend radii too small. There are two pinch points over bridges on Mow Lane to the east and west of the access to BD062, and a new sewage pump on Mow Lane all of which reduce the feeder road to a single carriage way in at least 3 locations. There is no alternative access to BD062. Planning permission has been refused on highways grounds in the past and the situation has only got worse with the creation of the third pinch point on Mow Lane. The actual

distributor road width (Mow Lane) falls below the minimum required of distributor roads by the Residential design Guide. which is 6.7m wide Mow Lane is 4.25m.

Issue 5: Fooding

BD062 (Land at end of York Close/Essex Drive) suffers from a high amount of surface flood water flooding. It is classed as wet meadow and plays an important role in slowing down rainwater flowing into Biddulph Brook(natural flood management) This field drains part of Biddulph valley way as evidenced by the Enviroment Agency flood maps.

Yours Faihfully.

K&B Rowland



Sansom, Claire

From: KINGSLEY ROWLAND
Sent: Wednesday, October 30, 2019 2:47 PM
To: Forward Plans
Subject: Local Plan Examination

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Dear Sir/Madam,

Response to the main modification consultation, Sept. 2019; MM56:

Issue 1: Sewage Works

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Issue2: Bio-diversity

Key points:

The SMDC Phase 1 Ecological Survey evidence base is being ignored.

The Assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.

The ranking exercise which was used to inform SMDC Council Members and guide decision making at the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology is unsound.

Removing the Gillow Heath fields from the green belt and designating them as safeguarded sites for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood plan, which has a more recent and detailed evidence base, which has designated BD062 as local green space. This had already passed through two public local consultations, which SMDC was well aware of.

Sites need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC council members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800 m of the town centre when they clearly are not at Gillow Heath. The Ranking method is unsound. The proposed eastern site access of Essex Drive is in a flood plain and should remain as semi-natural habitat and its role in natural flood management enhanced.

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Yours Faihfully.

K&B Rowland

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Lack of due process control

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

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2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Lack of due process control

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MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Sound - Consistent with national policy	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

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3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Tabitha Lawrie

They provide a valuable area of tranquillity in the heart of the village. There are no roads adjacent to either site, but there are well used public footpaths to the south of site 29 and running north / south between the sites. Users of these footpaths appreciate the tranquillity and visual relief that the sites provide, away from nearby traffic noise and pollution. The path between the sites is used by young and old on a daily basis, being the main safe pedestrian walkway from the newer housing estates in the south of the village to the school, church, community centre, tearoom / craft centre, and pub.

The open nature of the sites enables uninterrupted access to exceptional and cherished public views of the historic centre of the village and beyond the settlement to the Peak District, showing the village in its rural context. Locals and visitors alike particularly appreciate the beauty of the panoramic views from the southern footpath. Recreational walking groups that visit the village specifically include the paths around the fields in their walks, and value the visual amenity that the fields offer.

They contribute to the special character of the village by providing a significant green buffer separating the historic centre from the more recent housing estates to the south and east. Consequently, the community and successive authorities have protected these sites from encroaching urbanisation throughout eight decades of extensive expansion of the village. 2019-10-14

Local Plan Consultations

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Dear sir / madam

I think it would be a real shame to lose our green space as I really enjoy walking my dog along the gully and admiring the beautiful views which would be lost if buildings were there.

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

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If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

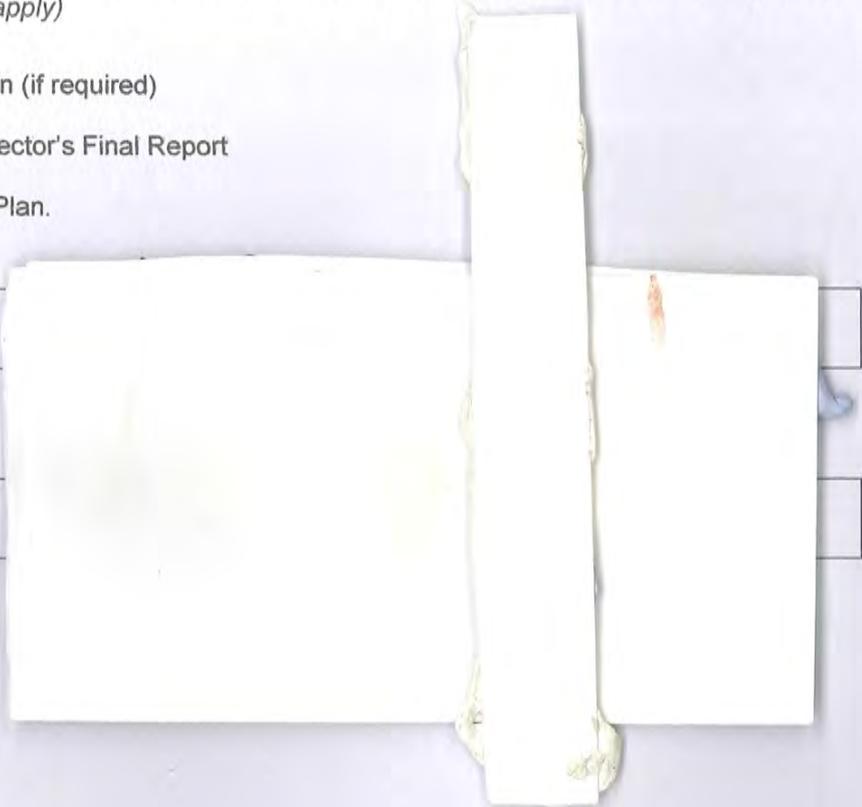
Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5. Signature:

Date:



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

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Part B – Representations

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MM/12

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Legally compliant	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

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If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

Date:

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Sound - Justified	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

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Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

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2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

<p>Access to BD 068 and BD 087 - Road Safety Issues</p> <p>Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?</p> <p>The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have</p>
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
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Sound - Justified	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Health Concerns

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

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Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

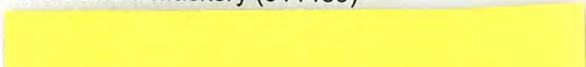
Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Comment

Consultee Mrs Sandra Maskery (911439)
Email Address 
Address 
Event Name
Comment by Mrs Sandra Maskery (911439)
Comment ID MMC2
Response Date 18/09/19 15:05
Consultation Point 1 Main Modifications Consultation ([View](#))
Status Submitted
Submission Type Web
Version 0.6

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM49

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

- Legally compliant . Yes
- Sound - Positively prepared . Yes
- Sound - Justified . Yes
- Sound - Effective . Yes
- Sound - Consistent with national policy . Yes
- Complies with the Duty to co-operate . Yes

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Considers the plan is sound, legally compliant and complies with the duty to co-operate.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

No

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

Considers the plan is sound, legally compliant and complies with the duty to co-operate.

Officer Response

Support noted.

Recommendation

No change.

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MM/ document reference	MM/12
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Sound - Positively prepared	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Lack of due process control

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

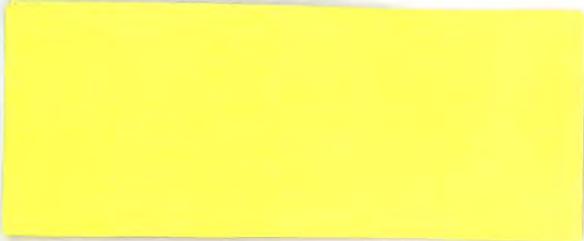
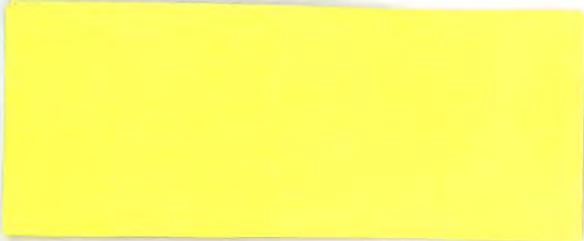
Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Comment

Consultee Councillor (Biddulph West) Alistair McLoughlin (
Email Address 
Address 
Event Name
Comment by Councillor (Biddulph West) Alistair McLoughlin (
Comment ID MMC103
Response Date 31/10/19 16:05
Consultation Point 1 Main Modifications Consultation ([View](#))
Status Submitted
Submission Type Web
Version 0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.
MM/document reference

MM12 and MM21

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Lc (please select relevant box/s):

Legally compliant

Sound - Positively prepared . No
Sound - Justified . No
Sound - Effective . No
Sound - Consistent with national policy . No
Complies with the Duty to co-operate . No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to cooperate as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan with the duty to co-operate, please also use this box to set out your comments.

Inclusion of Sites at Gillow Heath This is my response to the local plan main modifications consultation. The plan is Effective, Consistent with national policy) and it does not comply with the Duty to Cooperate. My comments refer to the Parish. The SMDC Phase 1 Ecological Survey evidence base is being ignored: The ranking exercise which was used by Council Members and guide decision making at the SMDC Council Assembly on 26th June 2019 omitted the SMDC evidence base altogether. The methodology that led to the identification of 'Safeguarded' fields in Gillow Heath is not sound because the evidence base used was not sound. The SMDC report 'Appendix 1 Biddulph Options Planning Analysis and Maps' June 2019 omitted the ecological assessments as part of their ranking exercise at all. The sources used for the exercise are listed on pg.4 and the ecological assessments are missing. This is then reflected in the assessment tables in Appendix C and Appendix D and used to inform the Agricultural Land Classification is also wrong: All three Gillow Heath fields are stated as being 'urban / industrial' according to Natural England data. A quick check on Magic Map (<https://magic.defra.gov.uk/MagicMap.aspx>) reveals that the sites are classed as Grassland/arable on the Dudley Stamp land use classification scheme and this is obviously visible to anyone who has visited these sites. The methodology that led to the identification of 'Safeguarded' fields in Gillow Heath is not sound because the evidence base used was not sound. Appraisal Report: The original Sustainability Appraisal Report which accompanied the Local Plan (version Feb 2018) did include an overall assessment (+ / - form of ranking) and did include the ecological evidence base (including sites within the green belt). BD062 York / Essex Drive was 'deemed to have ecological value' and a negative effect on the environment if it was developed (<https://www.staffsmoorlands.gov.uk/article/2861/Sustainability-Appraisal>). This evidence was not taken into account and, therefore, was not taken into account as part of the decision making process on 26th June 2019. The methodology used for the identification of 'Safeguarded' fields in Gillow Heath is not sound because the evidence base used was not sound. Section 36 Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the environment in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity in all part of policy and decision making throughout the public sector as clarified in the guidance on the Natural Environment in this duty. By omitting the ecological evidence base from decision making, SMDC are also failing in their ability to deliver the Local Plan vision (Feb 2018 submission version) which states: "net gains and improvements to biodiversity will be made". Moorlands (pg34 <https://www.staffsmoorlands.gov.uk/localplan>). It is difficult to see how this will be delivered if evidence for site allocations for both development and future development (Safeguarding) are not amended to take biodiversity into account. Assessments: The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out. According to their methodology it was a desk-based exercise only. The methodology applied is not sound. Development Densities: Development densities are being lowered to take known biodiversity into account throughout any of this local plan process. The evidence base is referred to in the Local Plan and not on a site-by-site basis. The decision to increase housing densities on Wharf Road (MM21) does not take the findings of the Phase 1 Ecological Surveys into account, nor is this considered in the decision to 'Safeguard' for future development site E. SMDC is failing in its Duty to cooperate: MM12: Removing the Gillow Heath Fields from the Green Belt and designating them as 'safeguarded sites' (MM12) for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan (consultation closing 4th November 2019) which has a more recent and detailed evidence base. This field has been designated as Greenspace following two rounds of local public consultation during 2019 due to existing biodiversity value and use for over 40 years for recreational amenity purposes. SMDC is failing in its Duty to cooperate: MM12 (in particular BD062) is in direct conflict with SMDC's own vision for Biddulph in the Local Plan 2018 Submission version which states: "The local community will help to shape the future of Biddulph with a Neighbourhood Plan" (pg36 <https://www.staffsmoorlands.gov.uk/localplan>). The SMDC Local Plan (Feb 2018 submission version) clearly recognises that Neighbourhood Plans may be used to "identify sites for development or protection". Removing the Gillow Heath Fields from the Green Belt and designating them as 'safeguarded sites' MM12 for future development (especially BD062 and BD087) is in direct conflict with Spatial Aims, Spatial Objectives and Policies of the new SMDC Local Plan (February 2018). I will now detail each of the aforementioned issues in turn: 1. The 2014 Phase 1 Ecological Survey evidence base is being ignored. The plan is not sound. SMDC stated (2016): "The Council has recently completed a Phase 1 Ecological Survey of the sites assessed sites included in the Site Options consultation. The site survey results will be used as part of the site selection process" (https://www.staffsmoorlands.gov.uk/media/3375/Council-Assembly--Preferred-Options-Sites--Boundaries-Consultation-2016/pdf/33.2_Appendix_1_-_Towns.pdf) There is no evidence within the Local Plan (for development sites and for safeguarded sites in the Biddulph area) that SMDC have taken the detailed ecological evidence into account. There is no evidence that any reduction in density proposed on these sites has been agreed to reflect the current situation. No strategic effort has been applied to the local plan to ensure net gain for biodiversity and the environment. The guidance (<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>). The information from the Phase 1 Ecological Surveys was totally absent from the discussion within the Planning Officer's recommendation to Members on 26th June 2019 (Reports Pack 260620 19 1830 Council Assembly) which removed fields from Green Belt in Gillow Heath. Only evidence from the Phase 1 Ecological Survey, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other ecological criteria (Options Assessment Tables list pg.30). This totally disregards any value that semi-natural habitats provide for biodiversity and natural flood management purposes. Omitting this vital evidence base illustrates that SMDC have not embedded consideration of biodiversity as an integral part of policy and decision making (<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>).

and have failed in their duty under the Natural Environment and Rural Communities Act 2006. With regard to the 'S Gillow Heath, The Council Assembly report (26th June 2019 Public Reports Pack 260620 19 1830) makes it very clear for future development purposes as the NPPF is clearly quoted within the SMDC report: "where necessary, identify in 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs for the plan period (NPPF para.85 2012);" (Options Assessment Tables list pg.32). Due to this, the same level of consideration to 'safeguarded' land as to any land being considered for development allocation within the current local plan period is considered on an individual basis. Ranking and considering sites as a group is a major flaw of the process involved in the Council Assembly on 26th June 2019. Examples include suggesting that all sites are within 800m of the town centre, are not, that flooding may affect all sites or that the sewage works will affect all sites. This clearly is not the case and decision makers should see the issues which affect land on a site by site basis. Sites of particular concern based on SMDC ecological Site BD062: land off York Close / Essex Drive. The SMDC Local Plan Phase 1 Habitat Survey concluded "...the site is suitable for potential development..."¹ and that the site is "...very well connected to other biodiverse habitats through hedgerow woodland and running water which accentuates the value of the site." Site FID122: (<https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>). The site is a wet meadow/grassland and plays a key role in flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Stafford Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC as part of the Local Plan. It has also been mapped as a wildlife corridor by external consultants providing the evidence base for the Biddulph Neighbourhood Plan (<https://biddulph.co.uk/neighbourhood-plan/>). Its strength is not only in its rich flora and fauna, but in its position connecting the Biddulph Valley Way to the stream network. It is the only semi-natural site which provides this function in the valley by the A527. Mature trees and hedgerows need protection and built into the design for the site.

2. Local Wildlife Site incorrectly carried out. The methodology is not sound. The sites were assessed by Ecus in 2017 using a combination of Phase 1 Habitat survey results (September and October 2014) and desk-based data search results according to the methodology. In order to consider a site suitable for designation as a Local Wildlife Site, a desk-based exercise is not adequate. A field visit at the appropriate time of year for the habitat(s) involved. For meadow/grassland habitats September / October is too late for meadow plants to be visible and multiple seasonal surveys may be required. The data Ecus have used originates from October 2014 habitat surveys. The data is 5 years old and, for meadow/grassland habitats, gathered at the wrong time of site visits have taken place, so any other data sources will also be out of date. The method Ecus have used to determine a suitable candidate for LWS designation has not been fit for purpose. No sites have been brought forward to the Local Plan for consideration. The recently updated National Guidance on the Natural Environment (MHCLG, July 2019), which is implementing policy to protect and enhance the natural environment, including local requirements states: "National guidance to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also their connection to wider ecological networks." Paragraph: 013 Reference ID: 8-013-20190721 (<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>)

3. Habitat mapping within the Local Plan is based on a major lack of data with regards to ecological information in the Biddulph Parish, and data indicates that less than 10% of the natural landscape had been appropriately mapped in 2017 which indicates a severe lack of information on the value of the natural landscape within the Biddulph parish. This puts habitats at a distinct disadvantage in the Biddulph Parish compared to elsewhere in the District where more of the land has been appropriately surveyed and ecological networks are being established. The emerging Biddulph Neighbourhood Plan has worked with external consultants to start to rectify this, providing a map and information to which the SMDC local plan should be referring - available on the town council website: (<https://biddulph.co.uk/neighbourhood-plan/>). This includes a Nature Recovery Network map, Wildlife Corridor map and a Map for the Biddulph Neighbourhood Area. National Guidance on the Natural Environment, states "Planning authorities and other planning bodies can work collaboratively with other partners, including Local Nature Partnerships, to develop and deliver policies to protecting and improving the natural environment based on local priorities and evidence." (<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>) This is the approach the emerging Neighbourhood Plan is taking, but SMDC are not paying any heed to the information contained within this emerging Local Plan (Regulation 14 consultation closes on 4th November 2019). SMDC are failing in their Duty to Cooperate. (<https://biddulph.co.uk/neighbourhood-plan/>).

4. Conflict with the emerging Biddulph Parish Neighbourhood Plan. The Local Plan, (REG14 consultation closes 4th November 2019), has been created in general conformity with the local plan. However, the recent decision by SMDC to remove fields from the greenbelt into a 'safeguarded' category for some areas of Local Greenspace has caused conflict. The Neighbourhood Plan has built on the evidence base used in the local plan and the maps created by the SMDC Green Infrastructure Strategy (Map 7.5 – Ecological corridors in and around the Biddulph Parish (https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10_SMDC_Green_Infrastructure_Strategy.pdf). These are described as 'Strategic Corridors' in the SMDC Local Plan submission version 2018 Section 8.114 (<https://www.staffsmoorlands.gov.uk/article/774/The-Local-Plan-2016-2031>). The Neighbourhood Plan employed evidence to build on these corridors firstly by mapping the habitats, and secondly by mapping the ecological corridors in more detail across the Parish (<https://biddulph.co.uk/neighbourhood-plan/>). These maps clearly indicate a number of strategic ecological corridors, including a key semi-natural site (BD062) where these corridors converge, providing the only safe site for biodiversity between the land corridor of the Biddulph Valley Way and the river corridor of the Biddulph Brook without crossing the

connecting to the ancient woodland and other biodiverse sites around the fringes of the Parish. BD062 provides a key area for adaptation due to the effects of climate change in the future. This is supported by Policy C3: SMDC Local Plan Submission (2018) (https://www.staffs Moorlands.gov.uk/article/774/The-Local-Plan-2016-2031) and Guidance on the Natural Environment (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424247/natural-environment-guidance-2016.pdf) evidence in identifying and mapping local ecological networks can include: areas identified by national or local plans for habitat enhancement or restoration, including those necessary to help biodiversity adapt to climate change or to help with the habitat shifts and species migrations arising from climate change" The mapping clearly places BD062 within the Green Belt habitat, in addition the whole of BD062 and part of BD068 are classed as having Medium Distinctiveness (requires a detailed assessment). The fields are situated within the Valley Wetlands Zone, play a key role in natural flood management, controlling levels of surface water and river flooding (see EA surface and river water flooding maps based on ST86SF postcode information.service.gov.uk/long-term-flood-risk/). The details of the emerging Biddulph Neighbourhood Plan were discussed as part of the screening process at the time the decision to 'safeguard' fields in Gillow Heath was taken by the SMDC Council (June 2019). The omission of, not only the findings of the Phase 1 Ecological surveys but, also this more recent and detailed information as part of the decision making at the SMDC Council Assembly on 26th June is not satisfactory and illustrates a failure in their Duty to Cooperate with Biddulph Town Council and in their Duty under the Natural Environment and Food Act 2006. The land needs to remain in the Green Belt, especially BD062 and BD087. 5. Conflict with SMDC Local Plan Submission (2018) the fields at Gillow Heath (and especially BD062 and BD087) should remain in the Green Belt. This is supported by the vision for both the District and for Biddulph, and the Spatial Aims, Spatial Objectives and Policies stated within the SMDC Local Plan submission version 2018. Removing these fields from the Green Belt to be classified as 'Safeguarded' sites is in direct conflict with statements made in the emerging SMDC local plan (2018 submission version) as illustrated below: The vision for the District in the Local Plan Submission version (2018) clearly states: "...net gains and improvements to biodiversity will be made and the District will develop in a way that acknowledges their historic and natural heritage, their unique setting and their green infrastructure. In particular the vision for Biddulph clearly states (pg.36): "The local community will help guide the development of Biddulph Neighbourhood Plan" and "Green infrastructure and open space will protect and enhance the environment" (pg.36). The SMDC Local Plan Submission states that Neighbourhood Plans may be used to "identify sites for development or protection" (submission version 2018. Section 8.109). Spatial Aims (SA4) and Objectives (SO2, SO8, SO9) are clearly stated (pg.40-41): To see Staffordshire Moorlands as a place to live, work and visit by: SA4: Maintaining a quality environment and special places SO2. To create a District which minimises its impact on the environment, helps to mitigate and adapt to the adverse effects of climate change and to protect natural resources. SO8. To promote local distinctiveness by means of good design and the conservation, protection and enhancement of environmental and cultural assets throughout the District. SO9. To conserve and improve the character and distinctive appearance of its landscape, heritage, biodiversity and geological resources. (pg.40 -41) The appropriate Policy (DC3) with regard to wet meadows/grasslands to flood is identified (pg.129-130); Policy DC 3: Landscape and settlement setting Supporting the implementation of natural flood management measures that will contribute towards delivering a reduction in local area flood risk and impacts of climate change and other multiple benefits (pg.129-130); The importance of Green Infrastructure alongside the need for a strategic approach (pg.137-138) Policy C 3: Green Infrastructure The Council will, through working with local communities, organisations, landowners and developers, develop an integrated network of high quality and managed green infrastructure that will: b) Link existing and potential sites of nature conservation value and historic landscape features and habitats, increase biodiversity, and increase tree cover where it is appropriate to the landscape; d) Mitigate the negative impacts of climate change and maximise potential climate change benefits including effective flood risk and waterways management; Section 8.109 This policy is supported by a 'Green Infrastructure Strategy' which will seek to create functional and interconnected green spaces, identify opportunities to provide additional green routes, consider how land can help to alleviate flood risk by providing storage areas at times of flooding, consider opportunities to adapt to climate change and importantly manage how new development should be designed and how it can contribute to the wider green infrastructure network. Section 8.110 will seek to produce net gains and enhance biodiversity having regard to the objectives and priorities for the various types of habitats within the Staffordshire Moorlands in the Staffordshire Biodiversity Action Plan. (this includes grassland and heathland within the species rich farmland zone) The importance of the Natural Environment is stated in Policy NE1 (pg.139-140) NE 1 Biodiversity and geological resources (pg.140-141) The biodiversity and geological resources of the District will be conserved and enhanced by positive management and strict control of development (and having regard to relevant policies): NE1.4. Expecting all development where possible seeks to deliver a net gain in biodiversity proportionate to the scale of the development. NE1.7. Protecting and enhancing habitats and species of principal importance for the conservation of the District in legislation, and recognising and implementing appropriate measures, including landscape-scale conservation management, of the fact that the distribution of habitats and species will be affected by climate change. NE1.9. Ensuring the provision of green infrastructure networks in line with Policy C3. Additional issues: Proximity to sewage works: BD062 and BD087 are adjacent to a sewage works. Residents who live on Essex Drive, York Close and Long Valley Road already suffer from odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build a sewer closer and were formed by council officials of the reporting process. Photographic and video evidence exists of repeated flooding into the brook at the end of Essex Drive (13/9/2016 and here as recently as 25/26th October 2019 (https://www.youtube.com/channel/UCL7dE1nO-J5Hsc5NZIF5cw) where pressure builds up inside the junction box especially following heavy rain. This also happened in August 2016, August 2019 and October 2019 - that we know of. This junction forms the point where pipes from the east and west sides of the valley come to

contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087. T site by United Utilities occurred on Thursday 31 October 2019 . It is an ongoing and dangerous issue which will cor residential areas and BD062. People should not live any closer than the current housing provision and the field need buffer. Local residents should be listened to in this matter instead of repeatedly being ignored. Building adjacent to create even more of a statutory nuisance (noise, odour, sewage flooding) and an unhealthy neighbourhood. We do of developers who have interests in these fields that issues of odour and noise can be overcome through design as Council Planning Officers on 26th June 2019 in the meeting which led to these fields being put forward for 'Safegua (<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368 &Ver=4>) (ie. making a buildi change the situation outside or inside the home when windows and doors are open). Adding more houses and incr from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of rainfall events in this area which will compound this issue. Community access: The local community have had unfet for over 40 years - there has been total open access and the land has been used by local residents for events and w as 7th July 2019 (and repeatedly since) local residents organised a work party to clear the overgrown footpaths wh have been doing this for over 40 years. This land has been designated as Local Greenspace by the emerging Biddul (currently undergoing Regulation 14 consultation) as it was found to meet the criteria required (<https://biddulph.co.uk> Access roads: BD062: Neither the distributor road (Mow Lane) nor the feeder roads (Essex Drive and York Close) n standards for the Staffordshire County Council Residential Design Guide Policy. The roads are too narrow and the r small. There are two pinch points over bridges on Mow Lane to the east and west of the access to BD062, and a ne Mow Lane all of which reduce the feeder road to a single carriageway in at least 3 locations. There is no alternative Planning permission has been refused on highways grounds in the past and the situation has only got worse with ti pinch-point on Mow Lane. The actual distributor road width (Mow Lane) falls below the minimum required of distributor Design Guide. Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; M therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance or Residential Areas Staffordshire County and District Councils 2000). BD068 and BD087: The sites are accessible by which does not comply with county highway standards. Staffordshire County Council Highways have indicated to th existing road is unsatisfactory and required them to create a new access point to the site with a bridge across the Bi BD062 (land at end of York Close / Essex Drive) suffers from a high amount of surface water flooding. It is classed : (evidenced by certain marsh flora) and plays an important role in slowing down rainwater flowing into the Biddulph management). This field drains part of the Biddulph Valley way as evidenced by the Environment Agency flood map (<https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>). The proposed eastern site access of Esse The field should remain as semi-natural habitat and its' role in natural flood management enhanced. Both BD087 a from fluvial flooding, often contaminated from the issue of raw sewage flooding at the end of Essex Drive. Please n Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation r taken of any potential surface water issues. The Government has stated that Flood Plains should be avoided when c Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other are through downstream need to have their input. In order for the local plan to be sound, BD062 needs to be retained v biodiversity protected and enhanced and the field allowed to flood (MM12) along with BD068 and BD087.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to state how the modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested modification in question (if applicable). Please be as precise as possible.

In order for the local plan to be sound, BD062 needs to be retained within the Greenbelt, the biodiversity protected field allowed to flood (MM12) along with BD068 and BD087.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the suggested modification, as there will not normally be a subsequent opportunity to make further representations beyond the current representation during the examination. After the current consultation on modifications, further submissions will be only at the discretion of the Inspector based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem it necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

See standard summary in MMC256.

Officer Response

See standard officer response in MMC256.

Recommendation

See MMC256.

Comment

Consultee Councillor (Biddulph West) Alistair McLoughlin (1230185)

Email Address

Address

Event Name Main Modifications Consultation

Comment by Councillor (Biddulph West) Alistair McLoughlin (1230185)

Comment ID MMC104

Response Date 31/10/19 16:12

Consultation Point 1 Main Modifications Consultation ([View](#))

Status Submitted

Submission Type Web

Version 0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM12, MM21, MM39

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant	.	No
Sound - Positively prepared	.	No
Sound - Justified	.	No
Sound - Effective	.	No
Sound - Consistent with national policy	.	No
Complies with the Duty to co-operate	.	No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Wharf Road Site Issues with the Consultation Process: The three options for the Wharf Road Site Masterplan have been prepared without consultation with the public or Biddulph's elected Town Councillors. Staffordshire Moorlands District Council officials have then taken it upon themselves to select their preferred option for developing the Wharf Road site without any public consultation. They have stated in paperwork dated 25 September for the "Service Delivery Overview & Scrutiny Panel" that "due to the Local Plan examination process we were unable to carry out the public consultation and event". This position is unacceptable for a site which will contain 588 houses over a 25 hectare, that adjoins Biddulph's Town Centre. The Wharf Road Masterplan the public is asked to comment on does not accurately reflect the revised housing densities at the Wharf Road Site, following the Staffordshire Moorlands District Council meeting held 26 June 2019. There was three months between the meeting and the consultation process commencing, therefore consultation process should have included up to date documentation. Sports Provision: The sports provision for the Wharf Road Masterplan is significantly less than the existing provision and this decision has been reached without consultation with the public or representatives from the school. Site Access: Site access as indicated in the plan is to be via Wharf Road, however, this is already inadequate for the existing users of this access, with limited scope to improve the width of the road. Therefore, the road that was constructed as part of the Biddulph inner relief road for access to retail provision, should be used for accessing any houses that are to be constructed on the site. Issues with Ownership: It is also quite clear that the fragmented ownership of this site (14 owners) will lead to delays in its development, therefore, it is essential that Staffordshire Moorlands District Council revisits this Masterplan to ensure a plan is developed that meets the needs of Biddulph's residents. With priority given to retail near the town centre to support the centre's regeneration. Provision of Retail Space: The inclusion of a retail offering at the southern end of the site is contrary to SMDC Local Plan policy TCR1, the policy is on page 118 and comes within MM24. Policy TCR1 states in section two that: "Support positive measures and proposals which enhance and regenerate the shopping and town centre environment and promote their tourism potential". The inclusion of a retail offering outside of the town centre is contrary to this policy, placing the retail offering at the southern end of the site achieves the exact opposite. Policy TCR1 contains within section 4 the following wording "Ensuring new development is well related to pedestrian shopping routes". Inclusion therefore of a supermarket at Knypersley rather than adjoining Biddulph's Town Centre, will result in the site Masterplan been contrary to the Local Plan and development of the town centre. Policy TCR1 contains within section 6 the following wording "Setting out design principles to improve and enhance the distinctive heritage of the town centres including high quality public spaces as well as minimising the risk of crime and considering the needs of disabled people". Therefore, placing a retail offering on the Meadows school site is inappropriate. The decision must be reconsidered with a site nearer to the town centre selected, as appears in options one and two for the site which would not put to public consultation. SMDC Local Plan Policy TCR3 which covers "Retailing and other Town Centre uses outside Town Centres" is clear that developments that are not in the town centre should where possible "Preference will be given to town centre and then edge of centre sites." This policy therefore reinforces my view that the retail offering on the Meadows school site is inappropriate. MM25 for policy TCR3 be amended so that all sites as part of the Local Plan should be compliant with the policy. MM39 for Policy DSB1 on page 158: The amendments to policy SS6 with the principal outcome of "Enable the sustainable development of Biddulph and enhance its role as a principal service centre and market town", "protect and enhance the special character and heritage of Biddulph" and "support of the delivery of complementary regeneration an infrastructure projects", is deeply concerning. The amendments include the removal of the term "starter homes" and the inclusion of sites at Gillow Heath as "safeguarded land", do not represent the future needs of the town. Conclusion: The preferred site option for the Masterplan should only have been selected following a public consultation and the reference to Biddulph's Neighbourhood Plan. A public consultation must now take place.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Conclusion: The preferred site option for the Masterplan should only have been selected following a public consultation and the reference to Biddulph's Neighbourhood Plan. A public consultation must now take place.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

- The three options for the Wharf Road Site Masterplan have been prepared without consultation with the public or Biddulph's elected Town Councillors. - The sports provision for the Wharf Road Masterplan is significantly less than the existing provision. - Proposed access in masterplan is inadequate. - Number of landowners will lead to delays in its development. - Retail should be nearer to town centre. - A public consultation must now take place.

Officer Response

The principle of development on this site has been accepted. The main modifications consultation simply addresses detailed amendments to the policy. It refers to the increased number of houses which can be accommodated on the site as a result of masterplan work and states that layout details (e.g. position of retail, sports pitches, access) will be determined as part of the masterplan. Consequently the Local Plan allocation does not cover the detailed layout of the site. The masterplan is a separate document from the Local Plan. In any case before the site could be developed it would need planning permission and residents plus the Town Council would then have the opportunity to raise any concerns they have about the detailed layout of the scheme which could differ from the masterplan.

Recommendation

No change.

Comment

Consultee Councillor (Biddulph West) Alistair McLoughlin (1230185)

Email Address 

Address 

Event Name Main Modifications Consultation

Comment by Councillor (Biddulph West) Alistair McLoughlin (1230185)

Comment ID MMC105

Response Date 31/10/19 16:15

Consultation Point 1 Main Modifications Consultation ([View](#))

Status Submitted

Submission Type Web

Version 0.6

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM12, MM39, MM41

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant	.	No
Sound - Positively prepared	.	No
Sound - Justified	.	No
Sound - Effective	.	No
Sound - Consistent with national policy	.	No
Complies with the Duty to co-operate	.	No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Tunstall Road Site Master Plan Consultation: The public consultation event held on Tuesday 5th February 2019 at Knypersley cricket club was in my view inadequate and does not comply with the Duty to Cooperate. The public were not adequately informed prior to the consultation event taking place. The residents of Victorian Row which overlooks/adjoins the site have publicly stated that they were not informed in advance of the consultation event taking place and have stated that they did not receive leaflets in the leaflet drop before the consultation event. Some residents were only informed on the day of the event by a local councillor knocking on their doors. The consultation event at Knypersley cricket club consisted of three pre-printed banners showing three options for the site and they spokesperson representing Staffordshire Moorlands District Council. The three site options had been prepared without any input from local residents, the wider community or from Biddulph Town Councillors. The proposals included improvements to Victoria Row to provide site access, however, this is privately owned land as the road has never been adopted by Staffordshire County Council. Therefore, options including this were never viable and further site layout alternatives should have been considered and offered for public consultation. After complaints by residents, Staffordshire Moorlands District Council assured them that a further public consultation event would be held for the development of the site. This consultation has not taken place despite repeated requests by Biddulph's Town Councillors to Staffordshire Moorlands District Council. One of the options presented at the consultation has now been taken forward and developed into the Tunstall Road Site Master Plan, without any of public responses from the consultation event been published or further public input.

Accuracy of Documentation Used for Consultation: The Tunstall Road Masterplan documents used as part of the main modification's consultation running through September to October 2019, uses documents and maps that were prepared before the council meeting on 26th June 2019 where it was decided that housing densities would be increased. Therefore, the public are asked to consult on a suggested Masterplan that does not accurately represent the plans of Staffordshire Moorlands District Council.

Site Layout: The Master Plan proposed for the site at Tunstall Road has a mixture of housing and large industrial units. It would seem logical and fair that these industrial units were placed in such a way as to minimise their impact on the existing local residents on Victoria Row. However, the preferred site option actually places these units directly outside the front doors of the properties on Victoria Row which in my view is unacceptable. The plan does suggest some effort to screen the industrial units from the residents of Victoria Row, however, it is unfeasible that such screening would alleviate the impact of the industrial units on Victoria Row or the proposed additional housing. Some of these concerns should have been addressed by Policy DSB3, however, "provision of a landscape and plan" has been removed as one of the modifications. In addition to the visual impact for local residents, we expect that such units will be operational at all hours of the day and have a detrimental impact on the resident's quality of life due to ongoing operations and associated noise. As a Biddulph Town Councillor, if this site is to be developed, I would urge that consideration is given to where the industrial units are placed and that it be preferable that the housing included within the development is placed near the existing housing on Victoria Row rather than at the edges of the site.

Site Access: The Tunstall Road Site Masterplan proposes that access to all the housing within the scheme is via Mill Hays Road, this is already a heavily congested country lane that is used as a commuter shortcut in mornings and evenings. The addition of traffic from 105 to 120 further houses, depending on the final housing densities for the site would create further issues at the junction of Mill Hays Road / A527 / Childerplay Road which is already been identified as a critical road junction for Biddulph as part of the development of Biddulph's Neighbourhood Plan. Any housing development on the site must require improvements to Mill Hays Road as a precondition of the development.

Site Conditions: A serious concern is the failure to investigate the mining legacy of the Tunstall Road Site before proposing the site as the employment provision for the future needs of Biddulph. There are a number of historic mine workings on the site and mine shafts from the Victoria Colliery. These historic mining operations may seriously impact on or actually prevent the development of the site.

Environmental Impact: Since the site was identified as part of a Local Plan only one wildlife and habitat survey has been conducted. In September / October 2014 Lockwood Hall Associates conducted a survey on behalf of Staffordshire Moorlands District Council. This survey was primarily a desk-based exercise, with a further walkover survey conducted,

this appears to offer little detailed exploration of the site. Therefore, is inappropriate to finalise the Masterplan for the site without conducting further ecological studies on the site. This issue is further exacerbated by the fact that Biddulph's emerging Neighbourhood Plan makes use of a much more up to date evidence base that was prepared with the cooperation of Staffordshire Wildlife Trust. Conclusion: The development of this site is not consistent with the Biddulph Neighbourhood Plan, despite Staffordshire Moorlands District Council officials having been briefed on the Neighbourhood Plans content in February 2019, it would appear that Staffordshire Moorlands District Council are failing in their Duty to Cooperate.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Conclusion: The development of this site is not consistent with the Biddulph Neighbourhood Plan, despite Staffordshire Moorlands District Council officials having been briefed on the Neighbourhood Plans content in February 2019, it would appear that Staffordshire Moorlands District Council are failing in their Duty to Cooperate.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

- Inadequate public consultation. - Object to inclusion of improvements to Victoria Row in the document as it is privately owned. - Site layout not acceptable for local residents - visual impact, noise. - Impact on local highway network. - Failure to investigate mining legacy. - More work on ecology needed.

Officer Response

The principle of development on this site has been accepted. The main modifications consultation simply addresses detailed amendments to the policy. It refers to the increased number of houses which can be accommodated on the site as a result of masterplan work and states that layout details (e.g.

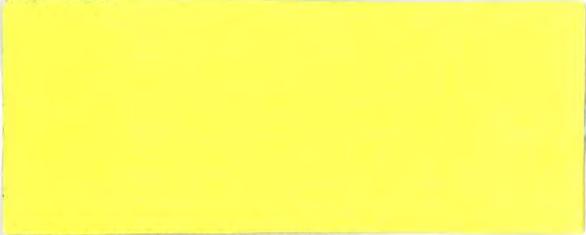
position of access, housing and employment uses) will be determined as part of the masterplan taking into account amenity impacts in relation to neighbouring land uses. Consequently the Local Plan allocation does not cover the detailed layout of the site. The masterplan is a separate document which was consulted upon separately from the Local Plan. In any case before the site could be developed it would need planning permission and residents plus Biddulph Town Council would then have the opportunity to raise any concerns they have about the detailed layout of the scheme which could differ from the masterplan. Mining legacy on the site has been investigated and does not deem the site undevelopable.

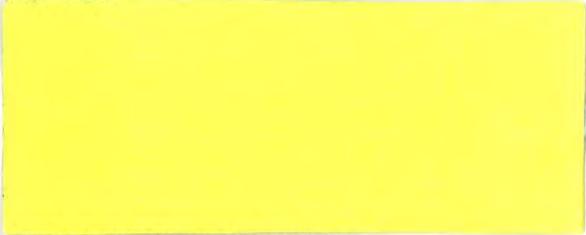
Recommendation

No change.

Comment

Consultee Councillor (Biddulph West) Alistair McLoughlin (1230185)

Email Address 

Address 

Event Name Main Modifications Consultation

Comment by Councillor (Biddulph West) Alistair McLoughlin (1230185)

Comment ID MMC107

Response Date 31/10/19 16:48

Consultation Point 1 Main Modifications Consultation ([View](#))

Status Submitted

Submission Type Web

Version 0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM56, MM73

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant	.	No
Sound - Positively prepared	.	No
Sound - Justified	.	No
Sound - Effective	.	No
Sound - Consistent with national policy	.	No
Complies with the Duty to co-operate	.	No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Haydon Park Local Green Spaces - Dorset Drive (West) and Dorset Drive (East) The Local Green Space sites at Haydon Park, which are referred to as Dorset Drive (West) and Dorset Drive (East), should both be designated as important Local Green Spaces and not be categorised as "Amenity Open Space", as per the latest modifications to the Local Plan. Biddulph's Neighbourhood Plan: These areas of land have already been identified by Biddulph's Neighbourhood Plan as important Local Green Spaces. They were both identified as important Green Spaces for the towns Neighbourhood Plan by local residents at public consultation events held at Biddulph Town Hall. The Biddulph Neighbourhood Plan is currently going through the Regulation 14 consultation process (Monday 23 September 2019 to Monday 4 November 2019) and contains policy NE3. Policy NE3 drafted as part of the Neighbourhood Plan, is as follows: "Local Green Spaces must remain as open space and their community value must be maintained or enhanced. Development proposals adjacent to or affecting Local Green Spaces will be supported only where there is no significant adverse impact on the community value or open character of the space." Criteria for designation within the Neighbourhood Plan are as follows: Paragraph 90 of the National Planning Policy framework 2018 states: "The designation of land as Local Green Space through the Local and Neighbourhood Plans allows communities to identify and protect green areas of particular importance to them". The criteria for designating Local Green Space in Neighbourhood Plans is set out in Paragraph 100 of the NPPF (February 2019): a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land'. Public Benefit: The two areas of land at Dorset Drive have benefited the local community since the houses were constructed in the 1970s, they provided public benefit as recreation and amenity areas, and are important wildlife corridors for Biddulph. Biddulph Valley Way: We consider it essential that the Dorset Drive (West) is protected as it also fronts the Biddulph Valley Way which is an important wildlife corridor through Biddulph Valley and also a National Cycle Route 55. As per the SMDC Local Plan Policy DSB1 section 9.45: "This site borders the Biddulph Strategic Corridor, comprising the Biddulph Valley Way. The GIS aims to protect and improve the Biddulph Valley Way as an established greenway through the settlement, to increase its use and enjoyment by people for health and recreation and to enhance its function as a wildlife corridor. Development of this area should positively contribute to this aim including the provision of pedestrian and cycling linkages from the site to the BVW and investigation of opportunities to reduce habitat fragmentation and increase connectivity by helping to create and improve wildlife corridors extending into the surrounding countryside". Flooding Issues: In late July 2019 there was a severe weather event in Biddulph, as a result four houses at the junction of Dorset Drive and Station Road were flooded and rendered uninhabitable. There have been a number of flooding events in this area in recent years and along with national concerns regarding climate change we anticipate such events will become more common in future. The issue is that the site at Dorset Drive (East) has the Biddulph Brook running through it, which is a main tributary to the Mersey basin, this area needs to be kept undeveloped as a public Green Space to alleviate flooding risks for the town. Environment Agency: Further to this, on Tuesday 15 October 2019 I attended a site visit with fellow Biddulph Town Councillors and representatives from the Environment Agency at the Dorset Drive (East) site. Please note that this stretch of the Biddulph Brook comes under the management of the Environment Agency as part of the Mersey Basin. The site visit was part of planning for flood prevention works on the Dorset Drive (East) site, which includes the construction of leaky dams to reduce the flow of water down the Biddulph Brook at times of heavy flooding. As such the site at Dorset Drive (East) can never be developed as it was underwater in July 2019 and in future will be underwater again if the planned leaky dams are constructed on the site. Staffordshire Moorlands District Council have been fully aware of these proposals since August 2019. Under no circumstances should the sites at Dorset Drive be developed in any way. Modifications to policy DC4 on page 131 of the Local Plan with Biddulph maps under MM56 and MM73 page 284/5, which covers local greenspace designations with policies and maps listed in appendix 10 are therefore inappropriate. Conclusion: The local plan MUST include Dorset Drive (West) and Dorset Drive (East) as Local Green Spaces. Additionally, within MM73 the list of Local Green Spaces for Biddulph should also be extended to include the following

locations: Mill Hays Sports Ground Church Road Playing Fields / Recreation Ground Biddulph Moor
Recreation Ground Biddulph Bowling Club Biddulph Grange Country Park Knypersley Pool Country
Park

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Conclusion: The local plan MUST include Dorset Drive (West) and Dorset Drive (East) as Local Green Spaces. Additionally, within MM73 the list of Local Green Spaces for Biddulph should also be extended to include the following locations: Mill Hays Sports Ground Church Road Playing Fields / Recreation Ground Biddulph Moor Recreation Ground Biddulph Bowling Club Biddulph Grange Country Park Knypersley Pool Country Park

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

Object to deletion of Dorset Drive East and West as LGS. Concerned that this will put them under the threat of development and impact on flooding problems in the town. Other areas proposed for designation as LGS in the Neighbourhood Plan have not been included in the Local Plan.

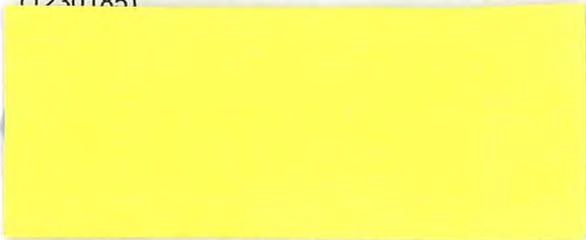
Officer Response

Refer to Inspector's Post Hearing Advice – Main Modifications and Related Matters – paras. 32 & 33. (EL6.004) and subsequent Inspector's letter (EL6.008). On the basis of the Inspector's recommendations the Council agreed main modifications to delete the Dorset Drive East and West Local Green Space (LGS) at the Council Assembly meeting on 26th June 2019. The green space at Dorset Drive is still designated as open space which offers protection under Local Plan Policy C2 (see MM31).

Recommendation

No change.

Comment

Consultee	Councillor (Biddulph West) Alistair McLoughlin (1230185)
Email Address	
Address	
Event Name	Main Modifications Consultation
Comment by	Councillor (Biddulph West) Alistair McLoughlin (1230185)
Comment ID	MMC108
Response Date	31/10/19 16:50
Consultation Point	1 Main Modifications Consultation (View)
Status	Submitted
Submission Type	Web
Version	0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM73

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

Sound - Positively prepared

Sound - Justified No

Sound - Effective No

Sound - Consistent with national policy

Complies with the Duty to co-operate

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Dorset Drive East and Dorset Drive West are important Local Green Spaces and should be listed as such in the Staffordshire Moorlands District Council Local Plan. Paras. 99-101 of the National Planning Policy Framework allows for the designation of Local Green Spaces, and the proposed designations clearly meet with the criteria. Therefore, they should not be removed from the Local Plan.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Maintain Dorset Drive East and Dorset Drive West as Local Green Spaces as recommended in the Neighbourhood Plan

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

Object to deletion of Dorset Drive East and West as LGS.

Officer Response

See officer response to MMC107.

Recommendation

No change.

Comment

Consultee Councillor (Biddulph West) Alistair McLoughlin (1230185)

Email Address
Address 

Event Name

Comment by Councillor (Biddulph West) Alistair McLoughlin (1230185)

Comment ID MMC109

Response Date 31/10/19 16:53

Consultation Point 1 Main Modifications Consultation ([View](#))

Status Submitted

Submission Type Web

Version 0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM12 the

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

Sound - Positively prepared	.	No
Sound - Justified	.	No
Sound - Effective	.	No
Sound - Consistent with national policy	.	No
Complies with the Duty to co-operate	.	No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Gillow Heath. I notice that SMDC omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly. SMDC omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect. The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (Regulation 14 closing date 4th November 2019). The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Sites BD062, BD068 and BD087, should remain as Green Belt land.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

I notice that SMDC omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly. SMDC omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect. The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (Regulation 14 closing date

4th November 2019). The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate. Sites BD062, BD068 and BD087, should remain as Green Belt land.

Officer Response

See standard officer response in MMC256.

Recommendation

See MMC256.

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East



How can you help?

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the [Local Plan website](#) and in the [Statement of Representations Procedure Document](#) on the SMDC website.

If you would prefer to make a representation by yourself please email forward.plans@staffs Moorlands.gov.uk or by post to Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit www.cheddletonresidents.org

Mary Mellor



The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment

I would like the Ox Pastures fields West and East referenced 29 and 30 to be protected with LGS designation and for this beautiful part of Cheddleton village to be preserved for future generations.

As an older and very deaf resident of Cheddleton I particularly value the safety of being able to walk along the path known as The Gully. It allows me to exercise with my dog independently and the flat path with no traffic to worry about makes this possible. The views are outstanding and I love seeing all the little birds popping in and out of the hedgerow. This walk is invaluable to me for the health benefits and an essential route for me to access village amenities. The fields are in effect the same as green belt helping to retain the character and setting of the historic village centre.

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

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If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

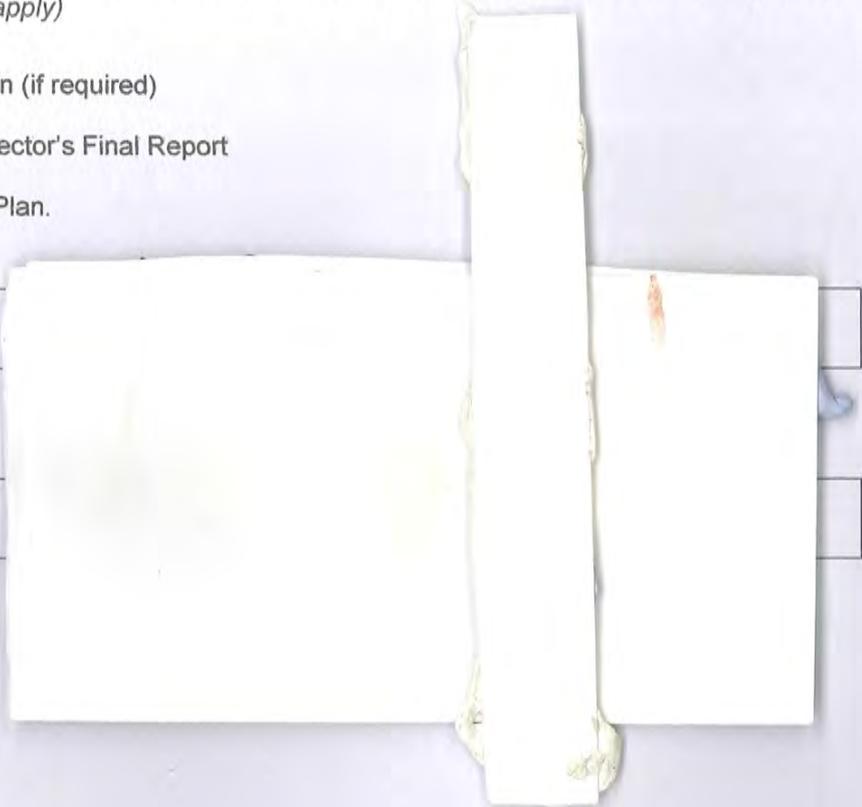
Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

Date:



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Guidance Notes

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

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Lack of due process control

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The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

Comment

Consultee
Email Address
Address

Antje Moller (1230040)



Event Name

Main Modifications Consultation

Comment by

Antje Moller (1230040)

Comment ID

MMC87

Response Date

31/10/19 11:47

Consultation Point

1 Main Modifications Consultation ([View](#))

Status

Submitted

Submission Type

Web

Version

0.4

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

Tunstall Road Masterplan Executive Summary

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

- | | | |
|--|---|-----|
| Legally compliant | . | Yes |
| Sound - Positively prepared | . | No |
| Sound - Justified | . | No |
| Sound - Effective | . | No |
| Sound - Consistent with national policy | . | No |
| Complies with the Duty to co-operate | . | No |

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Within the executive summary it is claimed that prior to an information event at Knypersley Sports Club about the proposals, leaflets announcing this were distributed within 1 mile. It is, however, my understanding that Victoria Row residents did not receive these leaflets. Some were made aware of the event by friends who lived nearby. Others were not aware of it at all. I find this extremely concerning and contrary to the Council's Statement of Community Involvement. Victoria Row residents would be the ones most severely affected by the proposed development and therefore it is imperative to get a clear perspective of their views if policy is to be adhered to. It is disappointing to find that in each proposed option in the Masterplan, Victoria Row is hemmed in by industrial units and housing on all sides. It is a setting of great local character, which years ago benefited from surrounding open green space. How sad that little by little this has been removed- but the proposed new development will surely destroy any of its remaining beauty, not to mention the habitat of local wildlife, such as bats which live in the trees surrounding the site and are protected species. Can I please refer to MM41 page 164 Policy DSB3, where it states that 'it is important that the development of this site achieves sufficient levels of amenity for new and existing housing'. As far as I can see from the Masterplan options, Victoria Row residents have not been given any consideration. Whilst they can currently enjoy open green views to the south, none of the proposed options allow for any views, whilst the proposed new housing will be able to enjoy green views on at least one side. In fact, each option proposes to build a number of industrial units immediately in front of Victoria Row residents' windows. I feel very strongly that this would severely affect the quality of life of these residents and is thus contrary to the Sustainability Objective 'To improve the quality of life where people live'. Looking at all options of the Masterplan, it seems likely that both the back and front roads of Victoria Row would be used for pedestrians to access the proposed new housing beyond it. I suggest that, given the unusual set-up of Victoria Row in that garages and gardens are set apart from the main properties across the back road, this has the potential to make the area more vulnerable to crime and again is contrary to the Sustainability Objective 'To minimise opportunities of crime and reduce the fear of crime'. The Executive Summary of the Masterplan stipulates that a meeting of landowners needs to take place to confirm their willingness to work with the council. I fail to understand how a proposal can be considered to be sound and positively prepared if this has not already been carried out. In addition, viability concerns for the industrial units in particular are raised and I therefore feel the plan is neither justified, nor effective. It raises the question- 'Is it really worth it?' Moving on to the bigger picture and how the proposed Masterplan would affect Biddulph as a whole. The housing quota for Option 3 of the site itself is 105, whilst further housing is planned in other sites. I cannot imagine how the doctors surgery, which is already struggling with its demand is going to cope with the extra influx of population. It is very difficult to get appointments at the present time. Unless there is some planning for this, this is contrary to the Sustainability objective 'To improve health and reduce health inequalities'. Finally, may I just say that I have found the methods stipulated to make comments for this consultation far from inclusive. Filling in a form such as this may discourage some from making their views known and it should be possible to submit opinions without this.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

I feel the information meeting held at Knypersley Sports Club should be repeated with the inclusion of all Victoria Row residents to ensure the Plan is justified and consistent with national policy. I feel Victoria Row residents are being treated appallingly with the proposal of a mixed site which surrounds their homes. I strongly object to this, especially the industrial unit element. I therefore feel that the extent of this should be reviewed, especially in light of the viability issues, in order for the Plan to be sound and justified. Alternatives, such as the expansion of the already existing Victoria Business Park should

be explored further. Issues, such as the increased vulnerability for crime the proposed development may create, need to be taken into account in order to make the Plan positively prepared. In addition, planning and consideration for healthcare access for a larger population needs to be addressed in order to make the Plan positively prepared and effective.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

Object to inadequate consultation, masterplan layout, impact on wildlife / beauty of area, lack of residential amenity for residents of Victoria Row, lack of infrastructure (e.g. doctors surgeries), viability, number of landowners involved, difficult for some people to respond to consultation due to form - consider that alternatives should be explored.

Officer Response

Refer to officer response to MMC105.

Recommendation

No change.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

[REDACTED]

From: Carole Moors
Sent: Wednesday, October 30, 2019 6:47 PM
To: Forward Plans
Subject: Changing the status of the land at Mill Hayes Farm (Formerly: Childerplay farm) from green Belt to land available for development for industrial use

Follow Up Flag: Follow up
Flag Status: Flagged

The site is an area of importance ecologically_ home to many and varied species of plants and animals. The access to the site would be from the A527. This road is already busy at all times. Would have a serious affect upon the value of the property in the surrounding area.

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Sound - Effective	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

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 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Mr	
First name	A	
Last name	Yarwood	
Job title (if applicable)	Planning Consultant	
Organisation (if applicable)	National Federation of Gypsy Liaison Groups	
Address line 1		
Address line 2		
Address line 3		
Address line 4		
Post code		
Telephone number		
Email address		

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference 23

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	x
Sound - Positively prepared	<input type="checkbox"/>	x
Sound - Justified	<input type="checkbox"/>	x
Sound - Effective	<input type="checkbox"/>	x
Sound - Consistent with national policy	<input type="checkbox"/>	x
Complies with the Duty to co-operate	x	<input type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

The modification seeks to show that of the 6 require Traveller pitches, 3 have been secured by the grant of planning permission at a site at Checkley. This is incorrect. The site at Checkley is a single family pitch with just 3 touring caravans and one amenity building. A traveller pitch is normally a site with one caravan for living in (often a static van) and at least one touring caravan and an amenity building. The site at Checkley does not constitute a 3-pitch site. It is a single pitch. Thus the unmet need for pitches is 5, not 3.

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Acknowledge that there remains a shortfall of 5 pitches which needs to be met by “windfall” provision

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

A. R. Yarwood

Date:

25/10/19

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
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Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Ms	
First name	Hazel	
Last name	McDowall	
Job title (if applicable)	Lead Adviser	
Organisation (if applicable)	Natural England	
Address line 1	Hornbeam House, Crewe Business Park	
Address line 2	Electra Way	
Address line 3	Crewe	
Address line 4	Cheshire	
Post code	CW1 6GJ	
Telephone number	07900 608175	
Email address	hazel.mcdowall@naturalengland.org.uk	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at

<https://www.staffs Moorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference : All Main Modifications

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	✓ <input type="checkbox"/>	<input type="checkbox"/>
Sound - Positively prepared	✓ <input type="checkbox"/>	<input type="checkbox"/>
Sound - Justified	✓ <input type="checkbox"/>	<input type="checkbox"/>
Sound - Effective	✓ <input type="checkbox"/>	<input type="checkbox"/>
Sound - Consistent with national policy	✓ <input type="checkbox"/>	<input type="checkbox"/>
Complies with the Duty to co-operate	✓ <input type="checkbox"/>	<input type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Natural England has no further comments to make on the Main Modifications of the Staffordshire Moorlands Local Plan.

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

N/A

(Continue on a separate sheet / expand box if necessary)

Please note

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If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report ✓
- Adoption of the Local Plan. ✓

5 Signature:

[Redacted signature]

Hazel McDowall
Natural England
West Midlands Area Team

[Redacted signature line]

Date:

25 October 2019

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

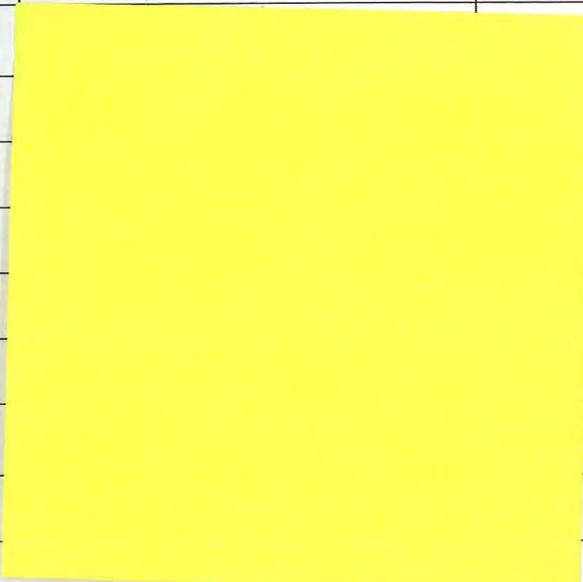
- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
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Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Mrs	
First name	Jane	
Last name	Neumann	
Job title (if applicable)		
Organisation (if applicable)		
Address line 1		
Address line 2		
Address line 3		
Address line 4		
Post code		
Telephone number		
Email address		

Notifications and Consent

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Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM41- Removal Of Green Belt

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	✓	<input type="checkbox"/>
Sound - Positively prepared	✓	<input type="checkbox"/>
Sound - Justified	✓	<input type="checkbox"/>
Sound - Effective	✓	<input type="checkbox"/>
Sound - Consistent with national policy	✓	<input type="checkbox"/>
Complies with the Duty to co-operate	✓	<input type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Page 63 Policy for Biddulph Area Strategy Policy SS6

Strengthening and promoting links between the town and countryside in particular with the Biddulph Valley Way, Biddulph Grange Garden and the Country Parks this should also include housing for people to address Biddulph's and national government long term housing needs

Page 164 MM41- Removal Of Green Belt

The Council's Core Strategy acknowledges that some Green Belt release is necessary to enable sufficient growth requirement in Biddulph. The Submission Version Local Plan seeks to deliver Biddulph's housing and employment requirement whilst ensuring that Green Belt release is kept to a minimum and the best sites used.

Whilst this is important; as a mother of 2 daughters wishing to buy homes, the release of green belt in the NORTH area of Biddulph would be of a huge advantage as it already butts up to existing housing, and enables more houses in Biddulph to be built closer to the main line Manchester to London train station of Congleton. Already having sustainable transport modes in place, this also has convenient access from Biddulph Valley Way and an existing commutable service No 94 bus which takes 12 minutes from north Biddulph area. This would help to achieve climate targets in the long run with little impact on Biddulph.

For further growth in Biddulph accessing Biddulph Valley Way to the north of Biddulph in this area, would be a healthy way to improve and gain easy access to the wider commercial area, and also to the recreational facilities of Biddulph Grange Gardens and adjacent country park for the health and wellbeing of the public which is widely encouraged, therefore being accessible to amenities e.g. within 500 meters of bus stop and within 1 km of public park.

The area north of Biddulph has better facilities and services, it is a more sustainable location which would help towards the housing needs and should be included in the local plan. It provides the most convenient access to public transport such as buses and Congleton train station to access the cities of Manchester and London reducing commuting time rather than the south of Biddulph. There is also good access to Biddulph's urban drainage systems which are also located in the north of Biddulph and convenient educational facilities of Woodhouse Academy. This would help to achieve sustainable climate targets .

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

Jane Neumann

Date:

30th October 2019

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
------------------------	-------

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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No Buy in by the people of Biddulph

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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Part B – Representations

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Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Return BD087, BD068 & BD062 to Green Belt land

From: David Nixon
Sent: 31 October 2019 08:09
To: Forward Plans
Subject: Representation on Main Modifications

Made by David Nixon. C Nixon & Partners

We consider the Plan still to be unsound and would also comment on some of the Main Modifications:-

We are very conscious of the likelihood that the council will be unable to achieve housing delivery sufficient to ensure a future 5 year housing land supply. We also note that the amount of employment land is to be increased from 27 hectares to 32 hectares. This will make further demands for new housing. There are also significant demographic trends which will lead to a very substantial increase in the numbers of older people within the population.

These particular changes in population structure including the special needs of an ageing population, and the need for affordable housing, are recognised in Policy H1 .

MM 49 recognises that the required housing delivery will be difficult without Green Belt release. However, the only commitment to review this is for Biddulph which is arguably the least representative of all the settlements due to its close relationship with the Newcastle/ Stoke on Trent conurbation. Development here is therefore less likely to address the new housing requirement across the whole area particularly for special needs.

This modification should therefore be expanded to include consideration of other settlements, particularly the larger villages whose role in the provision of affordable housing is highlighted in H2 8.59.

There should also be a specific link to DC 3

where the support for sympathetic and enhancing development is largely meaningless without a willingness to review settlement edges which all too often in the Plan are defined on a two dimensional basis which is unrelated to topography and the setting.

Without such modification, opportunities such as our own proposal on the northern edge of Forsbrook with its unique mix of housing of all types, new recreational space, enhanced biodiversity and a permanent settlement edge will not be encouraged.

We therefore ask the Inspector to consider these adjustments to the Plan and suggest that inclusion of our own site within the development strategy would be significant step to increasing the soundness of the Plan.

David Nixon. 30 October 2019

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Elizabeth Nokes

Personally speaking I moved to my house in particular because of the two fields in question.

The green open spaces that sustain wildlife and provide some peace and stillness away from so many roads and cars. I chose to live here with open aspects to the East toward Coombes Valley and Morridge which is a peaceful view everyone on the public footpath between the field enjoys.

It feels so cruel that this could all be taken away to make a few people very rich to the detriment forever of the wildlife and general public. Please designate this a green open space and let the Developer do the community some good and develop a brownfield site. 2019-10-27

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Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Elizabeth Nokes

Personally speaking I moved to my house in particular because of the two fields in question.

The green open spaces that sustain wildlife and provide some peace and stillness away from so many roads and cars. I chose to live here with open aspects to the East toward Coombes Valley and Morridge which is a peaceful view everyone on the public footpath between the field enjoys.

It feels so cruel that this could all be taken away to make a few people very rich to the detriment forever of the wildlife and general public. Please designate this a green open space and let the Developer do the community some good and develop a brownfield site. 2019-10-27

From: Steve Parker
Sent: Thursday, October 31, 2019 5:11 AM
To: Forward Plans
Subject: Fwd: Newcastle-under-Lyme and Stoke-on-Trent Joint Local Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

I write to oppose such developments as those at Victoria Row for the same reasons as described in the petition here.

<https://petition.parliament.uk/petitions/267197>

This is also in line with my objections to include Berryhill Fields (AKA Area 292) into the local plan for housing needs.

Short term aspirations of growth are miniscule and questionable in comparison to the loss of habitat and valued Green Space.

Best Regards
Steve Parker

----- Forwarded message -----

From: Stoke-on-Trent City Council <Stoke@public.govdelivery.com>
Date: Wed, 30 Oct 2019, 16:31
Subject: Newcastle-under-Lyme and Stoke-on-Trent Joint Local Plan
To:

ouble viewing this email? [View it as a Web page.](#)

Consultation scheduled for Spring 2020

Public consultation on the Draft Joint Local Plan has been slightly delayed until next spring and is being scheduled for a discussion at Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council cabinet meetings in February 2020.

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Justified	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

Sansom, Claire

From: Eloise Pearl <Eloise.Pearl@smdc.gov.uk>
Sent: Wednesday, October 30, 2019 5:26 PM
To: Forward Plans
Subject: Safeguarding of fields

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Biddulph and Gillow Heath.

I notice that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly. You omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect.

The decision to safeguard fields in Biddulph and Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019).

The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Thanks
Eloise

Sent from my iPad

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Return BD087, BD068 & BD062 to Green Belt land

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

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Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	Miss
First name	Julia
Last name	PERRY
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature

Date:

7/10/19



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	MISS
First name	JULIA
Last name	PERRY
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Signature

Date:

7/10/19



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MISS
First name	JULIA
Last name	PERRY
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Sound - Positively prepared	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature

Date:

7/10/19



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MISS
First name	JULIA
Last name	PERRY
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Date:

7/10/19



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

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First name	JULIA
Last name	PERRY
Address line 1	[Redacted]
Address line 2	
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No Buy in by the people of Biddulph
 Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

7/10/19

Freepost RRLJ-XCTC-JBZK
Forward Plans
Staffordshire Moorlands District Council
Regeneration Services
Moorlands House
Stockwell Street
Leek
ST13 6HQ

21st October 2019

Sent by email only

Dear Sir/Madam

**Staffordshire Moorlands District Council Local Plan
Main Modifications Consultation**

Thank you for providing Persimmon Homes (North West) Ltd [the Company] the opportunity to submit representations to Staffordshire Moorlands District Council's [the Council's] Local Plan Main Modifications consultation.

The submission of this representation follows the Company's attendance and participation in the Local Plan Examination in Public [EIP].

This representation is made to those proposed main modifications to the Submission Local Plan only and does not seek to make more general comments concerning the Local Plan. Should opportunity arise to make further comments on the Local Plan, the Company would be happy to provide any further comments to the Council.

Main Modification Comments

MM9 – para. 7.33 The Company supports MM9, which seeks to include a slippage allowance to existing commitments, this being factored into the Council's housing trajectory.

It is considered unlikely that all sites within the trajectory will be built at the rates envisaged and the Company considers that together with the Council's persistent failure to achieve its housing requirement, a slippage rate in excess of 10% is justified.

MM20 – para 108 – Policy H1 Housing and supporting text – The Company is generally supportive of Policy H1 (2) which encourages self-build homes in accordance with paragraph 61 of the National Planning Policy Framework, however is concerned that the Policy is ambiguous in not defining how many plots the Council will seek for self/custom build across the Plan period.

It is not considered that the Council have set out what demand for self-build homes has been identified within the Borough nor given full regard to the impacts on

scheme viability of providing such units or how these homes will integrate into a wider residential development

It is assumed extremely unlikely that those wishing to self-build will seek opportunities within a general market housing estate and will instead self-build on smaller and more modest plots, which will comprise exclusively of self or custom build houses.

Further, whilst the Company supports the Council's commitment to monitor the delivery of residential windfall sites and affordable housing to ensure that it is meeting expected levels, the Local Plan is not clear how it will seek to remedy any delivery issues that are identified.

MM21 – The Council will be aware that the Company has submitted a hybrid planning Policy H2 application seeking full planning consent for 125 homes and outline planning consent for up to 135 homes (total 260 homes) (SMD/2018/0180) on land referred as the Housing Allocations Cheadle North Strategic Development Area (CH001 and CH132).

It is considered that the approximate capacity within Policy H2 be reflected to support realistic delivery assumptions and housing trajectory.

MM42 – The Company is generally supportive of MM42 and Policy DSC1 however Policy DSC1 recommends the policy be updated to reflect the up to date situation surrounding the current planning application.
and supporting text

As addressed above, following revisions to the proposed Illustrative Masterplan to reflect comments from statutory consultees it is considered that the capacity of the Site is 260 homes. It is considered that the policy should be revised to 'at least 260 homes' to reflect this change whilst ensuring an element of flexibility for future planning applications.

It is considered that the second bullet point concerning the provision of land and access to the School Site be revised to '*Provision of land and appropriate access for a new County Primary School. Provision of the School Site will be secured via s106 agreement and timescale for its delivery agreed with the Education Authority.*'

Through the determination of the planning application, it has been advised that the Council are now longer seeking an area of 2ha to accommodate a new County Primary School and school/community playing pitches, and are instead seeking an area of 1ha to accommodate a new County Primary School with associated school playing fields – this should be reflected within Policy DSC1.

Further, the Company consider that the requirement for 'provision of two separate access points' is overly prescriptive and not supported by information contained within the Local Plan evidence base. Such matters are considered more appropriate for consideration as part of the planning application process and we would recommend a revision to this main modification to '*Provision of a suitable point(s) of access, supported by a detailed Transport Assessment.*'

Notwithstanding those comments made above to proposed Main Modifications, Paragraph 182 of the National Planning Policy Framework 2012 [the Framework] sets out that Plans are 'sound' if they are positively prepared, justified, effective and consistent with national policy.

Whilst not participating in the hearing sessions concerning housing need; the Company would raise that the Housing Trajectory contained within the Housing Implementation Strategy (July 2019) demonstrates that it is not expected there will be sufficient housing completions in the Borough across the Plan period to meet the housing requirement of 6,080 homes – showing an 271 homes under supply; the projected completions already factoring in a windfall allowance on both small and large sites throughout the Plan period. The projected completions throughout the plan period also assuming that all large sites with planning permission and Local Plan allocations will deliver their full projected capacity and fails to incorporate the 10% slippage allowance to the housing requirement or commitments as referred in MM9.

The Housing Implementation Strategy refers at Chapter 11 that existing housing commitments from unimplemented approvals will contribute significantly towards housing delivery, an accompanying table providing a list of sites with consent with a total capacity of circa 290 units; however, this again does not account for the 10% lapse rate defined within MM9.

On this basis, it is considered that the Local Plan is not positively prepared nor consistent with national policy, insofar as it does not *'seek to meet objectively assessed development requirements'*.

We trust that full consideration will be given to the comments made within this representation, prior to the adoption of the Local Plan.

Should any clarification or further information be required, please do not hesitate to contact me.

Yours faithfully

Sean McBride
Persimmon Homes (North West) Ltd

Tel: (0161) 746 3737
Email: sean.mcbride@persimmonhomes.com

From: John
Sent: 30 October 2019 11:10
To: Forward Plans
Subject: Main Modifications Consultation

Comment on MM36, Page 153, Policy DSL2, Land at the Mount

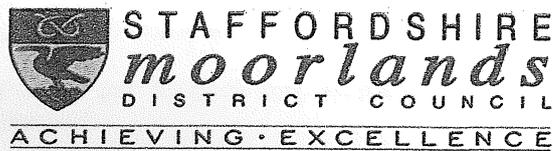
The inspector recommended *'Recognition of the recreational value of the Mount to the community and reflect this in master planning proposals through the sensitive treatment of Mount Road and Kniveden Lane, appropriately located green infrastructure, recognition of key views and connectivity to public rights of way.'*

To me the only way to provide more green infrastructure and recognise the importance of the key views is to reduce the number of houses being crammed into the sites by 10 perhaps 20%.

So instead of modifying the HIS document the planners have chosen to still continue with the draft document dated November 2018 showing a total of 345 dwellings instead of reducing the numbers to take account of the Inspectors comments.

It is very poor that you can ignore the Inspector's comments and just insert a paragraph that has no substance.

Regards
John Pigott



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MRS.
First name	ALICE
Last name	POTTS
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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MM/ document reference	MM/12
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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

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Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

13/10/2019.



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

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In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

13/10/2019.



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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Title	MRS
First name	ALICE
Last name	POTTS
Address line 1	
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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No Buy in by the people of Biddulph
 Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

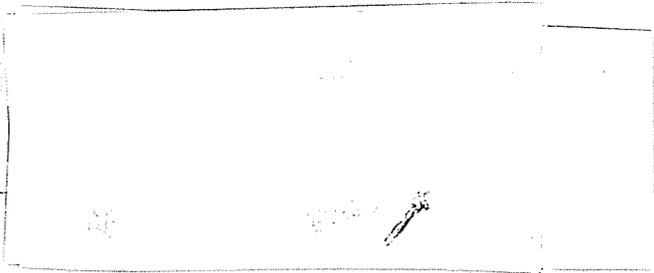
Comment:

Geoff Preston



The village desperately needs open spaces, lungs where people can breath clean air, and enjoy tranquillity and spaces where young and old can play and rest in safety.

Islands of open space are precious and need to be kept public lest we condemn our citizens to live in a featureless sprawl of housing. Expansion should be on brownfields sites. Some older property should be redeveloped to conform to new environmental standards.



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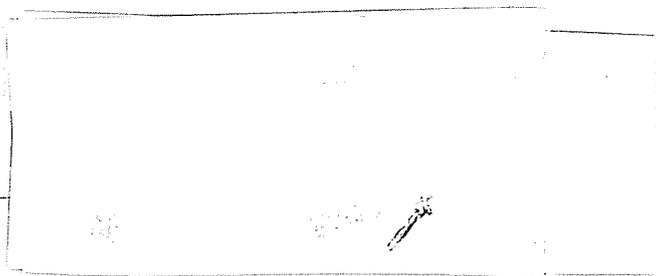
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Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	Mrs.
First name	Gwendolyn
Last name	PRICE
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date:

15 - 10 - 2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MRS
First name	GWENETH
Last name	PRICE
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

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Signature: 

Date:

15.10.2019.



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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	Personal details
Title	MRS
First name	GWENETH
Last name	PRICE
Address line 1	[Redacted]
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Out of date information used to develop the Modified Plan

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

15.10.2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	Mrs
First name	Gwendolyn
Last name	PRICE
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Date:

15-10-2019.



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

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Last name	Price
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

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Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

From: JILL PROFFITT
To: Forward Plans
Subject: SMDC main modifications 61&73
Date: 31 October 2019 14:28:13

Staffordshire Moorlands District Council CONSULTATION:

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West

Dear Sir,

Thank you for taking time to read my letter.

PLEASE PROTECT OUR GREEN AND PLEASANT LAND.....PLEASE DESIGNATE THE FIELDS from Ox Pasture East and West as LOCAL GREEN SPACE

I have lived in Cheddleton for over 40 years. Me and my family care and want to protect our local green spaces for current and future generations. The two fields either side of the gully have helped to form part of the character of Cheddleton and its historic areas. Let it continue to be a little piece of heaven offering a healthy environment and breathtaking views for wildlife and people from near and far.

Historically, currently and for the future....LOCAL GREEN SPACE -

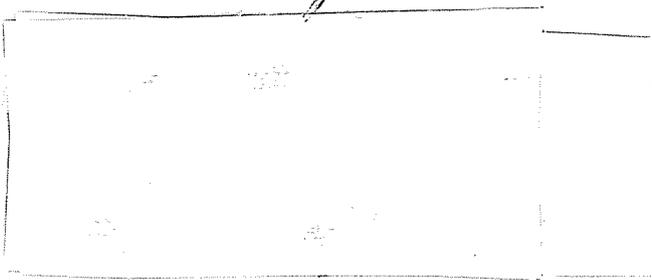
- Promotes mental and physical health
- Aids community wellbeing
- Provides a habitat for wildlife, enhances opportunities for wildlife habitats and wildlife corridors
- Decreases air pollution
- Improves air quality
- Decreases harmful noise
- Offers peace and tranquility

WHY WOULD ANYONE WISH TO REMOVE THE ABOVE FROM OUR LIVES?

I ask you againPLEASE PROTECT OUR GREEN AND PLEASANT LAND

Yours faithfully

Mrs. Jill Proffitt



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Return BD087, BD068 & BD062 to Green Belt land

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3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Justified	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

Sansom, Claire

From: KINGSLEY ROWLAND
Sent: Wednesday, October 30, 2019 2:47 PM
To: Forward Plans
Subject: Local Plan Examination

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Dear Sir/Madam,

Response to the main modification consultation, Sept. 2019; MM56:

Issue 1: Sewage Works

BD062 and BD068 are both immediately adjacent to a sewage works. Residents who live on Essex Drive, York Close and Long Valley Road suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build homes even closer. Photographic and video evidence exists of repeated raw sewage flooding into the brook at the end of Essex Drive (13/09/2016), where pressure builds up inside the junction chamber and the lid blows off, especially following heavy rain. This happened again in August and October 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern side access) and sites downstream, including BD068 and BD087. This field needs to be kept as a natural buffer. Adding more houses and thus increasing surface run-off from built up areas will only make this situation worse.

Issue2: Bio-diversity

Key points:

The SMDC Phase 1 Ecological Survey evidence base is being ignored.

The Assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.

The ranking exercise which was used to inform SMDC Council Members and guide decision making at the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology is unsound.

Removing the Gillow Heath fields from the green belt and designating them as safeguarded sites for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood plan, which has a more recent and detailed evidence base, which has designated BD062 as local green space. This had already passed through two public local consultations, which SMDC was well aware of.

Sites need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC council members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800 m of the town centre when they clearly are not at Gillow Heath. The Ranking method is unsound. The proposed eastern site access of Essex Drive is in a flood plain and should remain as semi-natural habitat and its role in natural flood management enhanced.

Issue 3: Community access

The local community have had unfettered access to this site since the estate was built. For over 40 years, there has been total open access and the land has been used by local residents for events and dog walking. As recently as 7th July 2019 and repeatedly since. This land has been designated Local Green space by the emerging Biddulph Neighbourhood Plan (currently undergoing REG 14 consultation) as it was found to meet the criteria required.

Issue4: Access Roads.

Neither the distributor road (Mow Lane) nor the feeder roads (York Close and Essex Drive) meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The roads are too narrow and the road bend radii too small. There are two pinch points over bridges on Mow Lane to the east and west of the access to BD062, and a new sewage pump on Mow Lane all of which reduce the feeder road to a single carriage way in at least 3 locations. There is no alternative access to BD062. Planning permission has been refused on highways grounds in the past and the situation has only got worse with the creation of the third pinch point on Mow Lane. The actual distributor road width (Mow Lane) falls below the minimum required of distributor roads by the Residential Design Guide, which is 6.7m wide. Mow Lane is 4.25m.

Issue 5: Flooding

BD062 (Land at end of York Close/Essex Drive) suffers from a high amount of surface flood water flooding. It is classed as wet meadow and plays an important role in slowing down rainwater flowing into Biddulph Brook(natural flood management) This field drains part of Biddulph valley way as evidenced by the Enviroment Agency flood maps.

Yours Faihfully.

K&B Rowland

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Councillor Lisa Salt

The two fields are of significant meaning and value to the village and its community for a variety of reasons. At a time when environment and carbon emissions are a major issue it seems counter productive not to protect these areas.

As a village with limited infrastructure this area provides a tranquil and safe environment of natural beauty that I access on a daily basis. This area is particularly beneficial to my health and wellbeing due to the uplifting ambiance created by the views towards the church and surrounding countryside.

Public Health England have stated that "healthy places make people feel comfortable and at ease, increasing social interaction and reducing anti-social behaviour, isolation and stress" thereby affirming the necessity to protect these areas. 2019-10-31

POST ROOM
REC'D 22 OCT 2019



Document Ref: - MM/12

October 9, 2019

Biddulph Modified Local Plan – Road Safety Issues

Dear Sir,

The cost of road widening, footpaths, street lighting etc to accommodate possible housing development on sites BD062, BD068 and BD087 would be astronomical. The amount of work involved would have a catastrophic effect on the surrounding area.

Some vital questions need to be answered here. Who would actually pay for this work? Has Staffordshire County Council stated it will fund the new road from Marsh Green Road to the sites? Why is all this upheaval so necessary for the sake of just a small number of houses on these sites?

Major road safety issues are involved. The ensuing traffic congestion just doesn't bear thinking about. It would create a nightmare scenario for existing residents in surrounding properties, pedestrians, and drivers passing through the area.

The access road and bridge over the river to BD068 and BD087 has been identified as Flood Risk Level 2/3. It is the only access road. So what happens if there is a flash flood? In order to build an adequate road to service the potential sites, a support wall will have to be built along the river bank. This idea is preposterous. The ground is actually marsh land, hence the road name, Marsh Green Road.

The road improvements would involve compulsory purchase of land and would need to be completed before any development took place.

It is my opinion that the SMDC needs to conduct an enquiry with all relevant bodies in order to compile a comprehensive report on the above issues and many other problems involved in the Modified Local Plan.

Yours faithfully,

[Redacted signature box]

[Redacted box]

DAVID SANDERSON

CC: Joanna Brooks SMDC

Document Ref: - MM/12

October 9, 2019

Biddulph Modified Local Plan – Missing Information

Dear Sir,

I write to outline my deep concern about vital information missing from the SMDC's planning team report to a meeting in June this year.

It is clear the Modified Local Plan has been put forward with information that is potentially several years out of date. It is also obvious that all other sites in the Biddulph area were not considered before BD062, B068 and B087 were reintroduced into the plan.

Four years ago, the Environmental Agency told the authority that all other potential development areas should be considered before looking at the above sites. The above named sites were originally excluded during the first consultation rounds in 2016.

Biddulph Town Council voted to exclude the three sites from the Local Plan in 2015.

In the same year, a Green Belt report instigated by the SMDC stated that the sites should only be considered under "exceptional circumstances". A pertinent question here. Why has the Green Belt report been ignored in relation to the future development of Biddulph?

As part of the Modified Local Plan schedule, the planning team has only earmarked 12 sites from the original housing plan of 2014 when there were originally 27 possible sites. Back then, BD062, BD068 and BD087 were excluded.

The sites were mysteriously reintroduced in May this year after the Local Plan was thrown out by the Planning Inspector. It was ruled that another site BDNEW should be taken out of the Local Plan because it was Green Belt land. The three sites, BD062, BD068 and BD 087, are ALL Green Belt land.

In my opinion, the Modified Local Plan in relation to the three sites should be rejected outright and returned to the SMDC for further consideration.

Yours faithfully,

REC'D 17 OCT 2019

Document Ref: - MM/12

October 9, 2019

Biddulph Modified Local Plan – General Objections

Dear Sir,

I write to express my total opposition to specific issues relating to the above plan, namely potential housing development on sites BD062, 068 and 087.

In outlining the first of several concerns, I would say there has been an abject lack of progress with the Local Plan by the SMDC.

Back in June this year, the authority voted to amend the Local Plan to reintroduce the three sites in the vicinity of Biddulph Water Treatment Works. It was claimed by the authority's planning team that United Utilities raised no objection to this change of direction.

Conveniently, the planning officers did not mention that both United Utilities and the Environmental Agency had requested that all other options plus 27 other potential sites be considered for development before looking at BD062, 068 and 087.

The Environmental Agency has stated in the past that SMDC should steer clear of areas with a high flood risk (the named sites are flood risk areas and we have photographic evidence to support this). and also ensure that any new development is safe and reduces flood risk to other areas of land.

Furthermore, the Environmental Agency decided that where new housing increases flood risk, such plans should not be permitted. As a property owner affected by the potential new development, I feel strongly

that the organisation should conduct a site inspection with the aim of producing a full and detailed report on this ludicrous situation.

The Government has also reiterated their rule that flood plains should not be considered for housing where other sites are available.

There is something seriously amiss with this whole issue. Why have these three sites been reintroduced in to the Local Plan when there are plainly other sites more viable for development? A full inquiry by a higher authority is clearly needed.

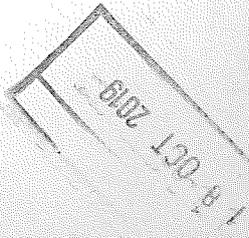
In summing up, I would say that under no circumstances should the aforementioned sites be included in the Modified Local Plan.

I also wish to inform you that I tend to address further concerns about the same issue in future correspondence with your department and the SMDC.

Yours faithfully

DAVID SANDERSON

CC: Joanna Brooks SMDC



Document Ref: - MM/12

October 9, 2019

Biddulph Modified Local Plan – Public Health Issues

Dear Sir,

Potential housing sites should not be close to water treatment works. That is the opinion of United Utilities re SMDC considering possible areas of land suitable for development.

This ruling has clearly not been considered in the authority's decision to include BD062, 068 and 087 in the Modified Local Plan.

In fact, there have been numerous complaints about odour and leakage of sewage from the water treatment works into the nearby brook. United Utilities officials have agreed there is a problem. We, as residents, have witnessed several occasions when raw sewage floats along the brook towards Congleton and obviously we suffer the subsequent smells. Yet the site owner has provided a survey to the council stating there isn't an issue! Who is correct?

As the proposed development for BD062 and BD068 is within 10M of the water treatment boundary, there could obviously be a risk of an infectious disease breaking out. It needs to be made quite clear that United Utilities and the Environmental Agency should decide on a minimum distance from the waterworks boundary line for any potential housing plan. Such a move could well restrict the number of dwellings on these sites and therefore render the scheme unviable.

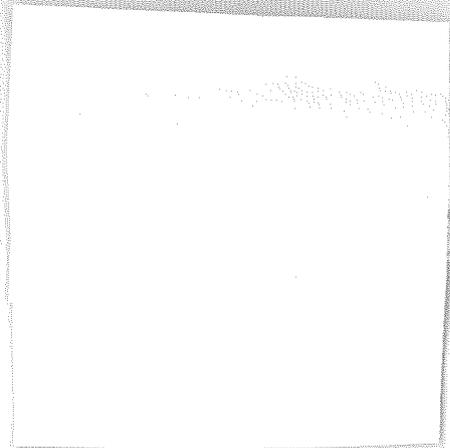
United Utilities could also face possible lawsuits in the future from the owners of any newly-built properties.

A full and frank report on the viability of these sites needs to take place before any firm decision is made about potential development.

Yours faithfully,

DAVID SANDERSON

CC: Joanna Brooks SMDC



Document Ref: - MM/12

October 9, 2019

Biddulph Modified Local Plan – SMDC Motives

Dear Sir,

The modified plan has met with dozens of objections from worried residents in relation to the inclusion of sites BD062, BD068 and BD087, previously omitted from the blueprint.

It's my considered opinion that SMDC is pushing ahead with the plan with indecent speed. Why? Just what are the motives behind this ludicrous scheme? To my mind, there has been inadequate preparation for the proposals to go ahead.

The modifications to the plan have been made very late in the day. Is this in order to thwart residents' opposition? Adding safeguarded land to the plan without proper investigation, particularly when the land in question involves public safety issues, plus a lack of public consultation by the council, could easily lead to the authority facing legal action and hefty financial claims.

The above sites are ranked as prime building land. No other potential sites have that rank. Sixteen of the original sites identified in 2015 were not even considered. Why?

The previously safeguarded sites are on a flood plain, so potential home owners would not get a mortgage or property insurance.

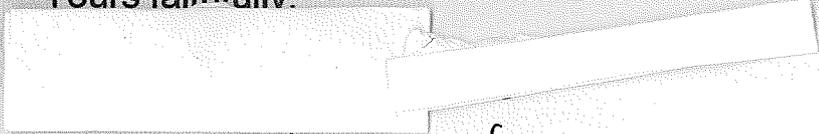
The correct process of conducting full site investigations, gathering reports from organisations involved, consulting the public etc has not been followed. Why?

The SMDC has had eight years to get the local plan right. The modified plan has taken just three months from June this year.

There has been a hurried consultation period between September 18 and October 31 with hardly anyone being informed. Why? However, the site owners have been kept up to date with ongoing developments.

The whole situation stinks. The modified plan with these three sites would be entirely detrimental to the town of Biddulph and indeed its residents.

Yours faithfully.


DAVID SANDERSON

CC: Joanna Brooks SMDC

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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CONCERNING BDO87

I HAVE LIVED IN BIDDUNPH FROM BEING BORN IN CONGLETON WAR MEMORIAL HOSPITAL AND NOW A RESIDENT OF CONGLETON ROAD BIDDUNPH.

THERE HAS NEVER BEEN BUILDINGS ON THIS LAND. CONTRARY TO THE LAND OWNERS CLAIMS. I HOPE THIS KNOWLEDGE IS TAKEN INTO CONSIDERATION.

I AM NOW 65 YEARS OF AGE AND MY MOTHER AND UNCLE BEING 90 AND 95 YEARS OF AGE.

I'VE ALSO ASKED THEM THE QUESTION OF BUILDINGS ON THIS LAND TO WHICH THEY BOTH SAID NO

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

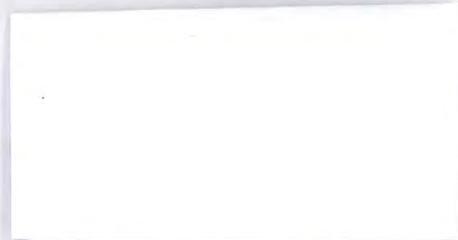
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Date:

28/10/2019

05 SEP 2019



3rd September, 2019

Mr Arne Swithenbank
Principal Planning Officer



LOGGED

Dear Sir,

Re – objections to BD087 Biddulph Plan

As joint owners of  we write to object in the strongest possible terms to plans for 20 new build properties on land east of Biddulph Brook, north of Marsh Green Road.

This site, designated for many years as Green Belt land, is wholly unsuitable for such a development on numerous grounds.

1. Flood risk - The land in question is a flood plain (the only one in the Biddulph area), with an added problem of surface water running off it at given times. As the name Marsh Green suggests, it is marsh land and is prone to serious flooding during wet weather. We have photographic evidence of this. Historically, the area was considered for the site of a new town cemetery some 14 years ago by Biddulph Town Planning Committee, but was rejected outright because of serious concerns about access and the possibility of coffins floating to the surface through ground water pressure. Clearly there is a severe flood risk. So how can it then be considered for possible housing development? How would the residents of properties built on the fringe of the flood plain acquire mortgages/buildings/contents insurance?
2. Properties built in the valley would be overlooked by existing homes on Congleton Road and adjoining roads.
3. Access – BD087, plus related BD062 and BD068 plans, would require a tremendous amount of infrastructure work to facilitate any new development. The cost of road widening, footpaths, street lighting etc would be astronomical. Some pertinent questions need to be answered here. Who would pay for this work? Why is all this upheaval so vital for the sake of just 20 new houses and the two related developments, all of which were originally excluded from the first consultation stage? WHY have planners changed their minds on this particular issue? These are questions that need to be answered, given that there are far more suitable potential development areas around Biddulph.
4. Traffic chaos – The ensuing traffic congestion just doesn't bear thinking about if this scheme goes ahead. It would create a nightmare scenario for existing residents in surrounding properties, pedestrians, and drivers passing through the area.

5. Our property, along with two adjoining properties, has sewage water piped into a septic tank at the bottom of No 267. Access is needed to maintain pipe work at the northern end of the site. How would this be achieved given the proposed development?

6. As there have been numerous complaints about nasty smells from the adjoining Biddulph Water Treatment Works over many years, have the health and safety aspects of such proposals been taken into consideration? We can categorically state that there have been many occasions when raw sewage actually floats along the brook towards Congleton and we residents suffer the resulting repulsive smell.

7. Wildlife – The ancient valley is an area of outstanding beauty. Any development would destroy the natural habitat of myriad wild flowers as well as geese, ducks, frogs, heron, kingfishers, kites, rabbits and bats – the latter, according to current legislation, is a protected species. The valley would be decimated if properties were built there.

We would also point out that there has been no local consultation on this issue.

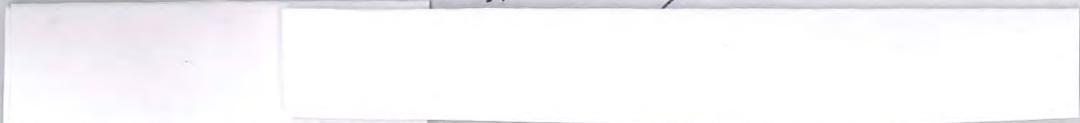
In general terms, the site could not support affordable housing, so any homes built here would be in the upper price bracket, which would make a mockery of the nationwide need for affordable homes.

In conclusion, we feel it would be sheer lunacy and totally illogical for BD087 and the related schemes to be given the go ahead in the future. Such a move would be an ecological disaster for our beautiful valley. It would create a nightmare of added congestion and change the face of Biddulph forever.

Given the importance of the area, residents will be enlisting the help and support of wildlife and conservation organisations in opposing this ludicrous scheme. We, along with many other people, intend to fight on until such time a sensible decision is made to reject the proposals outright.

Thank you for taking time to consider this letter of objection. We would ask you to forward a written response when it is appropriate.

Yours faithfully,

A large rectangular area of the document has been redacted with a white box, obscuring the names of the signatories.

Michael Hilton & David Sanderson

CC: Joanna Brooks - SMDC
Mark Dakeyne – Planning Inspector

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On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

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2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title		Mr
First name		Andy
Last name		Williams
Job title (if applicable)		Director
Organisation (if applicable)	Seabridge Developments Limited	Advance Land & Planning Limited
Address line 1	c/o Agent	
Address line 2		
Address line 3		
Address line 4		
Post code		
Telephone number		
Email address		

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffs Moorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference MM8, MM9, MM12 (see attached representation letter)

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Consistent with national policy	<input type="checkbox"/>	<input type="checkbox"/>
Complies with the Duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

SEE ATTACHED REPRESENTATION

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

SEE ATTACHED REPRESENTATION

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- | | |
|---|-------------------------------------|
| Further hearing session (if required) | <input checked="" type="checkbox"/> |
| Publication of the Inspector's Final Report | <input checked="" type="checkbox"/> |
| Adoption of the Local Plan. | <input checked="" type="checkbox"/> |

5 Signature:

A J Williams

Date:

29 October 2019

Forward Plans
Regeneration Services
Staffordshire Moorlands District Council
Moorlands House, Stockwell Street
Leek. ST13 6HQ

For the attention of the Local Plan Inspector

Our Ref: ALP/SDL/SMLP/Bidd/MM's

29 October 2019

Dear Sirs

Proposed Main Modifications to the Staffordshire Moorlands Local Plan

Introduction

Seabridge Developments has consistently made the case for the allocation of site BD062 (Land off York Close, Biddulph) for housing. The client attended the Core Strategy Examination and we supported the Council in early iterations of the Plan, which proposed to allocate the site. We also objected strongly to the Submitted version of the Plan, which sought to ignore its merits in favour of a different strategy that involved the proposed allocation of land to the west of the Biddulph Valley Way (BDNEW) and we appeared at the Examination to express our concerns.

We welcomed the Inspector's Post-Hearings Advice to the Council which confirms that there is a case for exceptional circumstances existing to justify the alteration of Green Belt boundaries around Biddulph. We strongly endorse the Inspector's view that BDNEW represents an unsound proposal and should be deleted and that the Council should review its evidence base (for instance Table 5.1 of SD22.4) to consider alternative sites that could be removed from the Green Belt for allocation and/or safeguarding to meet longer term development needs in Biddulph. (Issue 5 - paragraphs 10-13)

The Council's Approach in Response to the Inspector's Post-Hearings Advice

It would appear that the Council has once again acknowledged that land at Gillow Heath makes a relatively weak contribution towards fulfilling the purposes of the Green Belt, which is a view also expressed by the Inspector who considered the Core Strategy. More particularly, it proposes to remove Sites BD062, BD068 and BD087 from the Green Belt. **We strongly endorse the Council's proposed main modifications in this respect and we fully endorse the assessment summarised at Appendix C (Biddulph Option 2 Assessment Table) of the Biddulph Options Planning Analysis (Document E), which states:**

"Rank 1: Limited overall impact on Green Belt purposes (site only makes a contribution to one of the green belt purposes and a limited contribution to the rest). Whilst United Utilities would prefer that development took place elsewhere, they don't make a formal objection and constraints exist on other alternative sites. Consequently, on planning balance, the limited overall impact on the Green Belt and lack of other constraints gives this site a high ranking."

Whilst some local objection to the proposed deletion of the site from the Green Belt can be anticipated (not least from residents in York Close), as the evidence base confirms, the land does not perform strongly in terms of Green Belt purposes. Furthermore, to counter any suggestion that the land is unsuitable for development, we wish to re-affirm that it is in Flood Zone 1 (not liable to flood) and it holds no significant ecological value that would merit special protection, as evidenced by the several ecology assessments that have been undertaken and supplied to the Council in recent years. Other than for a single footpath that runs alongside the western boundary of the site adjacent to the Biddulph Valley Way (BVW) and a short informal path in the south-east corner, linking York Close and the BVW (which can be incorporated into any future development), there is no lawful public access over the land.

The main area of disagreement our Client has with the Council's revised approach is that we consider that BD062 should be allocated for housing in this Plan as opposed to being safeguarded to meet future development needs. It is this issue that compels our client to object strongly to the proposed Main Modifications.

Concerns about the Proposed Modifications

Our client is of the strongly held view that the Plan (as proposed to be modified) should be positively planning for the future and in this respect, it is unsound for the following reasons:

1. The Council is only proposing to meet housing needs for years 1-10 of the Plan and not years 11 -15. Whilst such minimalistic approach is not contrary to the NPPF, it does place greater importance on the timely delivery of new homes in the initial stages of the Plan and for that reason, there is a need for more certainty about the anticipated supply and delivery associated with those allocations (particularly in Biddulph) that the Plan so heavily relies upon.
2. It is worthy of note that at paragraph 7.26 of a report to the Council Assembly on 26 June 2019 (presumably a document which the has provided to the Inspector), it is proudly asserted that: "*The revised document establishes that even with the removal of site BDNEW from the housing supply and revised delivery assumptions, there is a supply of **5.16 years** of housing and a sufficient supply for 10 years*" (emphasis added). This is a very fragile housing land supply position for a new, supposedly forward looking Plan and it could easily be undermined if sites are not delivered and quickly and to the anticipated densities.
3. The Council is advocating the 'Liverpool method' (to spread the housing shortfall up to the period 2033) rather than the 'Sedgefield method' (meeting the shortfall over the first part of the Plan period). It is plainly evident that the Council has a very poor record of housing delivery and whilst it has prepared a housing delivery plan, we remain concerned that the Council is over-estimating the amount of new housing that will be delivered by the proposed housing allocations for Biddulph, especially DSB1 – Wharf Road, which has long been mooted, or proposed for development. Wharf Road represents a very complicated site in multiple ownerships and afflicted by numerous significant constraints, which we have previously highlighted in our objections to the Submission Plan, including significant ground conditions and contamination issues associated with its legacy of former coal mining (including 15 known mine entries), as well as topographical, ecological, flood risk, environmental and technical constraints.
4. The Council is being over-optimistic on the timescales for delivery of the strategic housing allocations for Biddulph, especially Wharf Road, which experience suggests will inevitably result in a longer than anticipated 'lead-in' period before any new homes are capable of occupation and built-out that is likely to extend well past the first 10 years of the plan period.

5. Furthermore, the housing strategy for Biddulph does not allow sufficient flexibility to address a situation where the delivery of new homes does not match the Council's over-optimistic and unrealistic expectations of housing capacity and delivery. This could be remedied by the allocation of additional land capable of being delivered in the shorter-term.
6. The Plan does not properly provide sufficient small/medium-sized sites that are capable of being developed by small/medium sized house-builders in accordance with Government guidance.
7. In order to boost significantly the supply of housing as required by the NPPF, or at the very least, provide greater certainty for the delivery in Biddulph over the shorter term, **the Plan should allocate for housing, land at Gillow Heath (including Site BD062)**, which comprise a compilation of relatively modest sites in single ownerships that are capable of being delivered early in the Plan period, in order to address the concerns raised at 1-6, above.
8. If, as a result of the allocation of the three sites at Gillow Heath, it is deemed necessary to identify additional safeguarded land to meet long term development needs beyond the Plan period, there may be scope to consider those sites ranked 2 and if necessary, 3 in the Biddulph Options Planning Analysis – Document E.
9. If the above concerns are not accepted, the Plan should provide an explicit mechanism for the early release of additional housing sites, including the use of safeguarded land, in circumstances where housing delivery falls below the required trajectory and/or the Council is unable to demonstrate the minimum 5 year supply of deliverable housing land, as required by the NPPF.
10. In the meantime, the Plan should make it clear that Neighbourhood Plans should not apply restrictive policies (e.g. Local Green Space designations etc.) that would run counter to the purpose of safeguarding land to meet future development needs.

Representations on Specific Proposed Main Modifications (MM)

More specifically, our client wishes to submit the following representations in respect of specific Main Modifications (MM's):

MM	Page No.	Policy/Para	Seabridge Representation
MM8	49	7.28	We strongly support the assertion that exceptional circumstances exist for the release of Green Belt.
MM8	50	Policy SS3	The policy should state more explicitly what approach will be adopted in the event that the Council is unable to demonstrate a minimum 5 year housing supply. For instance, will it commit to an early partial review of the Plan to identify additional housing land allocations that can be delivered without delay? Alternatively, will support applications on safeguarded land to enable early delivery to assist the supply position?
MM9	52	Table 7.2	We note the revised net housing requirement for Biddulph of 962 dwellings
MM9	54	Policy SS4	We note the revised net housing requirement for Biddulph of <u>962 dwellings</u> . It is also noted that Table 7.7 only identifies potential provision <u>734 dwellings</u> (which is reduced from 890 units), including allocations totalling 604 dwellings (which is reduced from 730 units). This results in a deficit of 228 dwellings against the net requirement for the plan period, which is an inadequate and avoidable response to the housing shortfall in Biddulph. We suggest that the allocations should be increased by the identification of the sites at Gillow Heath – BD062 (35 units), BD068 (70 units) and BD087 (15 units), which according to the Council's Assessment of Possible Site Allocations, together have an estimated capacity of 120 units.
MM12	62	New para between 7.50 and 7.51	We consider the Plan makes inadequate housing provision for Biddulph, even for the first 10 years of the Plan and places an over-reliance on the delivery of most of Biddulph's requirement on just a couple of large strategic sites, at least one of which (Wharf Road) is significantly constrained and will not deliver the necessary new homes in a timely manner. Whilst we support the release of land at Gillow Heath from the Green Belt, we are therefore compelled to object to paragraph 6 of the Biddulph Area Strategy, which instead, should allocate sites BD062; BD068 and BD087.

			<p>In any event, since the Plan is not proposing to fully meet the needs of Biddulph (924 dwellings) within the Plan period, the text "<i>The intention is that it is set aside to meet future needs (rather than needs within the plan period like an allocation)</i>" is confusing and should be amended to read "the first 10 years of the plan period".</p> <p>We consider that the text: "<i>which proposes the development so there is no guarantee that it will become an allocation. The land may not be needed in certain circumstances, for example - if the housing requirement for the District and/or spatial strategy changes in the future - but it provides a buffer to ensure that Green Belt boundaries around Biddulph have a degree of permanence</i>" is unhelpful and unnecessary and should be deleted.</p>
MM12	63	Policy SS6	<p>We consider the Plan makes inadequate housing provision for Biddulph, even for the first 10 years of the Plan and places an over-reliance on the delivery of most of Biddulph's requirement on a couple of large strategic sites, at least one of which (Wharf Road) is significantly constrained and will not deliver the necessary new homes in a timely manner. Whilst we support the release of land at Gillow Heath from the Green Belt, we are therefore compelled to object to paragraph 6 of the Biddulph Area Strategy, which instead, should allocate sites BD062; BD068 and BD087.</p>

Conclusions

In summary, this Plan does not identify sufficient land to meet the needs of Biddulph over the entire Plan period up to 2033. It only seeks to make provision for the first 10 years, which we suggest is an unacceptable approach for the Council to take, given that it has an acknowledged shortfall, which it proposes to spread over the whole plan period adopting the 'Liverpool method', as opposed to the 'Sedgefield method', which focuses on the first 5 years.

This inadequate response to the NPPF's requirement to boost significantly the supply of new homes (paragraph 59) is exacerbated by the Council's proposals to concentrate the majority of the housing provision in two strategic sites, one of which (Wharf Road) has a history of non-delivery, not least because of a range of significant constraints ranging from multiple ownerships; topographical challenges; significant geo-environmental issues; flooding and ecological issues and infrastructure constraints, etc.

We have no objection to the allocation of the site, but we consider that it will not deliver the anticipated number of dwellings within the first 10 years of the Plan and so we strongly believe that additional allocations should be made.

The Core Strategy Inspector highlighted the opportunity to release land from the Green Belt at Gillow Heath and the Council has also previously acknowledged the merits of Sites BD062, BD068 and BD087.

We appreciate that allocation of land results in objections, but this is no reason for the Council to avoid the allocation of additional land now, rather than propose its 'safeguarding' to meet a potential future need, that actually exists now and which is not being properly planned for.

We therefore support the release of land at Gillow Heath from the Green Belt, but in the interests of proper and positive plan-making, we urge allocation of the proposed safeguarded land at this time.

Yours sincerely,

Andy Williams

A J Williams Dip TP, MRTPI
Director

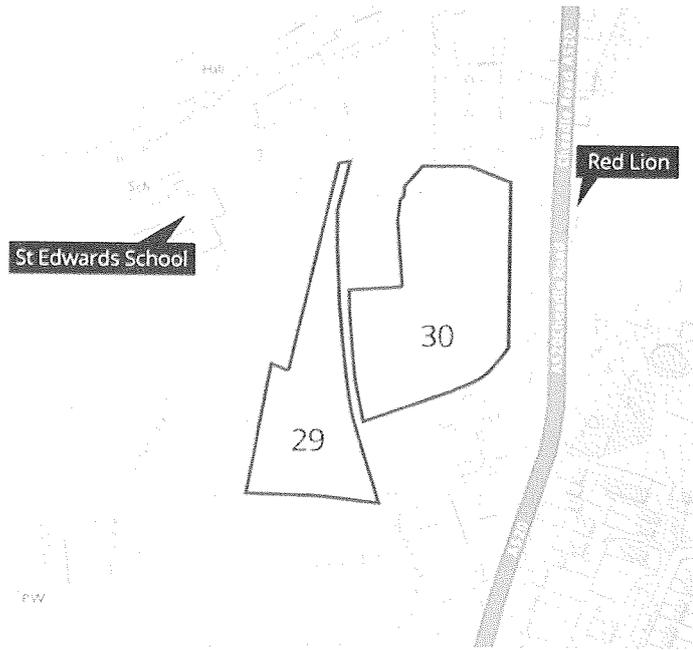
Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East



How can you help?

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

If you would prefer to make a representation by yourself please email forward.plans@staffs Moorlands.gov.uk or by post to
Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit www.cheddletonresidents.org

MR. D & MRS. P. SHALLCROSS

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment

Please see attached letter.

14/10/19.

To whom it may concern,

It would be in the interest, of all who use the gully and the path, which goes from the gully, up to Ostler Lane, behind Ox Pasture

It is peaceful, safe and no traffic, therefore no pollution.

To hear the church bells, and see the roaches in the distance, and all the different sorts of wild life.

Its important to keep our Green Spaces for future generations.

PdD. Sheelness

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Helen Sherratt

I would like to add my voice in urging you to grant LGS designation to Cheddleton fields 29 and 30.

To a casual observer the land looks like any other fields, but to those of us who reside in Cheddleton they are special as they have always been agricultural meadows which have remained unspoilt by harsh agricultural practices and chemicals.

The land is important to both residents and wildlife alike. To the many people who use both footpaths the fields represent a special area of rural tranquillity in the heart of the village, with open views across to our ancient church, the Roaches, Moorlands hills and Peak District beyond, giving a true feeling of the historic setting of the village. To the abundant wildlife that lives on and around the fields they act as an important wildlife corridor and feeding ground.

Villagers enjoy the extent of the wildlife supported by the fields including numerous bats which at dusk fly low overhead circling the trees and hedgerow feeding over the fields. Development would drastically reduce their food supply endangering the bats. We have seen badgers at dusk on the fields and crossing the gully and owls can be heard and sometimes seen in the moonlight feeding off mice in the fields. During the day Buzzards and Kestrels regularly hunt these fields and occasionally a sparrow hawk and peregrine falcons visit. Crows can often be seen guarding their territory by ganging up on the buzzards in flight and ushering them away. We have wood pigeons, collared doves, magpies, jays, the occasional woodpecker, numerous house and field sparrows, blue tits, bull finches, gold finches and robins etc. butterflies, bumble bees. There are grey squirrels, sometimes rabbits – though they tend to get eaten by the buzzards and foxes which cross the fields each day. We have also seen grass snakes and hedgehogs and there are great crested newts.

Whilst not granted special status the wildlife and the habitat it lives in are very special, because of the location within the village, being seen heard and enjoyed more than out in the open countryside. Development would irrevocably

destroy much of the ecosystem within this important wildlife corridor and hedgerows would be at much greater risk of being removed over time by purchasers of individual dwellings.

The State of Nature 2019 Report compiled by the National Biodiversity Network, published in October 2019, presents an overview of how wildlife in the UK currently is faring....

The report highlights that the biggest decline in wildlife since vigorous monitoring began in 1970 has occurred over the last 10 years.

- Populations of farmland birds have halved on average since 1970 and there are similar declines in other taxonomic groups.
- The average amount of mammals has fallen by 26%.
- Butterflies are down by 17% and moths by 25%.
- 41% of UK species have declined in numbers and 133 species have been lost from our shores.
- 15% of species are under threat from extinction.
- 2% have already been lost for good.

The UK Government's own assessment indicates that, although progress has been made, the UK will not meet most of the global 2020 targets it committed to through the Convention on Biological Diversity.

The National Trust, the RSPB and Staffordshire Wildlife are all calling for the protection of wildlife corridors to give our native species a chance of survival by preserving habitats.

Please support the residents of Cheddleton to help us protect these special areas of land.

2019-10-23

Part B – Representations

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ 61 page 232. Deletion of Local Green Space designations 29 and 30 (Ox Pasture east & west).

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant		✓
Sound - Positively prepared		✓
Sound - Justified		✓
Sound - Effective		✓
Sound - Consistent with national policy		✓
Complies with the Duty to co-operate		✓

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

I consider the main modification MM61 concerning the removal of the Local Green Space (LGS) status proposed for land at Ox Pasture west (ref. 29) and land at Ox Pasture east (ref. 30) makes the Local Plan unsound, non compliant with the duty to co-operate, is possibly illegal and increases the risk of judicial review.

The NPPF stipulates that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.

The Local Planning Authority failed to engage local residents in consultations from the start, leaving the proposed LGS status vulnerable to challenge for development on the grounds of not being “demonstrably special to a local community”. Whilst commissioning a thorough report in the form of the Landscape, Local Green Space and Heritage Impact Study (August 2016) prepared by Wardell Armstrong, which supported the LGS designations, again the local community was not consulted and I consider the national stakeholders chosen for consultation would not have local insight to assess what is special to our local community. As a result the report only recognised “High tranquillity and visual amenity value, some ecological and recreational value” which is all correct, but understated; for example the fields provide a wildlife corridor, where the wildlife supported is diverse and being within the village is accessible to everyone to enjoy. It does not pick up on the importance to the community of the ancient gully footpath, the heritage views e.g. the southern footpath to Ox Pasture west offers the only remaining public views to the southern aspect of the church tower across open fields, or the valuable role these meadows, which once adjoined the long lost medieval Village Green, play in preserving the rural character and setting of the village by separating the old village from newer parts. Their function is just like and just as important as Greenbelt land, even more so, because the fields are located within the larger village and are experienced by many people on a daily basis. Together they form the only open space within the village on the western side of the A520.

The specialness of Ox Pasture west was most definitely recognised by the Planning Committee members who in August rejected a planning application ref. SMD/2019/0143 for residential development, though officers strongly encouraged them to limit their grounds for refusal. Lichfield Diocese who own Ox Pasture east have also respected the special nature of the land by maintaining their hedgerow to the gully at a low level, like both sides used to be, for all to enjoy the meadows and far reaching rural views. In their representation on the Local Plan Preferred Options, in September 2017 their consultants recognised the site to be sensitive and the importance of retaining views, proposing to retain open land adjoining the gully as public open space, suggesting only limited development at a lower level closer to the A520; though I don't accept that any development would be appropriate as this would result in the loss of meadow land and detract from this special rural setting.

In his December 2019 Post Hearing Advice the Inspector on the basis of one site visit and without the benefit of of any evidence being presented from community consultation, because there wasn't any such consultation, concluded both fields were not demonstrably special and recommended the removal of LGS designation, at the same time requesting reviews of all other

LGS proposals. I consider the Local Planning Authorities lack of public consultation and the Planning Inspector's recommendations to remove Local Green Space designations without first requiring consultation with our local community, conflict with the spirit of the Localism Act 2011 and reforms to make the Planning system more democratic and more effective by involving the public giving them greater influence. Furthermore, community representations then hurriedly made without being invited, were passed on to the Inspector without Local Planning Authority comment. Clearly an understanding had been reached to capitulate to this recommendation and community opinions were considered irrelevant and ignored, a decision having been made. Both in my opinion have acted in a dictatorial and undemocratic manner.

I consider the introduction of the LGS designation into the NPPF enabling protection for land that is demonstrably special (all other criteria having been indisputably met) coupled with the spirit of consultation and empowerment behind the Localism Act creates a duty of care from a Local Planning Authority and Planning Inspector to protect the rights of the Local Community and an obligation for proper and meaningful consultation, which both have failed to provide at an early enough stage.

I am also wary that the decisions to recommend and accept removal of the LGS designation could have been unduly influenced by a desire to add to potential windfall developments to help achieve the desired 30 dpa plus, in rural areas. If such help is really necessary, then I have no doubt much more appropriate alternatives that better fit NPPF requirements could have been found, rather than go for an easy fix to secure the new Local Plan at the expense of a local community.

On the basis that a considerable proportion of people who live in Cheddleton and other parts of the Staffordshire Moorlands work in Stoke-on-Trent, so would potential new residents. Accordingly, I consider to achieve compliance with the duty to co-operate, much more consultation should have been undertaken with Stoke-on-Trent City Council. Their Five Year Housing Land Statement 2018 shows that the City Council, has outperformed requirements for housing provision year after year, for many years and has an abundance of potential development sites, many of which are brownfield. Working better with the City of Stoke-on-Trent could have led to more housing being provided closer to where people work and a higher proportion of development on brownfield sites, leading to more sustainable environmentally beneficial development and better protection of Greenbelt and potential LGS land from windfall development, including Ox Pasture east and west.

Whilst everyone using the footpaths experience and enjoy the health benefits of exercising; the tranquillity away from busy fume filled roads; the diverse wildlife; village character and heritage and stunning views etc. the detrimental impact of losing the meadows are disproportionate, with the young and old/ disabled villagers suffering most. Young people on their way to or from school enjoy the freedom of the safety of being away from roads, meeting, running and playing with friends along the way and learning from experiencing

and asking questions about the flora and fauna. The primary school would no longer have any beneficial use of the footpaths for nature walks if the fields were to be developed. Old people or disabled people may not be able to walk to other open areas, which are either up or down hill or involve crossing busy roads, or they may not feel safe exercising elsewhere. I myself for example am asthmatic and enjoy the clearer air away from the traffic polluted main road and narrow sunken lanes. On this basis I consider the recommendation and decision to remove the LGS designations represent a breach of the Equalities Act 2010 and are unlawful.

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Reinstatement of Ox Pasture east and west (ref. 29 & 30) as designated Local Green Space in the Staffordshire Moorlands Local Plan.

Should alternative land need to be identified for potential windfall development, then relevant planning permissions granted since the Inspector's recommendation should be considered, for example, I am aware of at least one area of proposed LGS where sadly for that community outline permission for residential development has been granted. Failing this, alternative sites should be found and consultation undertaken with Stoke-on-Trent City Council with a view to any potential shortfall being allocated in the joint Stoke-on-Trent and Newcastle-Under-Lyme Local Plan, which is at an earlier stage of preparation. Such consultations should have been undertaken in any event in my opinion, as a considerable amount of brownfield sites are available and housing could be provided closer to an important source of employment to reduce environmental impact and better comply with NPPF requirements.

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required) ✓
- Publication of the Inspector's Final Report ✓
- Adoption of the Local Plan. ✓

5 Signature:

Mark Sherratt

Date:

30 October 2019

Local Plan Consultations

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Comment:

Rachel Sherratt

As a past resident of 20 years plus, born and bred in Cheddleton and a regular visitor, I appreciate the meadow land references 29 and 30 is very special being an important part of the green buffer separating the old village to the north from larger newer developments to the south, supporting the conservation area, heritage, character and setting of the old village and conservation area, which still retains its own identity.

I enjoyed walking to school and brownies along the gully from our family home at 53 Rennie Crescent. It is the safest and the most pleasant route thanks to the open fields on both sides, the wildlife they support and countryside views. It's sunken nature and dry stone walls generate a sense of significance and importance, as you retrace the tracks many generations have walked before. This would all be lost without the open fields on either side.

As a young child I saw many animals here for the first time, such as bats, badgers, a hedgehog, kestrels hunting and many other birds, including hearing an owl. The extent of the wildlife supported by the meadows is immense and is extra special, as it is located within the village, being seen heard and enjoyed more than out in the open countryside.

These are just a few reasons why, to local residents these fields are special and just as important, if not more important than greenbelt land. 2019-10-17

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Comment:

Robbie Sherratt

Cheddleton expanded in pockets around the A520, which in effect was the eighteenth century village bypass, being constructed around the historic village centre in 1762 as part of the Bullock Smithy (Hazel Grove) to Sandon Turnpike. Surrounding countryside and open spaces give each pocket the feel of a smaller village, with the historic village centre retaining its own identity, making the character of Cheddleton quite unique and special to local residents.

These fields references 29 and 30 form an important rural buffer separating the old village centre/ conservation area with its medieval church and historic buildings to the North from newer development to the South and are hugely important in preserving the historic landscape and setting and character of the old village. They are especially enjoyed by the many people using the public footpaths, in terms of near and far reaching heritage and scenic views, long standing hedgerows, extensive wildlife and the tranquillity and safety of not having traffic to contend with, as the village lanes are narrow and don't have pavements. Many people exercise through walking these paths, encouraged by and benefiting from the open rural atmosphere.

The Church of St Edward the Confessor dates back to the thirteenth and fourteenth centuries, with the tower and porch being completed in the late sixteenth century, but the two oldest houses fronting the church on Hollow Lane were not built until the eighteenth and nineteenth centuries. South of the church was the village green and pond stretching to the preserved village pond, located on the western side of Ostlers Lane at its junction with Hollow Lane. The heart of the village was the church and development on its eastern side around The Hall House, which dates back to the fifteenth century and is thought to have been built on the site of the medieval manor house. The church tower was no doubt constructed to enhance the importance of the church to be viewed from all surrounding directions from fields, tracks/ lanes and paths alike. With the Church stretching lengthways along Hollow Lane (then the main road) views from the south across the village green and the approach from the gully, which linked the village green to Bottom Hall (the Elizabethan predecessor of Ashcombe Park) and the footpath veering eastward to The Grange, are historically very important. Whilst the public footpath on the southern boundary of field 29 is relatively young in age, it

gives the only vantage points from the south where the church tower can still be viewed as was intended, across open fields within the setting of the moorland hills and thus has huge positive significance to the church as a heritage asset and its setting. I am aware, Robert Milner a renowned local historian has suggested field 29 neatly takes the place of the lost ancient village green, a view no doubt that many would share.

Whilst ribbon development on Ostlers Lane already appears to link older to newer developments, it is hidden from the sunken public highway, being accessed off a mostly unmade private driveway and is largely obscured by hedgerow from the gully, the historic public footpath that separates fields 29 and 30, unless people purposefully look across. Development on these fields would however, be visible and detract from the rural character and setting of the old village and conservation area. Furthermore they form the only open space within the western side of the village and not everyone is able to or feel safe walking to the recreation ground or canal with steep inclines involved.

Any benefit to national or local economies of windfall development here are minute and vastly outweighed by the huge significance of these fields to local residents and a Local Green Space designation would be most appropriate to protect them for future generations.

2019-10-18

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR.
First name	ROBERT
Last name	SHERWIN.
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Signature: 

Date: 13/10/2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

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Personal details	
Title	MR
First name	ROBERT
Last name	SHERWIN
Address line 1	[Redacted]
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Address line 3	
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Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

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Address line 1	
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Signature



Date: 13/10/2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	ROBERT
Last name	SHERWIN
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B – Representations

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 13/10/2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	ROBERT
Last name	SHERWIN
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

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Return BD087, BD068 & BD062 to Green Belt land

Rec'd 31/10/19.
DGD.



[REDACTED]

Attention Mr Mark James

Forward Plans

Regeneration Services

Staffordshire Moorlands District Council

Moorlands House

Stockwell Street

Leek

Staffordshire

ST13 6HQ

30th October 2019

Dear sir,

PROPOSED MAIN MODIFICATIONS to the STAFFORDSHIRE Moorlands Local Plan

Mr Robert James Simcock and his representative Nina Pindham, Planning Barrister (No5 Chambers, Fountain Court, Steelhouse Lane, Birmingham B46DR gave formal evidence within the permitted representations concerning my sites BD068 an BD087, Marsh Green Road, Biddulph for residential Housing (we are content that all the evidence will be held on file by the Inspector in any event.

We attended all the pre-development meetings and the Core Strategy Hearings and supported the Councils proposals for the Plan. We have observed and confirm the inspectors hearings advice to the Council regarding both my sites.

I have requested that the Planning Barristers submit further and better particulars in the coming days as an attachment to this document. Further we wish to be notified of the following:

- 1/ Further Hearing session (if required)
- 2/ Publication of the Inspectors Final Report
- 3/ Adoption of the Local Plan.

Please accept this document as the statement to be included within due process of the
STAFFORDSHIRE MOORLANDS LOCAL PLAN

Mr ROBERT JAMES SIMCOCK

30th October 2019

[REDACTED]



Comment

Consultee Mrs Kath Simmonds (1230078)
Email Address 
Address 
Event Name
Comment by Mrs Kath Simmonds (1230078)
Comment ID MMC74
Response Date 30/10/19 17:23
Consultation Point 1 Main Modifications Consultation ([View](#))
Status Submitted
Submission Type Web
Version 0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM12

Question 2

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Legally compliant	.	No
Sound - Positively prepared	.	No
Sound - Justified	.	No
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Sound - Consistent with national policy	.	No
Complies with the Duty to co-operate	.	No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

As a relative new owner in the district (since December 2017) I have not been involved in previous consultations regarding the formulation of the Local Plan. I am, however, disappointed that these modifications have taken place without direct communication with property owners directly impacted by the proposals. I only found out about this consultation process by chance. The insertion of the paragraph between 7.50 & 7.51 implies that Green Belt land with a shared border to my property has been removed from Green Belt and designated as safeguarded land for potential future development. My concerns are as follows: 1. All Brownfield sites should be exhausted before any Green Belt land is considered to fulfil future development needs. 2. Two of the three sites at Gillow Heath (BD 068 & 087) are on a recognised flood plain with a natural watercourse bordering them which is susceptible to flooding as was demonstrated during the recent heavy rainfall of 25th & 26th October. With climate change this can only worsen and would be exacerbated by the development of this land causing future problems for both new & existing property owners. I understand that some property owners in the area are already unable to insure their properties against flood risk. 3. The existing infrastructure is inadequate for increased use with only a single road access which in places is single track. 4. The proposed sites sit outside the Biddulph Town Boundary and as such do not have the services needed to support low cost housing and housing for an ageing population, without substantial further investment.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Reinstatement of Green Belt status to BD 062, 068 & 087 and therefore removal of the paragraph from the Local Plan. As these sites are intended to be safeguarded beyond the Local Plan i.e. 2033 then removing them from Green Belt is somewhat contradictory to the stated policy of protecting the permanence of Green Belt boundaries.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

Object to loss of Green Belt due to: 1. All Brownfield sites should be exhausted before any Green Belt land is considered to fulfil future development needs. 2. Two of the three sites at Gillow Heath (BD 068 & 087) are on a recognised flood plain with a natural watercourse bordering them which is susceptible to flooding as was demonstrated during the recent heavy rainfall of 25th & 26th October. With climate change this can only worsen and would be exacerbated by the development of this land causing future problems for both new & existing property owners. I understand that some property owners in the area are already unable to insure their properties against flood risk. 3. The existing infrastructure is inadequate for increased use with only a single road access which in places is single track. 4. The proposed sites sit outside the Biddulph Town Boundary and as such do not have the services needed to support low cost housing and housing for an ageing population, without substantial further investment.

Officer Response

Proportional evidence has been gathered for each site. In contrast to site allocations which need to be delivered within the plan period, a more long-term view of constraints for safeguarded land can be taken. Also, the same level of detailed information as would be needed for an allocation is not necessarily required when land is safeguarded as the position would be reviewed in the next plan and would include assessment of up to date evidence at that time before an allocation was made. In their response to this consultation, the Environment Agency say that if the sites come forward for development at a later stage they would require a Level 2 Strategic Flood Risk Assessment because they are within close proximity of the floodplain and this may affect capacity and layout. However, they state that this would not be required for the land to be safeguarded.

Recommendation

To further emphasise that ecology, flooding and other relevant issues will be considered as part of any site allocation, it is suggested that if the Inspector considers it appropriate, an amendment to Policy SS6 could be made. For example, addition of wording such as "Any future development of the sites would require consideration of matters such as ecological surveys, layout, residential amenity and flood plain boundaries".

Comment

Consultee	Mrs Kath Simmonds (1230078)
Email Address	
Address	
Event Name	
Comment by	Mrs Kath Simmonds (1230078)
Comment ID	MMC75
Response Date	30/10/19 17:36
Consultation Point	1 Main Modifications Consultation (View)
Status	Submitted
Submission Type	Web
Version	0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM15

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant	.	No
Sound - Positively prepared	.	No
Sound - Justified	.	No
Sound - Effective	.	No
Sound - Consistent with national policy	.	No
Complies with the Duty to co-operate	.	No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Policy SD5 Flood Risk does not appear to have been applied when future safeguarding land has been identified at sites BD 068 & 087 as these sites are already on a known and recognised flood plain with a natural watercourse running adjacent to them.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Reinstate Green Belt status to sites BD 068 & 087 and remove them from safeguarded status as being unsuitable for future development.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

Policy SD5 Flood Risk does not appear to have been applied when future safeguarding land has been identified at sites BD 068 & 087 as these sites are already on a known and recognised flood plain with a natural watercourse running adjacent to them.

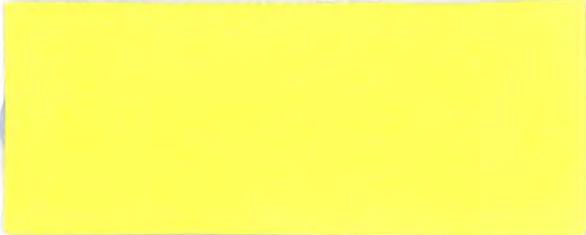
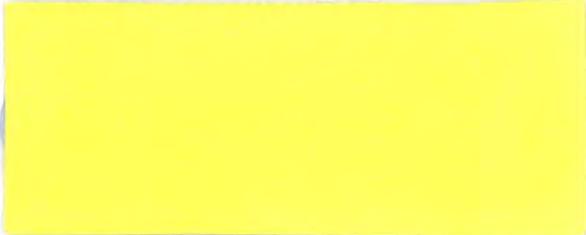
Officer Response

None of the sites are within Flood Zones 2 or 3 - they are adjacent. In their response to this consultation, the Environment Agency say that if the sites come forward for development at a later stage they would require a Level 2 Strategic Flood Risk Assessment because they are within close proximity of the floodplain and this may affect capacity and layout. However, they state that this would not be required for the land to be safeguarded.

Recommendation

To further emphasise that ecology, flooding and other relevant issues will be considered as part of any site allocation, it is suggested that if the Inspector considers it appropriate, an amendment to Policy SS6 could be made. For example, addition of wording such as "Any future development of the sites would require consideration of matters such as ecological surveys, layout, residential amenity and flood plain boundaries".

Comment

Consultee	Mr Trevor Simmonds (1230088)
Email Address	
Address	
Event Name	
Comment by	Mr Trevor Simmonds (1230088)
Comment ID	MMC76
Response Date	30/10/19 17:59
Consultation Point	1 Main Modifications Consultation (View)
Status	Submitted
Submission Type	Web
Version	0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM12

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant	.	No
Sound - Positively prepared	.	No
Sound - Justified	.	No
Sound - Effective	.	No
Sound - Consistent with national policy	.	No
Complies with the Duty to co-operate	.	No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

With reference to the paragraph inserted between 7.50 & 7.51 I wish to make the following comments:
1. All Brownfield sites should be exhausted before consideration is given to the use of Green Belt land
2. Sites BD 068 & 087 are on a known flood plain, susceptible to flooding as was witnessed during the weekend of 25th & 26th October 2019. The sites have been previously assessed and dismissed as unsuitable for development and therefore why has the suitability level been changed from Level 2/3 to Level 1 with no change to the sites having been made?
3. The current infrastructure cannot sustain any increased usage.
4. The stated housing strategy is for increased provision of low cost housing and housing for an ageing population. The location of these sites outside the Town Council boundary would not be suitable for the required housing due to lack of services in the vicinity..

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Reinstatement of Green Belt status to sites BD 062, 068 & 087. Removal of the paragraph from the Local Plan.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

With reference to the paragraph inserted between 7.50 & 7.51 I wish to make the following comments:
1. All Brownfield sites should be exhausted before consideration is given to the use of Green Belt land
2. Sites BD 068 & 087 are on a known flood plain, susceptible to flooding as was witnessed during the weekend of 25th & 26th October 2019. The sites have been previously assessed and dismissed as unsuitable for development and therefore why has the suitability level been changed from Level 2/3 to Level 1 with no change to the sites having been made?
3. The current infrastructure cannot

sustain any increased usage. 4. The stated housing strategy is for increased provision of low cost housing and housing for an ageing population. The location of these sites outside the Town Council boundary would not be suitable for the required housing due to lack of services in the vicinity..

Officer Response

None of the site boundaries are within Flood Zones 2 or 3. In their response to this consultation, the Environment Agency say that if the sites come forward for development at a later stage they would require a Level 2 Strategic Flood Risk Assessment because they are within close proximity of the floodplain and this may affect capacity and layout. However, they state that this would not be required for the land to be safeguarded.

Recommendation

To further emphasise that ecology, flooding and other relevant issues will be considered as part of any site allocation, it is suggested that if the Inspector considers it appropriate, an amendment to Policy SS6 could be made. For example, addition of wording such as "Any future development of the sites would require consideration of matters such as ecological surveys, layout, residential amenity and flood plain boundaries".

Comment

Consultee Mr Trevor Simmonds (1230088)
Email Address 
Address 
Event Name
Comment by Mr Trevor Simmonds (1230088)
Comment ID MMC77
Response Date 30/10/19 18:03
Consultation Point 1 Main Modifications Consultation ([View](#))
Status Submitted
Submission Type Web
Version 0.2

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM15

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant	.	No
Sound - Positively prepared	.	No
Sound - Justified	.	No
Sound - Effective	.	No
Sound - Consistent with national policy	.	No
Complies with the Duty to co-operate	.	No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Policy SD5 Flood Risk does not appear to have been applied when future safeguarding land has been identified at sites BD 068 & 087 as these sites are already on a known and recognised flood plain.with a natural watercourse running adjacent to them.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Reinstate Green Belt status to sites BD 068 & 087 and remove them from safeguarded status as being unsuitable for development.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

Policy SD5 Flood Risk does not appear to have been applied when future safeguarding land has been identified at sites BD 068 & 087 as these sites are already on a known and recognised flood plain.with a natural watercourse running adjacent to them.

Officer Response

Refer to MMC75.

Recommendation

Refer to MMC75.

Freepost RRLJ-XCTC-JBZK,
Forward Plans,
Staffordshire Moorlands District
Council,
Regeneration Services,
Moorlands House, Stockwell Street,
Leek,
ST13 6HQ

By Email (forward.plans@staffsmoorlands.gov.uk)

Dear Sir/ Madam

MAIN MODIFICATIONS TO THE STAFFORDSHIRE MOORLANDS LOCAL PLAN SUBMISSION VERSION (FEBRUARY 2018) – LAND AT THE MOUNT, LEEK

CBRE Limited has been instructed by Ollerton Estates LLP to submit representations to the proposed Modifications to the Staffordshire Moorlands Local Plan (September 2019) in respect of its landholding at the Mount, Leek (ref. LE128 (a & b)) ('the Site') which forms part of Draft Allocation DSL2 'Land at the Mount, Leek'.

This response relates specifically to Main Modification ref. MM36. It builds on previous representations made to Staffordshire Moorlands District Council (SMDC) in respect of the emerging Local Plan and reflects contributions made during the Examination Hearing Sessions held in October 2018.

Ollerton Estate broadly supports the suggested changes and considers that the Local Plan meets the tests of soundness set out in the National Planning Policy Framework (NPPF). Detailed commentary on the proposed wording of the modifications is provided below.

Main Modification MM36 - 'Policy DSL2 Land at the Mount, Leek'

Modification MM36 proposes amendments to draft Policy DSL2 to reflect matters discussed during the Examination Hearing Session. Of specific interest to Ollerton Estates LLP is the inclusion of a requirement for a comprehensive masterplan to be prepared, including an indicative phasing programme. A key element of this masterplan relates to recreational value. The draft policy now states that proposals should include:

- *"recognition of the recreational value of the Mount to the community and reflect this in masterplanning proposals through the sensitive treatment of Mount Road and Kniveden Lane, appropriately located green infrastructure, recognition of key views and connectivity to public rights of way"*

Whilst Ollerton Estates LLP has no concerns in respect of the overall soundness of the policy or the need to provide a masterplan, indeed an Illustrative Plan has already been prepared, clarification is sought in respect of some of the policy wording proposed. Mount Road is an adopted highway with a speed limit of 60mph which forms the principal means of vehicular access to the Mount. At the Examination the argument was made that Mount Road is of recreational value to the community. Whilst it is acknowledged that local residents utilise the Road to access the area it is important to note that it remains an adopted highway and does not have a formal Local Green Space designation. As such, it is requested that the policy wording be updated to reflect this position, referring instead to the "informal recreational value" of the Mount. This would also have the effect on ensuring consistency with the justification text.

Accompanying the proposed Main Modifications is justification text at Paragraph 9.11 which provides additional clarification on policy DSL2. In terms of recreational value, it states:

"Proposals should recognise the informal recreational value of the Mount by pedestrians, cyclists etc and consider scope for measures which allow for its continued use such as sympathetic highways engineering solutions where appropriate. Developers are also encouraged to have regard to Active Design principles as set out in Sport England October 2015 guidance."

It is considered that the text as drafted intimates that the development of the Mount, in line policy guidelines, would restrict pedestrians and cyclists using the area, which is not the case. On this basis, it is suggested that the paragraph be amended to read (in red):

"Proposals should recognise the informal recreational value of the Mount by pedestrians and cyclists. ~~etc and consider scope for measures which allow for its continued use such as sympathetic highways engineering solutions where appropriate.~~ Appropriate highways engineering solutions should be considered in delivering the allocation, as deemed necessary by the County Highways Authority. Developers are also encouraged to have regard to Active Design principles as set out in Sport England October 2015 guidance."

The other proposed amendments to the policy relating to the need for a noise assessment in relation to adjacent wind turbine; landscape mitigation measures and potential highways improvements are all acknowledged and considered acceptable.

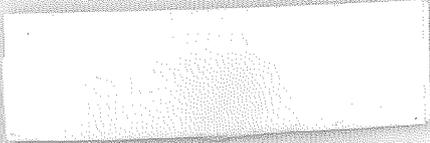
Soundness of the Local Plan

Ollerton Estates LLP strongly supports the allocation of Land at the Mount under policy DSL2 which will deliver much needed new housing in Leek. The Local Plan, including the proposed Main Modifications, is considered to meet the tests of soundness set out in paragraph 182 of the NPPF namely that is positively prepared, justified, effective and consistent with national policy. This representation only seeks minor amendments to specific policy wording/ supporting text.

I trust these representations are in order and will be taken into consideration by SMDC. I would be grateful if you could notify me when the recommendations of the Inspector have been published and the Local Plan adopted.

Should you have any queries or wish to discuss then please do not hesitate to contact me.

Yours faithfully



**Chris Sinton – Associate Director
CBRE LIMITED**

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Sewage works

BD062 and BD068 are both immediately adjacent to a sewage works. Residents who live on Essex Drive, York Close and Long Valley Road already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding into the brook at the end of Essex Drive (13/9/2016) where pressure builds up inside the junction box and the lid blows off, especially following heavy rain. This happened again in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the

field needs to be kept as a natural buffer. Local residents should be listened to in this matter instead of repeatedly being ignored. Building adjacent to the sewage works will create even more of a statutory nuisance (noise, odour, sewage flooding) and an unhealthy neighbourhood.

We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDC Council Planning Officers on 26th June 2019 in the meeting which led to these fields being put forward for 'Safeguarding'.

(<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>) (ie. making a building air-tight does not change the situation outside or inside the home when windows and doors are open). Adding more houses and increasing surface runoff from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signatu

Date:

24/10/19.

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

BIODIVERSITY

Key points are:

- The SMDC Phase 1 Ecological Survey evidence base is being ignored.
- The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.
- The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound.
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of.

Details for the above points:

Biodiversity - The SMDC Local Plan Phase 1 Habitat Survey (Site BD062 / FID122, 2014) concluded " *...the site is not recommended for potential development...*" [1] and that the site is " *...very well connected to other biodiverse habitats through hedgerows, scrub, broadleaved woodland and running water which accentuates the value of the site*" (<https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>).

The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC Map7.5 pg.77

(https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10_SMDC_Green_Infrastructure_Strategy_May_2018.pdf)

The emerging Biddulph Neighbourhood Plan commissioned external consultants to provide additional detail and evidence for wildlife corridors and potential Local Wildlife Sites across the Biddulph Parish. The mapping for BD062 indicates semi-natural grassland habitat and found to be sited in an important location bringing together two key wildlife corridors - that of the Biddulph Brook and the Biddulph Valley Way (<https://biddulph.co.uk/neighbourhood-plan/>).

The entire ecological evidence base was missed out of the assessment and ranking exercise carried out by SMDC and reported to Council Members on 26th June 2019 which led to the designation of these fields as 'Safeguarded'. The sources used for the exercise are listed and ecological assessments are missing

(<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>). This omission is then reflected in the assessment tables in Appendix C and Appendix D and the conclusions drawn (which are unclear and not sound).

This is despite the fact that this information was contained within the previous Sustainability Appraisal Report which accompanied the local plan submission version (Feb 2018) where it was reported that BD062 was 'deemed to have ecological value.'

Only evidence regarding the Green belt review, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other economic and development criteria (Options Assessment Tables list pg.30

<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>). The land classification used in this SMDC report on 26th June 2019 is also wrong for all 3 sites in Gillow Heath. They were reported to be urban/industrial land when in fact they are classed as agricultural grassland on the Dudley Stamp Land Use Classification system (Magic Map (<https://magic.defra.gov.uk/MagicMap.aspx>) and a quick search on google earth reveals that they are indeed semi-natural habitat (BD062) or agricultural grassland (BD068 / BD087).

Ignoring the ecology in this decision making process totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management. This contradicts Section 40 of the *Natural Environment and Rural Communities Act 2006*, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Sites also need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC Council Members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800m of the town centre when they clearly are not at Gillow Heath. The ranking method is unsound.

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signature: 

Date: 24/10/19

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access road
 Marsh Green Road does not meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The road is too narrow & there is a pinch point over the bridge on Marsh Green Road before the access to BD067. Marsh Green Road is too narrow along its total length & has no footpath for most of its length. Road Widening will require the compulsive purchase of gardens near its junction with Congleton Road
 Marsh Green Road falls below the minimum required of distributor roads by the Residential Design Guide. Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Marsh Green Road is 3.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).



4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5 Signature: 

Date: 24/10/19

29 OCT 2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 6

Part A – Personal details and notifications

Personal details	
Title	Mr
First name	Christopher
Last name	Slater
Address line 1	
Address line 2	
Address line 3	
Post code	

Notifications and Con

Representations must be available for public inspection. We will use your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues
 A neighbour was creating a soak away for rainwater run-off in his garden, at a site only 2.5 metres from BD068 he discovered that beneath a thin layer of heavy clay, there is a deep deposit of very soft running sand. Photographic evidence is attached. The presence of running sand is confirmed by the British Geological Survey who made the following statement:-

“Some rocks can contain loosely-backed sandy layers that can become fluidised by water flowing through them. Such sand can ‘run’, removing supported overlying buildings and causing potential damage.

Running sand hazards can occur where excavations in the sand go below the water table

Where springs occur at the base of sand outcrops, around leaking drains or mains water supply pipes or in entire sand bodies if vibrated (liquefaction).

A property affected by running sand may experience the following problems:

Access paths and roads may be broken & disrupted.

Service connections to water, gas & electricity supplies may break

Structural damage to foundations & to the fabric of the building if uneven sinking occurs under the foundations"

Construction on this site Could allow the sand to run causing subsidence & damage to existing properties in Portland Drive, for which consequential damage SMDC may be partly liable. All of these factors would mean that any housing or infrastructure to support the housing on this site, BD068, would not be capable of being insured. Thus with no building insurance available to the proposed houses, there would be no mortgage available. Who would be responsible for the public liability insurance on this site

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature

Date:

16/10/19



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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

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2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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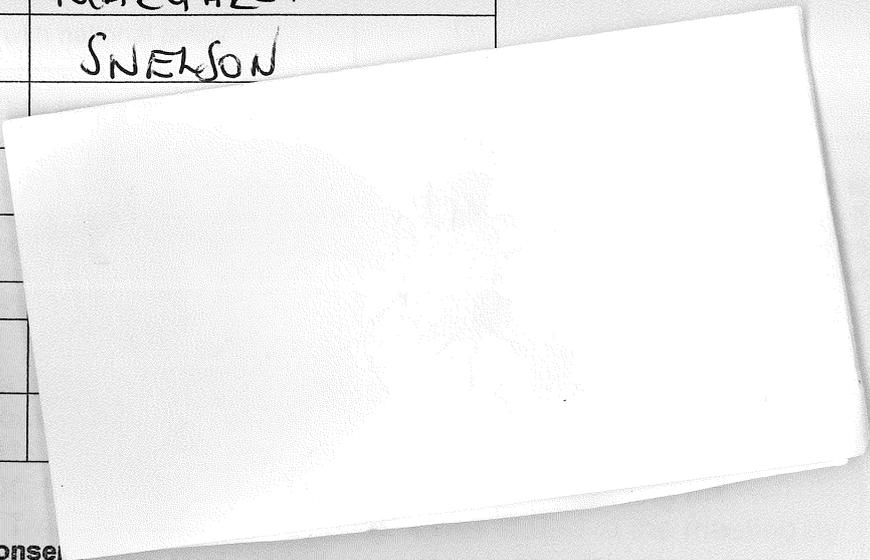
Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	M/S
First name	MARGARET
Last name	SNERSON
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	



Notifications and Consent

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Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

10/10/2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

Personal details	
Title	M/S
First name	MARGARET
Last name	SNELSON
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date:

10/10/2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	M/S
First name	MARGARET
Last name	SNELSON
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>

Part B - Representation

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
------------------------	-------

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date:

10/10/2019.



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

Personal details	
Title	M/S
First name	MARGARET
Last name	SNELSON
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
------------------------	-------

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date:

10/10/2019.



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	M/S
First name	MARGARET
Last name	SNELSON
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
------------------------	-------

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph
 Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date:

10/10/2019.

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East



How can you help?

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the [Local Plan website](#) and in the [Statement of Representations Procedure Document](#) on the SMDC website.

If you would prefer to make a representation by yourself please email forward.plans@staffsmoorlands.gov.uk or by post to Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit www.cheddletonresidents.org

PAULINE SPOONER

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment *once this valuable, beautiful visual open space is gone, it will be gone forever. Replaced by a housing estate which would be tragic. We, as a community have enjoyed the space & the views of the beautiful church for generations and it should be preserved for future generations. If we were to lose it the school children, walkers & villagers will no longer be able to walk the gully in serenity, tranquility & more importantly safety. There are beautiful wild flowers to enjoy and a wealth of wild life. We cannot and should not have to lose such a beautiful spot. It means so much to all of us and its loss would be tragic. Cheddleton would become one large village with no tranquil, beautiful division.*



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Mr	
First name	Rajvir	
Last name	Bahey	
Job title (if applicable)	Planning Manager	
Organisation (if applicable)	Sport England	
Address line 1	Sport England	
Address line 2	Sports Park, 3 Oakwood Drive	
Address line 3	Loughborough	
Address line 4		
Post code	LE11 3QF	
Telephone number	07879488344	
Email address	Planning.south@sportengland.org	

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Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM31
------------------------	------

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant		
Sound - Positively prepared		
Sound - Justified		
Sound - Effective		X
Sound - Consistent with national policy		X
Complies with the Duty to co-operate		

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Sport England supports the insertion of a new paragraph related to measures to securing replacement playing field provision, which is consistent with National Planning Policy Framework paragraph 97 and Sport England's Playing Fields Policy Exception E4

<https://www.sportengland.org/media/12940/final-playing-fields-policy-and-guidance-document.pdf>.

However, the addition of new paragraph 8.105 is not supported as it is not consistent with the policy related to the protection of open space, recreational land and buildings including playing fields and amenity open space from development, as set out within Policy C2 and NPPF paragraph 97. The approach is also not consistent with Sport England Playing Fields Policy and Guidance.

The provision for an off site financial contribution in circumstance where replacement playing field is not reasonable practicable is not one of the exceptions contained within Policy C2 and NPPF paragraph 97 (and Sport England's Playing Fields Policy and Guidance). It is also unclear as to the circumstances when it is deemed "not practicable" to make like for like replacement playing field provision. Therefore inconsistencies could arise as to when replacement provision is provided or not thus the policy is not deemed to be effective in ensure the protection of playing field land.

It should be noted that the Playing Pitch Strategy provides an identification of pitch markings on a playing field at a point in time. A playing pitch could be marked out on a larger playing field area capable of accommodating alternative pitch markings to meet curricular and community use demand. Therefore the supporting text of Policy C2 should not solely focus on the potential loss a playing pitch but on the impact on the playing field as a whole.

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Sport England considers that the additional explanation text as set out below should be deleted as it is not consistent with Policy C2 and NPPF paragraph 97. The removal of the wording would also ensure the effective and consistent approach to the protection of playing field land.

NEW Where part of a playing pitch is lost from school expansion, it may be the case that the requirement for replacement provision will be greater than the equivalent land lost and equal to that of the whole playing pitch that has been impacted by the development. This is to say that the loss of part of a playing pitch may render the whole pitch area as having being “lost” to its playing purpose and a requirement for equal replacement of that pitch may be required under the advice of the 2017 Playing Pitch Strategy. These potential losses will be considered in the round so that they can be dealt with on a strategic basis as part of the Council’s District-wide Action Plan.

NEW/8.105 Where like for like replacement of school playing field or playing pitches as a result of development is not practicable, financial contributions may be sought for alternative sport and recreation provision.

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary x

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process *(please select all that apply)*

Further hearing session (if required)	x
Publication of the Inspector's Final Report	x
Adoption of the Local Plan.	x

5 Signature:

r.bahey

Date:

31/10/2019

Sansom, Claire

From: Angela Sproston
Sent: Wednesday, October 30, 2019 8:00 PM
To: Forward Plans
Subject: Local plan modifications

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Dear Sir/Madam

Please see below my reasons for objecting to the current modifications to the local plan. They mainly relate to the field BD062 and green space surrounding the sewage works in Gillow Heath.

ISSUE 1.Sewage works

BD062 and BD068 are both immediately adjacent to a sewage works. Residents who live on Essex Drive, York Close and Long Valley Road already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding into the brook at the end of Essex Drive (13/9/2016) where pressure builds up inside the junction box and the lid blows off, especially following heavy rain. This happened again in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the field needs to be kept as a natural buffer. Local residents should be listened to in this matter instead of repeatedly being ignored. Building adjacent to the sewage works will create even more of a statutory nuisance (noise, odour, sewage flooding) and an unhealthy neighbourhood.

We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDC Council Planning Officers on 26th June 2019 in the meeting which led to these fields being put forward for 'Safeguarding' (<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MIId=1368&Ver=4>) (ie. making a building air-tight does not change the situation outside or inside the home when windows and doors are open). Adding more houses and increasing surface run-off from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.



20191026 081719

Raw sewage overflowing at the drain junction box on BD062 (eastern access point off Essex Drive) on 25 and 26th ...

ISSUE 2. BIODIVERSITY

Key points are:

- The SMDC Phase 1 Ecological Survey evidence base is being ignored.
- The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.
- The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound.
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of.

Details for the above points:

Biodiversity - The SMDC Local Plan Phase 1 Habitat Survey (Site BD062 / FID122, 2014) concluded "...the site is not recommended for potential development..."^[1]and that the site is "...very well connected to other biodiverse habitats through hedgerows, scrub, broad-leaved woodland and running water which accentuates the value of the site" <https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>).

The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC Map7.5 pg.77 (<https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10>

[SMDC Green Infrastructure Strategy May 2018.pdf](#))

The emerging Biddulph Neighbourhood Plan commissioned external consultants to provide additional detail and evidence for wildlife corridors and potential Local Wildlife Sites across the Biddulph Parish. The mapping for BD062 indicates semi-natural grassland habitat and found to be sited in an important location bringing together two key wildlife corridors – that of the Biddulph Brook and the Biddulph Valley Way (<https://biddulph.co.uk/neighbourhood-plan/>).

The entire ecological evidence base was missed out of the assessment and ranking exercise carried out by SMDC and reported to Council Members on 26th June 2019 which led to the designation of these fields as 'Safeguarded'. The sources used for the exercise are listed and ecological assessments are missing (<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CId=284&MIId=1368&Ver=4>). This omission is then reflected in the assessment tables in Appendix C and Appendix D and the conclusions drawn (which are unclear and not sound).

This is despite the fact that this information was contained within the previous Sustainability Appraisal Report which accompanied the local plan submission version (Feb 2018) where it was reported that BD062 was 'deemed to have ecological value.'

Only evidence regarding the Green belt review, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other economic and development criteria (Options Assessment Tables list pg.30 <https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MIId=1368&Ver=4>). The land classification used in this SMDC report on 26th June 2019 is also wrong for all 3 sites in Gillow Heath. They were reported to be urban/industrial land when in fact they are classed as agricultural grassland on the Dudley Stamp Land Use Classification system (Magic Map (<https://magic.defra.gov.uk/MagicMap.aspx>) and a quick search on google earth reveals that they are indeed semi-natural habitat (BD062) or agricultural grassland (BD068 / BD087).

Ignoring the ecology in this decision making process totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management.

This contradicts Section 40 of the *Natural Environment and Rural Communities Act 2006*, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Sites also need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC Council Members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800m of the town centre when they clearly are not at Gillow Heath. The ranking method is unsound.

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ISSUE 4 - Access roads

Neither the *distributor road* (Mow Lane) nor the *feeder roads* (Essex Drive and York Close) meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The roads are too narrow and the road bend radii are too small. There are two pinch points over bridges on Mow Lane to the east and west of the access to BD062, and a new sewage pump on Mow Lane all of which reduce the feeder road to a single carriageway in at least 3 locations. There is no alternative access to BD062.

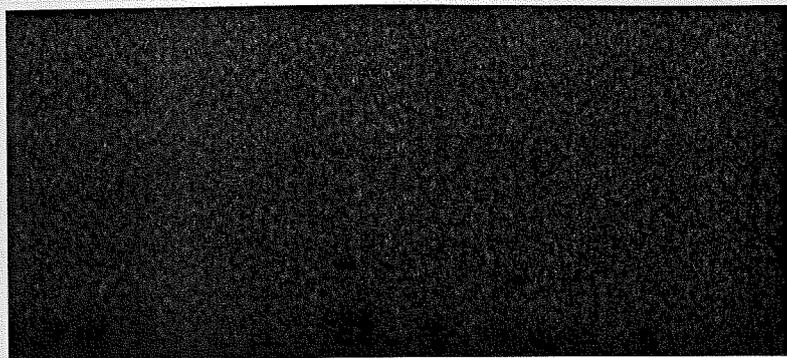
The two junctions (Mow Lane & Marsh Green Road) from the A527, which potentially provide access to the sites are highlighted as critical junctions, where there is particular concern over traffic safety and congestion.

Developing here will add pressure to these junctions, as well as increasing traffic volume on mow lane.

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clarified that minimum acceptable local distributor roads width must be 6.7m; Mow Lane is 4.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).

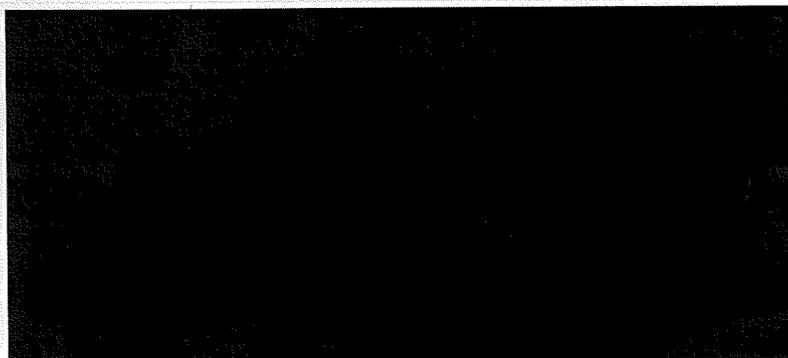
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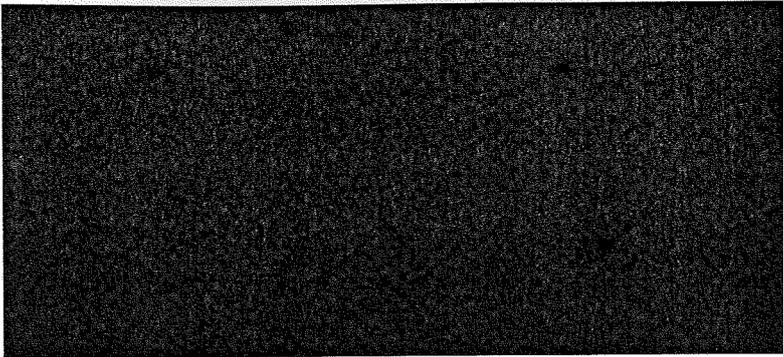
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ISSUE 5 - Flooding

BD062 (land at end of York Close / Essex Drive) suffers from a high amount of surface water flooding. It is classed as a wet meadow (evidenced by certain marsh flora) and plays an important role in slowing down rainwater flowing into the Biddulph Brook (natural flood management). This field drains part of the Biddulph

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**Long term flood risk
map for England -
GOV.UK**

Check your risk of flooding and use flood risk maps

Thank you very much for your time, I await your response.

Yours Sincerely,

Angela Sproston

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[REDACTED]

From: john sproston [REDACTED]
Sent: Wednesday, October 30, 2019 8:06 AM
To: Forward Plans
Subject: Plans for Tunstall Road site

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

I am writing to voice my opinion on the plans to build on the Tunstall road site. Myself and my family purchased number [REDACTED] 2017. The reason we purchased this property was because of it's location.

We are appealed at the plans to build both industrial and residential properties around us. We would be completely surrounded by developments mainly industrial, We have a petrol station on one side and industrial on the other already. These plans would incase us with industrial at the front as well.

At no point we're we consulted regarding these plans. I was in formed by a friend who lives in Farnham of the planned consultation at the Knypersley Cricket Club. He received a flyer notifying him of this. Why were the residents of Victoria Row not given a flyer?

All I have spoken to including myself have not received any notices.

I find Staffordshire Moorlands District Councils willingness to simply take land out of green belt to build on a absolute disgrace. This coupled with the lack of information given is a disgraceful display in my opinion.

Finally as you will gather from this email we are strongly apposed to these plans.

Regards

Mr John Sproston and Family.

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Sansom, Claire

From: Tim Sproston
Sent: Wednesday, October 30, 2019 7:44 PM
To: Forward Plans
Subject: Local Plan modifications

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Dear Sir/Madam

Please see below my reasons for objecting to the current modifications to the local plan. They mainly relate to the field BD062 and green space surrounding the sewage works in Gillow Heath.

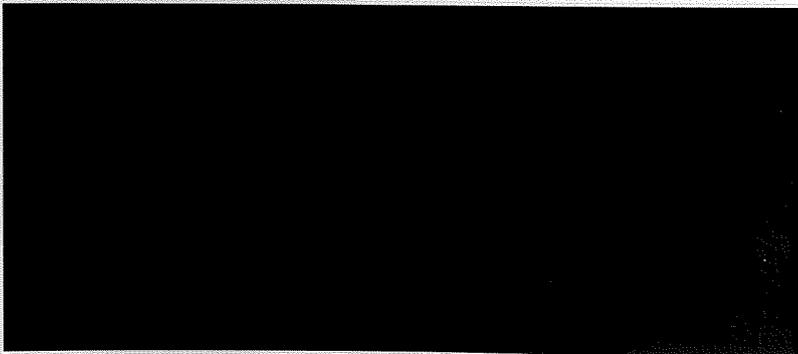
ISSUE 1.Sewage works

BD062 and BD068 are both immediately adjacent to a sewage works. Residents who live on Essex Drive, York Close and Long Valley Road already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding into the brook at the end of Essex Drive (13/9/2016) where pressure builds up inside the junction box and the lid blows off, especially following heavy rain. This happened again in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the field needs to be kept as a natural buffer. Local residents should be listened to in this matter instead of repeatedly being ignored. Building adjacent to the sewage works will create even more of a statutory nuisance (noise, odour, sewage flooding) and an unhealthy neighbourhood.

We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDC Council Planning Officers on 26th June 2019 in the meeting which led to these fields being put forward for 'Safeguarding'

(<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CIId=284&MIId=1368&Ver=4>) (ie. making a building airtight does not change the situation outside or inside the home when windows and doors are open). Adding more houses and increasing surface run-off from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.



20191026 081719

Raw sewage overflowing at the drain junction box on
BD062 (eastern access point off Essex Drive) on 25 and 26th

...

ISSUE 2. BIODIVERSITY

Key points are:

- The SMDC Phase 1 Ecological Survey evidence base is being ignored.
- The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.
- The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound.
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of.

Details for the above points:

Biodiversity - The SMDC Local Plan Phase 1 Habitat Survey (Site BD062 / FID122, 2014) concluded "...the site is not recommended for potential development..."^[1] and that the site is "...very well connected to other biodiverse habitats through hedgerows, scrub, broad-leaved woodland and running water which accentuates the value of the site"
<https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>).

The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC Map7.5 pg.77
[https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10 SMDC Green Infrastructure Strategy May 2018.pdf](https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10_SMDC_Green_Infrastructure_Strategy_May_2018.pdf))

The emerging Biddulph Neighbourhood Plan commissioned external consultants to provide additional detail and evidence for wildlife corridors and potential Local Wildlife Sites across the Biddulph Parish. The mapping for BD062 indicates semi-natural grassland habitat and found to be sited in an important location bringing together two key wildlife corridors – that of the Biddulph Brook and the Biddulph Valley Way (<https://biddulph.co.uk/neighbourhood-plan/>).

The entire ecological evidence base was missed out of the assessment and ranking exercise carried out by SMDC and reported to Council Members on 26th June 2019 which led to the designation of these fields as 'Safeguarded'. The sources used for the exercise are listed and ecological assessments are missing
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This is despite the fact that this information was contained within the previous Sustainability Appraisal Report which accompanied the local plan submission version (Feb 2018) where it was reported that BD062 was '*deemed to have ecological value.*'

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Ignoring the ecology in this decision making process totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management.

This contradicts Section 40 of the *Natural Environment and Rural Communities Act 2006*, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Sites also need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC Council Members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800m of the town centre when they clearly are not at Gillow Heath. The ranking method is unsound.

ISSUE 3: Community access

The local community have had unfettered access to this site since the estate was built. For over 40 years, there has been total open access and the land has been used by local residents for events and walking dogs. As recently as 7th July 2019 (and repeatedly since) local residents organised a work party to clear the overgrown footpaths which cross this site and have been doing this for over 40 years. This land has been designated as Local Greenspace by the emerging Biddulph Neighbourhood Plan (currently undergoing REG14 consultation) as it was found to meet the criteria required (<https://biddulph.co.uk/neighbourhood-plan/>).

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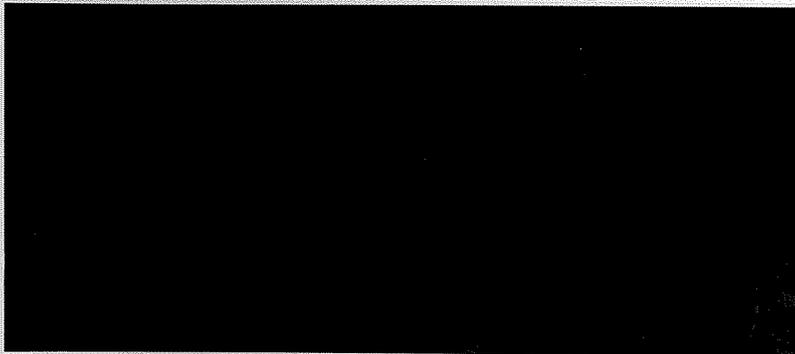
ISSUE 4 - Access roads

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The two junctions (Mow Lane & Marsh Green Road) from the A527, which potentially provide access to the sites are highlighted as critical junctions, where there is particular concern over traffic safety and congestion. Developing here will add pressure to these junctions, as well as increasing traffic volume on mow lane.

Planning permission has been refused on highways grounds in the past and the situation has only got worse with the creation of the third pinch-point on Mow Lane. **The actual distributor road width (Mow Lane) falls below the minimum required of distributor roads by the Residential Design Guide.** Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Mow Lane is 4.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).

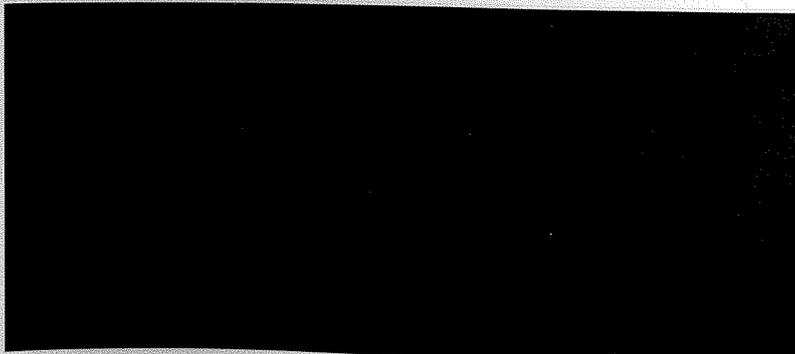
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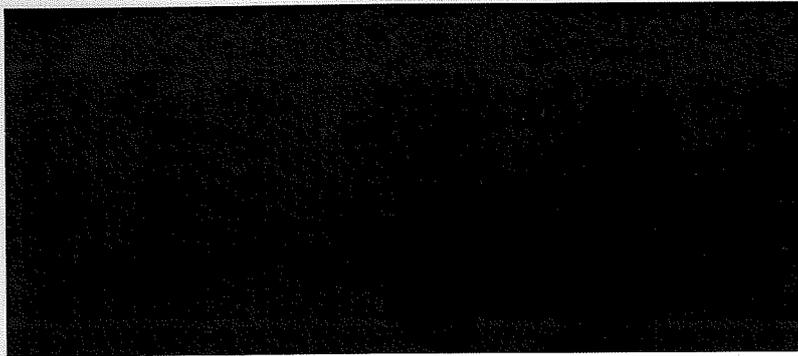


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ISSUE 5 - Flooding

BD062 (land at end of York Close / Essex Drive) suffers from a high amount of surface water flooding. It is classed as a wet meadow (evidenced by certain marsh flora) and plays an important role in slowing down rainwater flowing into the Biddulph Brook (natural flood management). This field drains part of the Biddulph Valley way as evidenced by the Environment Agency flood maps (<https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>). The proposed eastern site access of Essex Drive is in a floodplain. The field should remain as semi-natural habitat and its' role in natural flood management enhanced.



Long term flood risk map for England - GOV.UK

Check your risk of flooding and use flood risk maps

Thank you very much for your time, I await your response.

Yours Sincerely,

Tim Sproston

Sansom, Claire

From: Dawn Squires
Sent: Wednesday, October 30, 2019 9:45 AM
To: Forward Plans
Subject: Staffordshire Moorlands Local Plan Modified

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Re Page 63, Policy SS6 - Biddulph Area Strategy

6. Include areas of 'Safeguarded Land' - BD062, BD068 & BD087

Sound - justified - **NO** - there are errors - parts of the evidence were missed out when decisions on the main modifications were taken

Sound - Effective - **NO** - no, safeguarding here will not work well due to reasons stated below about sewage, wildlife, access etc

Sound - consistent with national policy - **NO** - failing in duty to have regard to biodiversity

Complies with Duty to Co-operate - **NO** - not consulting appropriately with Biddulph Town Council or paying heed to the more recent evidence base of the emerging Biddulph Neighbourhood Plan

Concern 1 - Sewage Works - Health Concerns

BD062 and BD068 are both immediately adjacent to a sewage works. Residents already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding the brook at the end of Essex Drive (13/9/16) where pressure builds up inside the junction box and the lid blows off, especially in heavy rain. This happened again in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the field needs to be kept as a natural buffer.

We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDV Council Planning Officers on 26th June 2019 which led to these fields being put forward for 'Safeguarding' (<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CIId=284&MIId=1368&Ver=4>) (i.e. making a building air-tight does not change the situation outside or inside the home when windows are doors are open). Adding more houses and increasing surface run off from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.

In a letter sent on the 27th May 2016 United Utilities stated *"The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"*

Concern 2 - Biodiversity

Key points are:

-The SMDC Phase 1 Ecological Survey evidence base is being ignored.

- The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.
- The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound.
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of.

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<https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10>

[SMDC Green Infrastructure Strategy May 2018.pdf](https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10))

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Access to BD068 & BD087 - Road Safety issues.

Public safety issue - The land proposed for the access road for BD068 & BD087 and the bridge on to BD087 is only 1.5m above normal river height and we know that in the latest flash flood, water reached 2.6m. This land has been identified as Flood Risk 2/3. It is the only access road and bridge on to BD068 and BD087 both enclosed sites. What happens in a flash flood? Will there need to be an Emergency Evacuation Plan in place? Have the emergency services been involved in the pre selection of these sites?

The maximum rise of the river during a flash flood is 2.6m (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6m wide (4m + 2m) single access road and bridge on to these sites, a support wall will have to be built along the river bank. The access road on to BD087 is on the narrow side of the river bank approx 10m wide. Has an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible, given the ground condition is marsh land?

Surely BD068 & BD087 should be dismissed as sites from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested parties (not just the site owner) and provided all the necessary information, including a SFRA Level 2 Flood Risk Assessment, Public Safety Risk Report, Soil sample reports and a SCC Transport report? This should provide the necessary information to ensure that BD068 & BD087 could even be put forward for future planning permission?

ISSUE 5 - Flooding

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Concern 6 - Out of date information used to develop the Modified Plan

On June 26th 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had no objections to these sites, however, no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified plan reintroduced sites BD062, BD068 & BD087.

Past information supplied to the SMDC by the Environmental Agency stated *"When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted."*

It was also stated at this meeting that they used findings from 2014, 2015 & 2026 to justify their developmet/conclusion to support the modified local plan. This excluded information from 2017, 2018 & 2019 - why?

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood Risk Analysis for BD087, however, when checking with the Environmental Agency (2nd September 2019), this has not been completed. There is only a SFRA Level 1 on record?

In a letter dated 26th August 2015 the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before these sites. BD062, BD068 & BD087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only identified 12 sites of the original housing plan in 2014 of which there was 27. The 3 sites chosen as level 1, BD062, BD068 & BD087, were all considered at great length and excluded.

- The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector - Reason for rejection - a site called BDNEW was to be removed from the Local Plan as it was Green Belt land. All 3 of the above sites are all on Green Belt land.
- In the 2015 Green Belt report commissioned by the SMDC stated that all 3 sites should only be considered under Exceptional circumstances but the same report stated that land to the south of Akesmoor Lane on which BDNEW is situated should be considered for consideration for future development. Why has this report not been used as a factual base for the development of Biddulph?
- Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up to date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potentially 3-5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Kind Regards

Sansom, Claire

From: Phil Squires
Sent: Wednesday, October 30, 2019 11:40 AM
To: Forward Plans
Subject: Staffordshire Moorlands Local Plan Modified

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Re Page 63, Policy SS6 - Biddulph Area Strategy

6. Include areas of 'Safeguarded Land' - BD062, BD068 & BD087

Sound - justified - **NO** - there are errors - parts of the evidence were missed out when decisions on the main modifications were taken

Sound - Effective - **NO** - no, safeguarding here will not work well due to reasons stated below about sewage, wildlife, access etc

Sound - consistent with national policy - **NO** - failing in duty to have regard to biodiversity

Complies with Duty to Co-operate - **NO** - not consulting appropriately with Biddulph Town Council or paying heed to the more recent evidence base of the emerging Biddulph Neighbourhood Plan

Concern 1 - Sewage Works - Health Concerns

BD062 and BD068 are both immediately adjacent to a sewage works. Residents already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding the brook at the end of Essex Drive (13/9/16) where pressure builds up inside the junction box and the lid blows off, especially in heavy rain. This happened again in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the field needs to be kept as a natural buffer.

We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDV Council Planning Officers on 26th June 2019 which led to these fields being put forward for 'Safeguarding'
(<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CIId=284&MIId=1368&Ver=4>)(i.e. making a building air-tight does not change the situation outside or inside the home when windows are doors are open). Adding more houses and increasing surface run off from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

Concern 2 - Biodiversity

Key points are:

- The SMDC Phase 1 Ecological Survey evidence base is being ignored.
- The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out.
- The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound.
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of.

Details for the above points:

Biodiversity - The SMDC Local Plan Phase 1 Habitat Survey (Site BD062 / FID122, 2014) concluded "...the site is not recommended for potential development..."^[1]and that the site is "...very well connected to other biodiverse habitats through hedgerows, scrub, broadleaved woodland and running water which accentuates the value of the site"
<https://www.staffs Moorlands.gov.uk/article/1368/Ecological-studies>).

The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC Map7.5 pg.77

([https://www.staffs Moorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10 SMDC Green Infrastructure Strategy May 2018.pdf](https://www.staffs Moorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10_SMDC_Green_Infrastructure_Strategy_May_2018.pdf))

The emerging Biddulph Neighbourhood Plan commissioned external consultants to provide additional detail and evidence for wildlife corridors and potential Local Wildlife Sites across the Biddulph Parish. The mapping for BD062 indicates semi-natural grassland habitat and found to be sited in an important location bringing together two key wildlife corridors - that of the Biddulph Brook and the Biddulph Valley Way (<https://biddulph.co.uk/neighbourhood-plan/>).

The entire ecological evidence base was missed out of the assessment and ranking exercise carried out by SMDC and reported to Council Members on 26th June 2019 which led to the designation of these fields as 'Safeguarded'. The sources used for the exercise are listed and ecological assessments are missing (<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CIId=284&MId=1368&Ver=4>). This omission is then reflected in the assessment tables in Appendix C and Appendix D and the conclusions drawn (which are unclear and not sound)

This is despite the fact that this information was contained within the previous Sustainability Appraisal Report which accompanied the local plan submission version (Feb 2018) where it was reported that BD062 was 'deemed to have ecological value.'

Only evidence regarding the Green belt review, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other economic and development criteria (Options Assessment Tables list pg.30

<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CID=284&MI d=1368&Ver=4>). The land classification used in this SMDC report on 26th June 2019 is also wrong for all 3 sites in Gillow Heath. They were reported to be urban/industrial land when in fact they are classed as agricultural grassland on the Dudley Stamp Land Use Classification system (Magic Map (<https://magic.defra.gov.uk/MagicMap.aspx>)) and a quick search on google earth reveals that they are indeed semi-natural habitat (BD062) or agricultural grassland (BD068 / BD087).

Ignoring the ecology in this decision making process totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management.

This contradicts Section 40 of the *Natural Environment and Rural Communities Act 2006*, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Sites also need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC Council Members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800m of the town centre when they clearly are not at Gillow Heath. The ranking method is unsound.

ISSUE 3: Community access

The local community have had unfettered access to this site since the estate was built. For over 40 years, there has been total open access and the land has been used by local residents for events and walking dogs. As recently as 7th July 2019 (and repeatedly since) local residents organised a work party to clear the overgrown footpaths which cross this site and have been doing this for over 40 years. This land has been designated as Local Greenspace by the emerging Biddulph Neighbourhood Plan (currently undergoing REG14 consultation) as it was found to meet the criteria required

(<https://biddulph.co.uk/neighbourhood-plan/>).

ISSUE 4 - Access roads

Neither the *distributor road* (Mow Lane) nor the *feeder roads* (Essex Drive and York Close) meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The roads are too narrow and the road bend radii are too small. There are two pinch points over bridges on Mow Lane to the east and west of the access to BD062, and a new sewage pump on Mow Lane all of which reduce the feeder road to a single carriageway in at least 3 locations. There is no alternative access to BD062.

Planning permission has been refused on highways grounds in the past and the situation has only got worse with the creation of the third pinch-point on Mow Lane. **The actual distributor road width (Mow Lane) falls below the minimum required of distributor roads by the Residential Design Guide.** Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Mow Lane is 4.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).

Access to BD068 & BD087 - Road Safety issues.

Public safety issue - The land proposed for the access road for BD068 & BD087 and the bridge on to BD087 is only 1.5m above normal river height and we know that in the latest flash flood, water reached 2.6m. This land has been identified as Flood Risk 2/3. It is the only access road an bridge on to BD068 and BD087 both enclosed sites. What happens in a flash flood? Will there need to be an Emergency Evacuation Plan in place? Have the emergency services been involved in the pre selection of these sites?

The maximum rise of the river during a flash flood is 2.6m (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6m wide (4m + 2m) single access road and bridge on to these sites, a support wall will have to be built along the river bank. The access road on to BD087 is on the narrow side of the river bank approx 10m wide. Has an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible, given the ground condition is marsh land?

Surely BD068 & BD087 should be dismissed as sites from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested parties (not just the site owner) and provided all the necessary information, including a SFRA Level 2 Flood Risk Assessment, Public Safety Risk Report, Soil sample reports and a SCC Transport report? This should provide the necessary information to ensure that BD068 & BD087 could even be put forward for future planning permission?

ISSUE 5 - Flooding

BD062 (land at end of York Close / Essex Drive) suffers from a high amount of surface water flooding. It is classed as a wet meadow (evidenced by certain marsh flora) and plays an important role in slowing down rainwater flowing into the Biddulph Brook (natural flood management). This field drains part of the Biddulph Valley way as evidenced by the Environment Agency flood maps (<https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>). The proposed eastern site access of Essex Drive is in a floodplain. The field should remain as semi-natural habitat and its' role in natural flood management enhanced.

Concern 6 - Out of date information used to develop the Modified Plan

On June 26th 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had no objections to

these sites, however, no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified plan reintroduced sites BD062, BD068 & BD087.

Past information supplied to the SMDC by the Environmental Agency stated *"When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted."*

It was also stated at this meeting that they used findings from 2014, 2015 & 2026 to justify their developmet/conclusion to support the modified local plan. This excluded information from 2017, 2018 & 2019 - why?

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood Risk Analysis for BD087, however, when checking with the Environmental Agency (2nd September 2019), this has not been completed. There is only a SFRA Level 1 on record?

In a letter dated 26th August 2015 the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before these sites. BD062, BD068 & BD087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only identified 12 sites of the original housing plan in 2014 of which there was 27. The 3 sites chosen as level 1, BD062, BD068 & BD087, were all considered at great length and excluded.

- The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector - Reason for rejection - a site called BDNEW was to be removed from the Local Plan as it was Green Belt land. All 3 of the above sites are all on Green Belt land.

- In the 2015 Green Belt report commissioned by the SMDC stated that all 3 sites should only be considered under Exceptional circumstances but the same report stated that land to the south of Akesmoor Lane on which BDNEW is situated should be considered for consideration for future development. Why has this report not been used as a factual base for the development of Biddulph?

- Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up to date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potentially 3-5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Bidduloh

area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Kind Regards

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

FAO Forward Plans
Planning Policy
Staffordshire Moorlands District Council
Moorlands House
Leek
ST13 6HQ

31 October 2019

Delivered by email

Dear Sir / Madam,

**STAFFORDSHIRE MOORLANDS LOCAL PLAN (SUBMISSION VERSION) – MAIN MODIFICATIONS
CONSULTATION**

Turley is instructed by St Modwen Homes to submit the following consultation response to the Main Modifications, which form part of the Staffordshire Moorlands draft Local Plan (Submission Version).

St Modwen Homes own land allocated for mixed use development under Policy DSR1: Blythe Vale, of the submission draft Local Plan. This allocation includes approximately 300 dwellings and 48.5 hectares of employment land adjacent to Blythe Bridge. St Modwen Homes support the allocation of Blythe Vale, which forms a vital contribution to the housing and employment land requirement in Staffordshire Moorlands over the emerging Local Plan period (2014-2033).

With reference to the Schedule of Main Modifications (September 2019) we set out the following comments on behalf of St Modwen Homes, demonstrating their continued support towards the draft Local Plan and providing a few points of confirmation and clarity.

Main Modifications

In relation to Policy DSR1 (Blythe Vale), the Main Modifications (MM46) seek for development at Blythe Vale to comply with a comprehensive masterplan and indicative phasing programme in addition to other relevant Local Plan Policies, which should include further details concerning landscape impacts, green infrastructure and cycle and walking routes. St Modwen Homes support the need to provide sufficient information to accompany major planning applications, including at Blythe Vale as already sought under Policy DSR1.

Housing

The Main Modifications highlight a high shortfall in past housing completions in the District (788 homes at March 2019), hence a 20% buffer is applied along with the 'Liverpool method' to reflect this persistent

9 Colmore Row
Birmingham
B3 2BJ

T 0121 233 0902 turley.co.uk

under delivery and spread the housing shortfall to the year 2033 (MM8). This goes on to state that the overall 6,080 dwelling requirement over the revised Plan period of 2014-2033 should not be viewed as an absolute maximum (Policy SS3: Future Provision and Distribution of Development).

St Modwen Homes are committed to delivering dwellings at Blythe Vale early on in the Plan period (by 2024/2025), as confirmed through the Housing Implementation Strategy consultation of February 2019. This would make a significant contribution towards addressing both the shortfall to date and the identified need for the Plan period, and it is important that the policy framework set in the Plan provides an appropriate framework to support this delivery.

Housing Densities

The Main Modifications (MM20) state under 'Policy H1: New Housing Development' that higher housing densities will be generally appropriate in accessible locations. This would include locations such as at Blythe Vale. Appropriate development densities are also supported by the National Planning Policy Framework ("NPPF")(2019), which seeks for planning policies and decisions to support development which makes efficient use of land (Paragraphs 122 and 123). The Main Modifications go on to specify under 'Policy H2: Housing Allocations' that the provision of 300 dwellings is the "*indicative capacity*" for Blythe Vale as a whole (MM21), and that 182 dwellings are the remainder of this indicative capacity following the approval of 118 dwellings at Phase 1 of Blythe Vale (App Ref. SMD/2017/0512).

St Modwen Homes support the Main Modifications in considering appropriate housing density increases in accessible locations such as Blythe Vale. Consequently, appropriate housing density increases are sought at Blythe Vale, beyond the remaining 182 dwellings allocated, whilst at the same time ensuring that the quality of the propose scheme is not adversely affected. A planning application to increase housing density at Blythe Vale from the approved 118 dwellings to a revised figure of 146 dwellings received a resolution to grant in April 2019 (App Ref. SMD/2018/0790). St Modwen Homes intend to continue this approach of increased housing densities across Blythe Vale as the remaining phases are brought forward. This will support the District's housing supply position and alleviate its historic housing shortfall in an accessible location, as sought through the Main Modifications to Policies SS3, H1 and H2.

Affordable Housing

The Local Plan and Site Allocations Viability Study (2018) identifies Blythe Bridge and Forsbrook (Zone 1) as the lowest value zone in the District in relation to average house price sales (Table 5.7). To add to this, new dwellings in Blythe Bridge and Forsbrook are subject to the highest adopted education contributions in the District, set at £5,679.19 per dwelling (Table 6.5). The Study concludes that "*education contributions at the levels proposed in Zone 1 (ie Blythe Bridge) have a significant impact on viability*", deeming the viability of Blythe Vale to be marginal if any affordable housing provision is sought (Paragraphs 7.21 and 8.11).

The NPPF also requires that for planning policies and decisions to support development by taking into account local market conditions and viability where efficient use of land is proposed (Paragraph 122).

Informed by this, the Main Modifications confirm Blythe Bridge and Forsbrook (Zone 1) to be the lowest value area in the District, within which Blythe Vale is located (MM22). The Main Modifications to 'Policy H3: Affordable Housing' go on to reiterate that the 33% affordable housing provision target is likely to be unviable at Blythe Vale, exacerbated further where developer contributions are sought to other areas (e.g. education). The Main Modifications therefore confirm that the Council will consider lower levels of affordable housing provision, where justified by further up-to-date viability evidence.

St Modwen Homes support these findings and the associated Main Modifications. Development at Blythe Vale is already committed to provide developer contributions, including those relating to

education. Consequently, St Modwen Homes consider the level of affordable housing provision at Blythe Vale to be a matter that will require testing as the development progresses to ensure overall deliverability. Clearly any obligations that are sought will further adversely impact this and ultimately render the scheme unviable and thereby affect its delivery.

Conclusion

On behalf of St Modwen Homes, Turley submit the above response to the Staffordshire Moorlands Main Modifications consultation, with particular focus on Blythe Vale; a mixed use allocation including approximately 300 dwellings adjacent to Blythe Bridge (Policy DSR1). St Modwen Homes own land allocated within Blythe Vale, which forms a vital contribution to the housing and employment land requirement in Staffordshire Moorlands over the emerging Local Plan period (2014-2033).

St Modwen Homes firstly support the Main Modifications in seeking higher housing densities in accessible locations such as Blythe Vale, which will assist the District's housing supply position and alleviate its historic housing shortfall.

St Modwen Homes also support the findings of the Local Plan and Site Allocations Viability Study and associated Main Modifications, which identify Blythe Bridge and Forsbrook (Zone 1) as the lowest value area in the District, within which Blythe Vale is located. The Main Modifications consider the 33% affordable housing provision target to be unviable at Blythe Vale, exacerbated further where developer contributions are sought. This therefore requires careful consideration of the overall level of obligations that are sought from St Modwen Homes as part of any future planning applications to ensure that the scheme is delivered and the housing required to meet an identified need is provided.

St Modwen Homes therefore support the Main Modifications to the draft Local Plan, and are committed to the future delivery of residential development at Blythe Vale, which comprises a vital contribution to the housing land requirement in Staffordshire Moorlands over the emerging Local Plan period (2014-2033).

We trust that these comments will be duly considered as part of the emerging Local Plan process. Should you require any further information, or wish to discuss any aspect of this representation in greater detail, then please do not hesitate to contact me.

Yours sincerely

Peter Hayward

Assistant Planner

peter.hayward@turley.co.uk

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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There are a number of issues that I feel I should bring to your attention -

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

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2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control
 On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.
 Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Lack of due process control

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MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

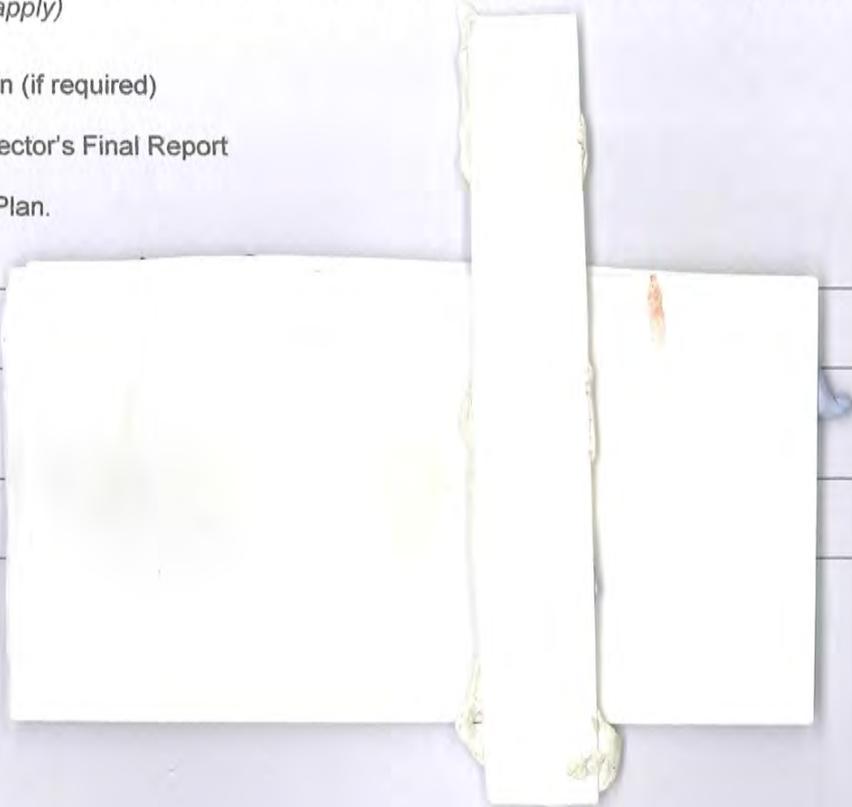
Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5. Signature:

Date:



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

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| Cheadle | Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday) |
| Biddulph | Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday) |

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

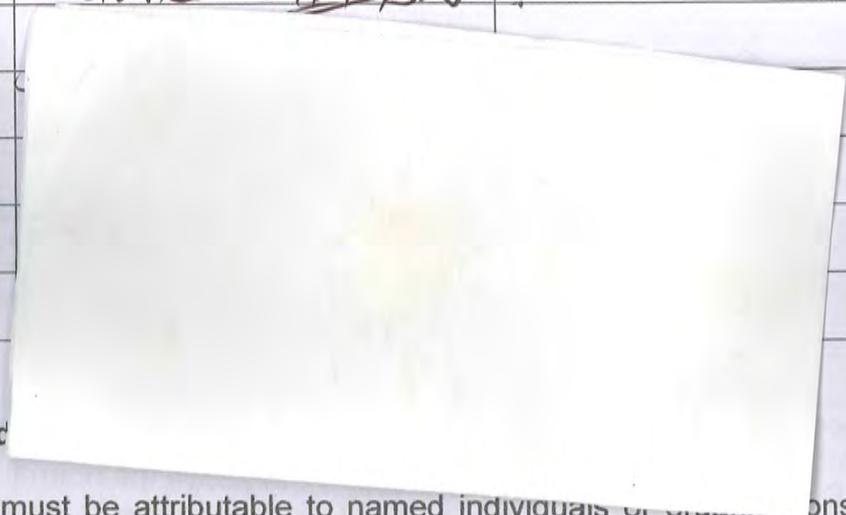
Date:

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	MR.	
First name	RICHARD	
Last name	STOTT	
Address line 1		
Address line 2		
Address line 3		
Post code		

Notifications and

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>.

Part B – Representations

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of

the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5. Signature:

[Redacted signature]

Date:

22/10/19

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Part A – Personal details and notifications

	Personal details
Title	MR
First name	RICHARD
Last name	SUTTON
Address line 1	
Address line 2	
Address line 3	
Post code	

Notifications and

Representations must be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>.

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

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Return BD087, BD068 & BD062 to Green Belt land

5. Signature:

[Redacted Signature]

Date:

22/07/19

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Legally compliant	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Sound - Justified	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

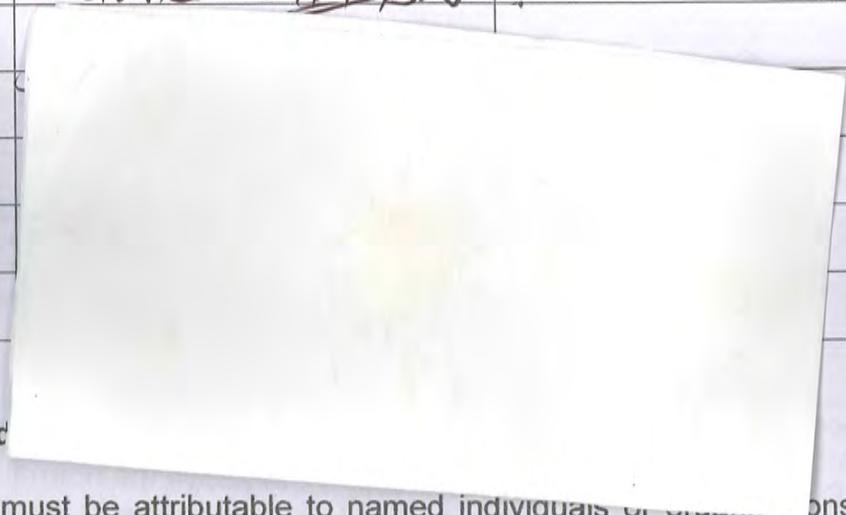
Return BD087, BD068 & BD062 to Green Belt land

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	MR.	
First name	RICHARD	
Last name	STOTT	
Address line 1		
Address line 2		
Address line 3		
Post code		

Notifications and

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MM/12

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of

the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5. Signature:

[Redacted signature]

Date:

22/10/19

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Part A – Personal details and notifications

	Personal details
Title	MR
First name	RICHARD
Last name	SPITTON
Address line 1	
Address line 2	
Address line 3	
Post code	

Notifications and

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Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

5. Signature:

[Redacted signature box]

Date:

22/07/19



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	LEE
Last name	TABBINOR
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

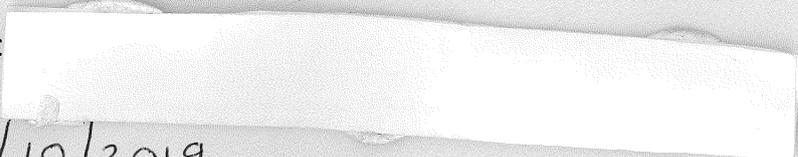
Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 8/10/2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

Personal details	
Title	MR
First name	LEE
Last name	TABBINOR
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Part B - Representation

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MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Signature: 

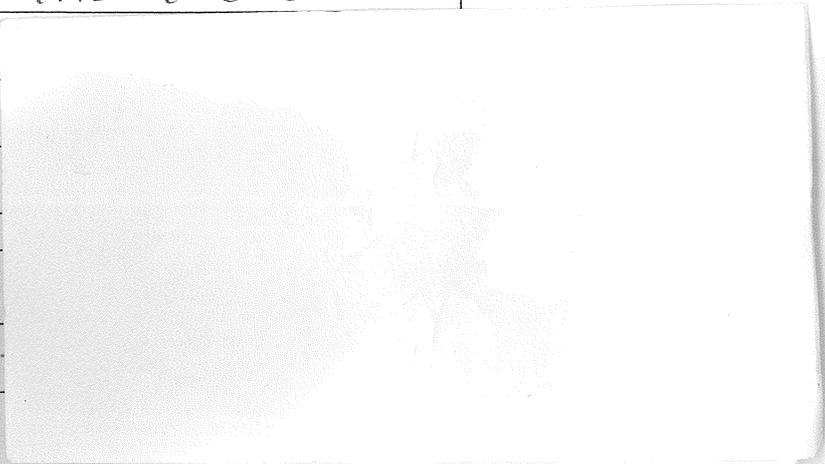
Date: 8/10/2019



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	LEE
Last name	TABBINOR
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

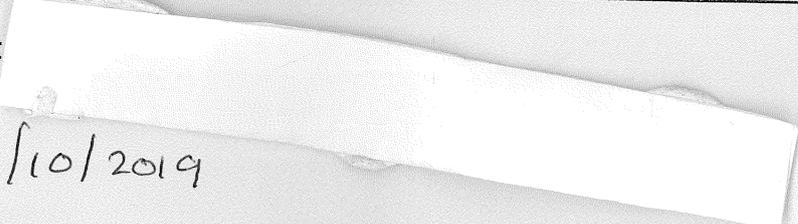
identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 8/10/2019



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	LEE
Last name	TABBINOR
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Signature

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Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MR
First name	LEE
Last name	TABBINOR
Address line 1	
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<p>No Buy in by the people of Biddulph Short cutting of the Modification selection process is not acceptable.</p> <p>Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?</p> <p>I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.</p>

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature: 

Date: 8/10/2019

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

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Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

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2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
------------------------	-------

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Alison Tonge

I want to protect wildlife for the future. 2019-10-07

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If you would prefer to make a representation by yourself please email plans@staffs Moorlands.gov.uk or by post to Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit www.cheddletonresidents.org

RICHARD TUFFT

Post code

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

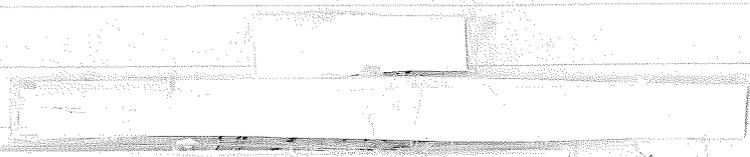
Comment

PLEASE SEE ATTACHED LETTER.

To whom it may concern

I have lived in the village since 2003 and have found the area of land behind my house - 33 Ostler Lane - and the Gully to be an area of tranquility which should be preserved as the heart and lungs of the village, and is vital to the wellbeing of the residents.

Richard Tefft



Sansom, Claire

From: Angie Turner <[REDACTED]>
Sent: Wednesday, October 30, 2019 4:31 PM
To: Forward Plans
Subject: SMDC Local Plan Main Modifications MM12

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Gillow Heath.

I notice that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly. You omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect.

The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019).

The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Yours sincerely,
Mrs Angie Turner

(in case my earlier submission was not clear enough in it's response in the second part of your form, please add this to my earlier response).

Please acknowledge receipt of this response.

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Mrs	
First name	Angie	
Last name	Turner	
Job title (if applicable)		
Organisation (if applicable)		
Address line 1		
Address line 2		
Address line 3		
Address line 4		
Post code		
Telephone number		
Email address		

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

Part B – Representations

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference

MM12 and MM21

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound - Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound - Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

This is my response to the local plan main modifications consultation. The plan is not Sound (Justified, Effective, Consistent with national policy) and it does not comply with the Duty to Cooperate. My comments refer to sites within Biddulph Parish.

- **The SMDC Phase 1 Ecological Survey evidence base is being ignored.**

The ranking exercise which was used to inform SMDC Council Members and guide decision making at the SMDC Council Assembly on 26th June 2019 **omitted the SMDC ecological evidence base altogether**. The methodology that led to the identification of 'Safeguarded' fields in Gillow Heath is not sound because the evidence base used was not sound.

<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MI d=1368&Ver=4>). The SMDC report '*Appendix 1 Biddulph Options Planning Analysis and Maps*' June 2019 did not consider ecological assessments as part of their ranking exercise at all. The sources used for the exercise are listed on pg.4-5 and **ecological assessments are missing**. This is then reflected in the assessment tables in Appendix C and Appendix D and used to inform decision making.

- **The Agricultural Land Classification is also totally wrong.** All three Gillow Heath fields are stated as being 'urban / industrial land', apparently according to Natural England data

<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MI d=1368&Ver=4>). A quick check on Magic Map

<https://magic.defra.gov.uk/MagicMap.aspx>) reveals that all three fields are classed as Grassland/arable on the Dudley Stamp land use classification scheme and this is obviously visible to anyone who has actually visited these sites. The methodology that led to the identification of 'Safeguarded' fields in Gillow Heath is not sound because the evidence base used was not sound.



Common Spotted and Southern Marsh orchid populations on BD062. Photos taken by local resident in 2019. Obviously not urban / industrial land.



- **The original Sustainability Appraisal Report** which accompanied the local plan submission (version Feb 2018) did include an overall assessment (+ / - form of ranking) and did include the ecological evidence base (Section 15.2.3 - sites within the green belt). BD062 York / Essex Drive was '*deemed to have ecological value*' and a negative effect on biodiversity on the site if it was developed (<https://www.staffsmoorlands.gov.uk/article/2861/Sustainability-Appraisal>). This evidence was not carried forward and, therefore was not taken into account as part of the decision making process on 26th June 2019. (<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CId=284&MIId=1368&Ver=4>). The methodology that led to the identification of 'Safeguarded' fields in Gillow Heath is not sound because the evidence base used was not sound.
- **Section 40 of the Natural Environment and Rural Communities Act 2006** places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity

(<http://www.legislation.gov.uk/ukpga/2006/16/section/40>). A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector as clarified in the guidance on the Natural Environment (<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>). **SMDC have failed in this duty.**

- By **omitting the ecological evidence base from decision making**, SMDC are also failing in their ability to deliver their **own Local Plan vision** (Feb 2018 submission version) which states: "*net gains and improvements to biodiversity will be made*" across the Staffordshire Moorlands (pg34 <https://www.staffsmoorlands.gov.uk/localplan>). It is difficult to see how this will be delivered if evidence is being ignored and site allocations for both development and future development (Safeguarding) are not amended to take biodiversity into account.
- The **assessment for Local Wildlife Sites** by Ecus (2017) was **incorrectly carried out**. According to their reported methodology, it was a desk-based exercise only. The methodology applied is not sound (<https://www.staffsmoorlands.gov.uk/media/2397/Extended-Phase-I-Habitat-Surveys--Local-Wildlife-Site-Assessments> [2017/pdf/Extended Phase 1 Habitat Surveys and Local Wildlife Site LWS Assessments.pdf](https://www.staffsmoorlands.gov.uk/media/2397/Extended-Phase-I-Habitat-Surveys--Local-Wildlife-Site-Assessments))
- **Development densities** have not been lowered to take known biodiversity into account throughout any of this local plan process. The evidence base is referred to inconsistently and not on a site-by-site basis. The decision to increase housing densities on Wharf Road (MM21) does not take the findings of the Phase 1 Ecological Surveys into account, nor is this considered in the decision to 'Safeguard' for future development site BD062 (MM12). (<https://democracy.staffsmoorlands.gov.uk/ieListDocuments.aspx?CId=284&MIId=1368&Ver=4>).
- **SMDC is failing in its Duty to cooperate: MM12: Removing the Gillow Heath**

Fields from the green belt and designating them as 'safeguarded sites' (MM12) for future development (especially BD062) is in **direct conflict with the emerging Biddulph Neighbourhood Plan** (REG14 Consultation closing 4th November 2019) which has a more recent and detailed evidence base. This field has been designated as a Local Greenspace following two rounds of local public consultation during 2019 due to existing biodiversity value and unfettered public access for 40 years.

- SMDC is failing in its Duty to cooperate: MM12 (in particular BD062) is in direct conflict with **SMDC's own vision for Biddulph in the Local Plan 2018** Submission version which states: "*The local community will help guide the development of Biddulph with a Neighbourhood Plan*" (pg36 <https://www.staffsmoorlands.gov.uk/localplan>). The SMDC Local Plan (Feb 2018 submission version) clearly recognises that Neighbourhood Plans may be used to "*identify sites for development or protection*" (Section 1.21 pg.10 <https://www.staffsmoorlands.gov.uk/localplan>).
- Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' MM12 for future development (especially BD062) is in **direct conflict with Spatial Aims, Spatial Objectives and Policies of the new SMDC Local Plan Submission Version** (February 2018).

I will detail each of the aforementioned issues in turn;

1.The 2014 Phase 1 Ecological survey evidence is being ignored. The plan is not sound. (<https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>).

SMDC stated (2016):

"The Council has recently completed a Phase 1 Ecological Study for the District. This assessed sites included in the Site Options consultation. The site survey results will be used as part of the site selection process"

(<https://www.staffsmoorlands.gov.uk/media/3375/Council-Assembly--Preferred->

- There is no evidence within the final selection of sites (for development sites and for safeguarded sites in the Biddulph area) that SMDC have taken the detailed ecological evidence base into account. There is no evidence that any reduction in density proposed on these sites has been agreed to reflect the biodiversity known to be present. No strategic effort has been applied to the local plan to ensure net gain for biodiversity and the environment (<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>).
- The information from the Phase 1 Ecological surveys was totally absent from the discussion within the Planning Officer's recommendation to Members on 26th June 2019 (SMDC Public Reports Pack 260620 19 1830 Council Assembly) which removed fields from Green Belt in Gillow Heath.

(<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&Mid=1368&Ver=4>) Only evidence regarding the Green belt review, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other economic and development criteria (Options Assessment Tables list pg.30). This totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management purposes. Omitting this vital evidence base illustrates that SMDC have not embedded consideration of biodiversity as an integral part of policy and decision making (<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>) and have failed in their duty under the Natural Environment and Rural Communities Act 2006.
- With regard to the 'Safeguarding' of land in Gillow Heath, The Council Assembly report (26th June 2019 Public Reports Pack 260620 19 1830) makes it very clear that this land is for future development purposes as the NPPF is clearly quoted within the SMDC report: "*where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period* (NPPF para.85 2012);" (Options Assessment Tables list pg.32). Due to this, the same level of consideration needs to be given to 'safeguarded' land as to any land being considered for development allocation within the current local plan period.
- Sites need to be considered on an individual basis. Ranking and considering sites as a group is a major flaw of the process involved to reach conclusions at the Council

Assembly on 26th June 201. Examples include suggesting that all sites are within 800m of the town centre when they clearly are not, that flooding may affect all sites or that the sewage works will affect all sites. This clearly is not the case and does not allow decision makers to see the issues which affect land on a site by site basis.

Sites of particular concern based on SMDC ecological evidence base

(<https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>).

- **Site BD062:** land off York Close / Essex Drive.

The SMDC Local Plan Phase 1 Habitat Survey concluded “...the site is **not recommended for potential development...**”¹ and that the site is “...very well connected to other biodiverse habitats through hedgerows, scrub, broadleaved woodland and running water which accentuates the value of the site.” Site FID122:

(<https://www.staffsmoorlands.gov.uk/article/1368/Ecological-studies>).

The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been **mapped as part of a major Wildlife Corridor by SMDC** as part of the local plan process

([https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10 SMDC Green Infrastructure Strategy May 2018.pdf](https://www.staffsmoorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10%20SMDC%20Green%20Infrastructure%20Strategy%20May%202018.pdf)).

BD062 has also been mapped as a wildlife corridor by external consultants providing the evidence base for the Biddulph Neighbourhood Plan

(<https://biddulph.co.uk/neighbourhood-plan/>). Its strength is not only in its rich flora and fauna, but in its position connecting the corridor of the Biddulph Valley Way to the stream network. It is the only semi-natural site which provides this function in the valley which is not interrupted by the A527.

- **BD071 & 71A / FID17 and BD076 / FID25&226:** Wharf road development site

1.38ha of this land was identified as having a strong habitat mosaic of **regional importance**.

In addition to this, mature trees and hedgerows need protection. There is no evidence

in any of the Mater-planning that this value has been taken into account.

- **BD117 / FID210:** land west of the bypass and opposite Victoria Business Park

Mañure trees and hedgerows need protection and built into the design for the site.

2. Local Wildlife Site (LWS) Assessment incorrectly carried out. The methodology is not sound.

- The sites were assessed by Ecus in 2017 using a combination of Lockwood Hall Phase 1 Habitat survey results (September and October 2014) and desk-based data search results according to their stated methodology ([https://www.staffsmoorlands.gov.uk/media/2397/Extended-Phase-I-Habitat-Surveys--Local-Wildlife-Site-Assessments-2017/pdf/Extended Phase 1 Habitat Surveys and Local Wildlife Site LWS Assessments.pdf](https://www.staffsmoorlands.gov.uk/media/2397/Extended-Phase-I-Habitat-Surveys--Local-Wildlife-Site-Assessments-2017/pdf/Extended_Phase_1_Habitat_Surveys_and_Local_Wildlife_Site_LWS_Assessments.pdf))
- In order to consider a site suitable for designation as a Local Wildlife Site, a desk-based exercise is not adequate. A site visit is required at the appropriate time of year for the habitat(s) involved. For meadow/grassland habitats September / October is too late in the season for meadow plants to be visible and multiple seasonal surveys may be required.
- The data Ecus have used originates from the September / October 2014 habitat surveys. The data is 5 years old and, for meadow/grassland habitats, gathered at the wrong time of year. No further site visits have taken place, so any other data sources will also be out of date. The method Ecus have used to determine whether a site is a suitable candidate for LWS designation has not been fit for purpose.
- No sites have been brought forward to the Local Wildlife Partnership for consideration.
- The recently updated **National Guidance on the Natural Environment (MHCLG, July 2019)**, which explains key issues in implementing policy to protect and enhance the natural environment, including local requirements states: *“National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.”* Paragraph: 013 Reference ID: 8-013-20190721

<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>)

3. Habitat mapping within the Biddulph area is lacking, SMDC local plan decisions are being made on an old evidence base and SMDC are failing in their duty to co-operate.

- The SMDC Local Plan is based on a major lack of data with regards to ecological information in the Biddulph Parish, and data which is out of date – less than 10% of the natural landscape had been appropriately mapped in 2017 which indicates a severe lack of investment regarding the value of the natural landscape within the Biddulph parish. This put habitats at a distinct disadvantage in the Biddulph Parish when compared to elsewhere in the District where more of the land has been appropriately surveyed and ecological networks are better understood.
- The emerging Biddulph Neighbourhood Plan has worked with external consultants to start to rectify this, providing a more up to date source of information to which the SMDC local plan should be referring - available on the town council website: <https://biddulph.co.uk/neighbourhood-plan/>). This includes a Nature Recovery Network map, Wildlife Corridor map and Habitat Distinctiveness Map for the Biddulph Neighbourhood Area.
- National Guidance on the Natural Environment, states *“Planning authorities and neighbourhood planning bodies can work collaboratively with other partners, including Local Nature Partnerships, to develop and deliver a strategic approach to protecting and improving the natural environment based on local priorities and evidence.”* <https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>)

This is the approach that the Biddulph Neighbourhood Plan is taking, but SMDC are not paying any heed to the information contained within this emerging Neighbourhood plan (REG14 consultation closes on 4th November 2019). **SMDC are failing in their Duty to Cooperate.** (<https://biddulph.co.uk/neighbourhood-plan/>).

4. Conflict with the emerging Biddulph Parish Neighbourhood Plan

(<https://biddulph.co.uk/neighbourhood-plan/>).

- The emerging Biddulph Neighbourhood Plan, (REG14 consultation closes 4th November 2019), has been created in general conformity with the emerging SMDC local plan. However, the recent decision by SMDC to remove fields from the greenbelt into a 'safeguarded' category, and the removal of some areas of Local Greenspace has caused conflict (<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?Cid=284&Mid=1368&Ver=4>).
- The Neighbourhood Plan has built on the evidence base used for the SMDC local plan and the maps created by the SMDC Green Infrastructure Strategy (Map 7.5 – Ecological corridors in and around Biddulph pg.77. [https://www.staffs Moorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10 SMDC Green Infrastructure Strategy May 2018.pdf](https://www.staffs Moorlands.gov.uk/media/3355/Green-Infrastructure-Strategy/pdf/22.10%20SMDC%20Green%20Infrastructure%20Strategy%20May%202018.pdf))
- These are described as 'Strategic Corridors' in the SMDC Local Plan submission version 2018 Section 8.114 (<https://www.staffs Moorlands.gov.uk/article/774/The-Local-Plan-2016-2031>).
- The Neighbourhood Plan employed external consultants to build on these corridors firstly by mapping the habitats, and secondly by mapping the ecological corridors in more detail within the Biddulph Parish (<https://biddulph.co.uk/neighbourhood-plan/>).
- These maps clearly indicate a number of strategic ecological corridors, both terrestrial and aquatic, and a key semi-natural site (BD062) where these corridors converge, providing the only safe site for biodiversity to move between the land corridor of the Biddulph Valley Way and the river corridor of the Biddulph Brook without crossing the busy A527, thereby connecting to the ancient woodland and other biodiverse sites around the fringes of the Parish.
- BD062 provides a key site to provide space for adaptation due to the effects of climate change in the future. This is supported by **Policy C3: SMDC Local Plan Submission Version 2018**. (<https://www.staffs Moorlands.gov.uk/article/774/The-Local-Plan-2016-2031>) and Guidance on the Natural Environment which states:

"Relevant evidence in identifying and mapping local ecological networks can

include:...areas identified by national or local partnerships with potential for habitat enhancement or restoration, including those necessary to help biodiversity adapt to climate change or which could assist with the habitat shifts and species migrations arising from climate change” (<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>)

- The mapping clearly places BD062 within the category of semi-natural habitat, in addition the whole of BD062 and part of BD068 are classed as having Medium Distinctiveness (requires appropriate LWS assessment).
- The fields are situated within the Valley Wetlands Zone, play a key role in natural flood management, and suffer from high levels of surface water and river flooding (see EA surface and river water flooding maps based on ST86SF postcode: <https://flood-warning.information.service.gov.uk/long-term-flood-risk/>).
- The details of the emerging Biddulph Neighbourhood Plan were deposited with SMDC as part of the screening process at the time the decision to ‘safeguard’ fields in Gillow Heath was taken by the SMDC Council Assembly (26th June 2019). The omission of, not only the findings of the Phase 1 Ecological surveys but, also this more recent and strategic ecological information as part of the decision making at the SMDC Council Assembly on 26th June is not satisfactory and illustrates that SMDC have failed in their Duty to Cooperate with Biddulph Town Council and in their Duty under the Natural Environment and Rural Communities Act, 2006.
- The land needs to remain in the Green Belt, especially BD062.

5. Conflict with SMDC Local Plan Submission Version (2018)

<https://www.staffsmoorlands.gov.uk/article/774/The-Local-Plan-2016-2031>

The fields at Gillow Heath (and especially BD062) should remain in the Green Belt.

This is supported by the overall vision for both the District and for Biddulph, and the Spatial Aims, Spatial Objectives and Policies stated within the SMDC Local Plan submission version 2018.

Removing these fields from the Green Belt to be classified as ‘Safeguarded’ sites is in direct conflict with the statements made in the emerging SMDC local plan (2018 submission

version) as illustrated below:

- **The vision for Staffordshire Moorlands in the Local Plan Submission version (2018) clearly states:**

"...net gains and improvements to biodiversity will be made" and "...settlements will develop in a way that acknowledges their historic and natural heritage, their unique setting and their green infrastructure" (pg.34).

- **In particular the vision for Biddulph clearly states (pg.36):**

"The local community will help guide the development of Biddulph with a Neighbourhood Plan" and "Green infrastructure and open space will protect and enhance the environment" (pg.36).

The SMDC Local Plan clearly recognises that Neighbourhood Plans may be used to *"identify sites for development or protection"* (submission version 2018. Section 1.21 pg.10).

- **The Spatial Aims (SA4) and Objectives (SO2, SO8, SO9) are clearly stated (pg.40-41):**

To see Staffordshire Moorlands become an exceptional place to live, work and visit by:

SA4: Maintaining a quality environment and special places

SO2. To create a District where development minimises its impact on the environment, helps to mitigate and adapt to the adverse effects of climate change and makes efficient use of resources.

SO8. To promote local distinctiveness by means of good design and the conservation, protection and enhancement of historic, environmental and cultural assets throughout the District.

SO9. To conserve and improve the character and distinctiveness of the countryside and its landscape, heritage, biodiversity and geological resources. (pg.40 -41)

- **The appropriate Policy (DC3) with regards to allowing these wet meadows/grasslands to flood is identified (pg.129-130):**

Policy DC 3: Landscape and settlement setting

Supporting identification and implementation of natural flood management measures that will contribute towards delivering a reduction in local and catchment-wide flood risk and impacts of climate change and other multiple benefits (pg.129-130);

- **The importance of Green Infrastructure is stated in Policy C3, alongside the need for a strategic approach (pg.137-138)**

Policy C 3: Green Infrastructure

The Council will, through partnership working with local communities, organisations, landowners and developers, develop an integrated network of high quality and multi-functional green infrastructure that will:

- b) Link existing and potential sites of nature conservation value and historic landscape features, create new wildlife habitats, increase biodiversity, and increase tree cover where it is appropriate to the landscape;*
- d) Mitigate the negative effects of climate change and maximise potential climate change benefits including effective flood risk and waterways management;*

Supporting statements:

Section 8.109 *This policy is supported by a 'Green Infrastructure Strategy' which will seek to create functional and physical connectivity between green spaces, identify opportunities to provide additional green routes, consider how land can help to alleviate flooding through providing storage areas at times of flooding, consider opportunities to adapt to climate change and importantly make recommendations for how new development should be designed and how it can contribute to the wider green infrastructure network.*

Section 8.112 *The Council will seek to produce net gains and enhance biodiversity having regard to the objectives and priorities for the various ecosystems identified within the Staffordshire*

Moorlands in the Staffordshire Biodiversity Action Plan. (this includes grassland and heathland habitats and sites within the species rich farmland zone)

- **The importance of the Natural Environment is stated in Policy NE1 (pg.139-141):**

Section 8.7 Policy NE 1 Biodiversity and geological resources (pg.140-141)

The biodiversity and geological resources of the District and neighbouring areas will be conserved and enhanced by positive management and strict control of development (and having regard to relevant ecological evidence) by:

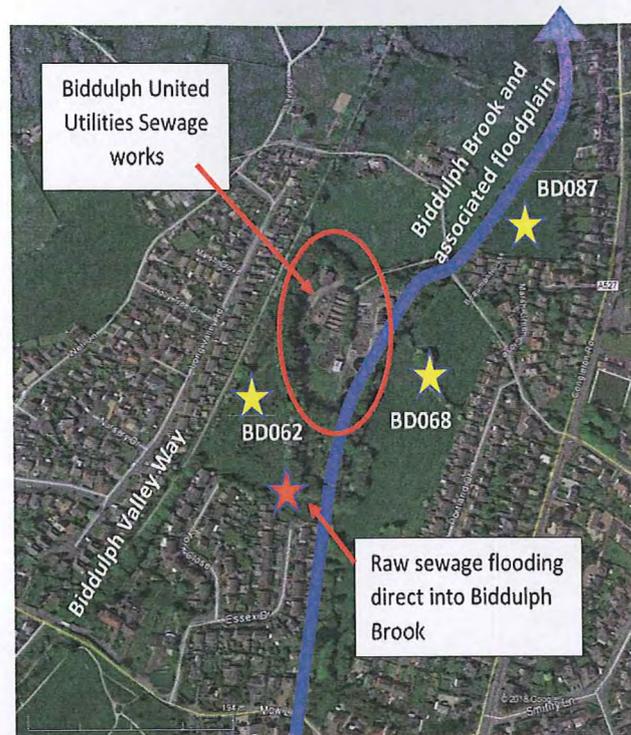
NE1.4. Expecting all development where possible seeks to deliver a net gain in biodiversity

proportionate to the size and scale of the development.

NE1.7. Protecting and enhancing habitats and species of principal importance for the conservation of biodiversity as identified in legislation, and recognising and implementing appropriate measures, including landscape-scale conservation management, to take account of the fact that the distribution of habitats and species will be affected by climate change.

NE1.9. Ensuring the provision and protection of green infrastructure networks in line with Policy C3.

Additional issues:



Proximity to sewage works:

BD062 and BD068 are both immediately adjacent to a sewage

works. Residents who live on Essex Drive, York Close and Long Valley Road already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding into the brook at the end of Essex Drive (13/9/2016 and here as recently as 25/26th October 2019 <https://www.youtube.com/channel/UCL7dE1inO-J5Hsc5NZIF5cw>) where pressure builds up inside the junction box and the lid blows off, especially following heavy rain. This also happened in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087.



Raw sewage flowing out of the junction box at the end of Essex Drive BD062.
Photo taken by local resident 13/9/2016



The aftermath of the raw sewage flooding incident on land at the end of Essex Drive, proposed eastern access to BD062. Photos taken by local resident 14/9/2016

It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. **People should not live any closer** than the current housing provision and the field needs to be kept as a natural buffer. Local residents should be listened to in this matter instead of repeatedly being ignored. Building adjacent to the sewage works will create even more of a statutory nuisance (noise, odour, sewage flooding) and an unhealthy neighbourhood.

We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDC Council Planning Officers on 26th June 2019 in the meeting which led to these fields being put forward for 'Safeguarding'

<https://democracy.staffs Moorlands.gov.uk/ielListDocuments.aspx?CId=284&MIId=1368>

&Ver=4) (ie. making a building air-tight does not change the situation outside or inside the home when windows and doors are open). Adding more houses and increasing surface run-off from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue.

Community access:

The local community have had unfettered access to **BD062** for over 40 years - there has been total open access and the land has been used by local residents for events and walking dogs. As recently as 7th July 2019 (and repeatedly since) local residents organised a work party to clear the overgrown footpaths which cross this site and have been doing this for over 40 years. This land has been designated as Local Greenspace by the emerging Biddulph Neighbourhood Plan (currently undergoing REG14 consultation) as it was found to meet the criteria required (<https://biddulph.co.uk/neighbourhood-plan/>).



The result of a local residents' path clearing event on 7th July 2019 on BD062

Access roads:

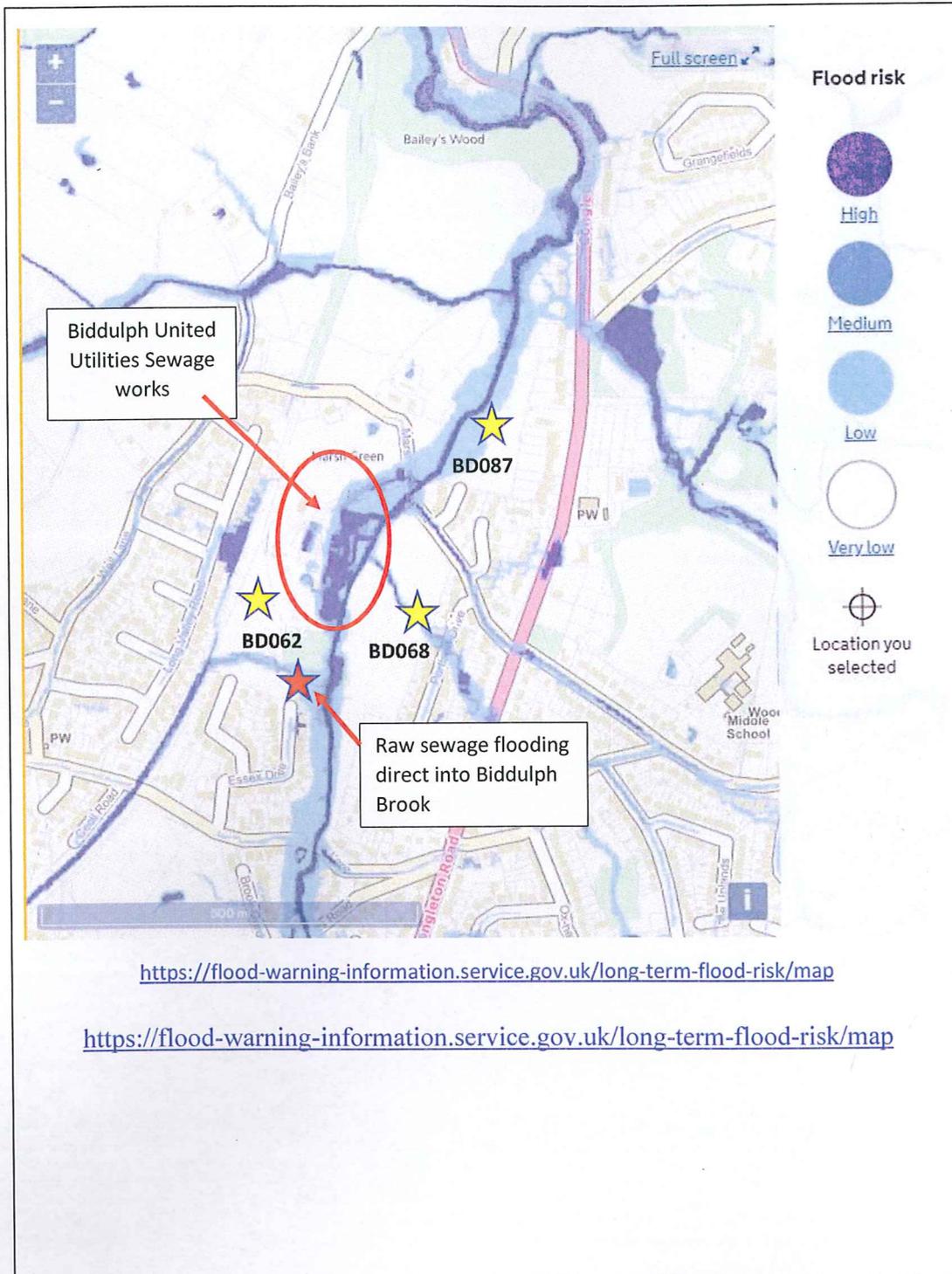
BD062: Neither the *distributor road* (Mow Lane) nor the *feeder roads* (Essex Drive and York Close) meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The roads are too narrow and the road bend radii are too small. There are two pinch points over bridges on Mow Lane to the east and west of the access to BD062, and a new sewage pump on Mow Lane all of which reduce the feeder road to a single carriageway in at least 3 locations. There is no alternative access to BD062.

Planning permission has been refused on highways grounds in the past and the situation has only got worse with the creation of the third pinch-point on Mow Lane. **The actual distributor road width (Mow Lane) falls below the minimum required of distributor roads by the Residential Design Guide.** Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Mow Lane is 4.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000).

Flooding:

BD062 (land at end of York Close / Essex Drive) suffers from a high amount of surface water flooding. It is classed as a wet meadow (evidenced by certain marsh flora) and plays an important role in slowing down rainwater flowing into the Biddulph Brook (natural flood management). This field drains part of the Biddulph Valley way as evidenced by the Environment Agency flood maps (<https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>). The proposed eastern site access of Essex Drive is in a floodplain. The field should remain as semi-natural habitat and its' role in natural flood management enhanced.

Both BD087 and BD068 both suffer from fluvial flooding, often contaminated from the issue of raw sewage flooding at the end of Essex Drive.



4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

In order for the local plan to be sound, BD062 needs to be retained within the Greenbelt, the biodiversity protected and enhanced and the field allowed to flood (MM12) along with BD068 and BD072 and the Wharf Road Development needs to have regard to the biodiversity found within it (MM21).

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5 Signature:

[Redacted signature area]

Date:

28-10-2019

[Redacted]
[Redacted]

From: Angie Turner
Sent: Thursday, October 31, 2019 4:51 PM
To: Forward Plans
Subject: MM56 SMDC local plan

Follow Up Flag: Follow up
Flag Status: Flagged

Comment regarding MM56

This land has been designated as local greenspace in the Biddulph Neighborhood Plan. SMDC need to revisit this decision.

Mrs A Turner

[Redacted]

Comment

Consultee Mr Pete Turner (1229887)
Email Address 
Address 
Event Name Main Modifications Consultation
Comment by Mr Pete Turner (1229887)
Comment ID MMC53
Response Date 28/10/19 13:20
Consultation Point 1 Main Modifications Consultation ([View](#))
Status Submitted
Submission Type Web
Version 0.4

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM12

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

- Legally compliant** . No
- Sound - Positively prepared** . No
- Sound - Justified** . No
- Sound - Effective** . No
- Sound - Consistent with national policy** . No
- Complies with the Duty to co-operate** . No

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Legally Compliant - not published in braille from the outset of the consultation, therefore inaccessible. Not clearly indicated what has been amended in an accessible for residents to respond clearly. Positively prepared - amendments against previous considerations and a result of developer challenges. Justified - adequate housing supply available away from the greenbelt, previously demonstrated by residents and Biddulph Town Council through emerging NDP. Effective - amendments include for field that is affected by proximity to sewage works as well as prone to flooding. Deliverability is poor and likely result in underoccupancy and therefore poor community cohesion. Consistent with national policy - removal of fields from the greenbelt does not demonstrate exceptional circumstances as adequate land supply previously demonstrated. Complies with duty to co-operate - does not achieve as amendments do to engage with emerging Biddulph BDP, which SMDC has been involved with and aware of details.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

ISSUE 1. Sewage works BD062 and BD068 are both immediately adjacent to a sewage works. Residents who live on Essex Drive, York Close and Long Valley Road already suffer from ad-hoc issues of odour and noise and have registered complaints to United Utilities and SMDC, especially since they learned of plans to build houses even closer. Photographic and video evidence exists of repeated raw sewage flooding into the brook at the end of Essex Drive (13/9/2016) where pressure builds up inside the junction box and the lid blows off, especially following heavy rain. This happened again in August 2019. This junction forms the point where pipes from the east and west sides of the valley come together. The raw sewage contaminates part of BD062 (proposed eastern site access) and sites downstream, including BD068 and BD087. It is an ongoing and dangerous issue which will continue to affect current residential areas and BD062. People should not live any closer than the current housing provision and the field needs to be kept as a natural buffer. Local residents should be listened to in this matter instead of repeatedly being ignored. Building adjacent to the sewage works will create even more of a statutory nuisance (noise, odour, sewage flooding) and an unhealthy neighbourhood. We do not believe the opinion of developers who have interests in these fields that issues of odour and noise can be overcome through design as reported by SMDC Council Planning Officers on 26th June 2019 in the meeting which led to these fields being put forward for 'Safeguarding' (<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>) (ie. making a building air-tight does not change the situation outside or inside the home when windows and doors are open). Adding more houses and increasing surface run-off from built up areas will only make this situation worse. In addition to this, climate change increases the likelihood of increased extreme rainfall events in this area which will compound this issue. Therefore these sites should be removed from Local Plan Strategy.

ISSUE 2. BIODIVERSITY Key points are: -The SMDC Phase 1 Ecological Survey evidence base is being ignored. · The assessment for Local Wildlife Sites by Ecus (2017) was incorrectly carried out. · The ranking exercise which was used to inform SMDC Council Members and guide decision making At the SMDC Council Assembly on 26th June 2019 was missing the ecological part of the SMDC evidence base. The methodology employed is unsound. · Removing the Gillow Heath Fields from the green belt and designating them as 'safeguarded sites' for future development (especially BD062) is in direct conflict with the emerging Biddulph Neighbourhood Plan which has a more recent and detailed evidence base which has designated BD062 as Local Greenspace. This had already passed through two local public consultations, which SMDC was well aware of. Details for the above points: Biodiversity - The SMDC Local Plan Phase 1 Habitat Survey (Site BD062 / FID122, 2014) concluded "...the site is not recommended for potential development..."[1] and that the site is "...very well connected to other biodiverse habitats through

hedgerows, scrub, broadleaved woodland and running water which accentuates the value of the site” (<https://www.staffs Moorlands.gov.uk/article/1368/Ecological-studies>). The site is a wet meadow/grassland and plays a key role in natural flood management in a key position at the bottom of the valley. It lies within the species rich farmland zone (Staffordshire Moorlands Biodiversity Opportunities Map) and has been mapped as part of a major Wildlife Corridor by SMDC Map7.5 pg.77 (https://www.staffs Moorlands.gov.uk/media/3355/Green-Infrastructure- Strategy/pdf/22.10_ SMDC_Green_Infrastructure_ Strategy_May_2018.pdf) The emerging Biddulph Neighbourhood Plan commissioned external consultants to provide additional detail and evidence for wildlife corridors and potential Local Wildlife Sites across the Biddulph Parish. The mapping for BD062 indicates semi-natural grassland habitat and found to be sited in an important location bringing together two key wildlife corridors – that of the Biddulph Brook and the Biddulph Valley Way (<https://biddulph.co.uk/neighbourhood-plan/>). The entire ecological evidence base was missed out of the assessment and ranking exercise carried out by SMDC and reported to Council Members on 26th June 2019 which led to the designation of these fields as ‘Safeguarded’. The sources used for the exercise are listed and ecological assessments are missing (<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>). This omission is then reflected in the assessment tables in Appendix C and Appendix D and the conclusions drawn (which are unclear and not sound). This is despite the fact that this information was contained within the previous Sustainability Appraisal Report which accompanied the local plan submission version (Feb 2018) where it was reported that BD062 was 'deemed to have ecological value.' Only evidence regarding the Green belt review, Landscape Sensitivity, Heritage impact and Agricultural classification was included alongside other economic and development criteria (Options Assessment Tables list pg.30 (<https://democracy.staffs Moorlands.gov.uk/ieListDocuments.aspx?CId=284&MId=1368&Ver=4>). The land classification used in this SMDC report on 26th June 2019 is also wrong for all 3 sites in Gillow Heath. They were reported to be urban/industrial land when in fact they are classed as agricultural grassland on the Dudley Stamp Land Use Classification system (Magic Map (<https://magic.defra.gov.uk/MagicMap.aspx>) and a quick search on google earth reveals that they are indeed semi-natural habitat (BD062) or agricultural grassland (BD068 / BD087). Ignoring the ecology in this decision making process totally disregards any value that semi-natural habitats provide for biodiversity and for natural flood management. This contradicts Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Sites also need to be considered on an individual basis. Ranking and considering sites as a group leads to misleading conclusions, which is evidenced in the report given to SMDC Council Members on 26th June 2019. Examples where this is misleading include suggesting that all sites are within 800m of the town centre when they clearly are not at Gillow Heath. The ranking method is unsound. SSUE 3: Community access The local community have had unfettered access to this site since the estate was built. For over 40 years, there has been total open access and the land has been used by local residents for events and walking dogs. As recently as 7th July 2019 (and repeatedly since) local residents organised a work party to clear the overgrown footpaths which cross this site and have been doing this for over 40 years. This land has been designated as Local Greenspace by the emerging Biddulph Neighbourhood Plan (currently undergoing REG14 consultation) as it was found to meet the criteria required (<https://biddulph.co.uk/neighbourhood-plan/>). ISSUE 4 - Access roads Neither the distributor road (Mow Lane) nor the feeder roads (Essex Drive and York Close) meet the minimum standards for the Staffordshire County Council Residential Design Guide Policy. The roads are too narrow and the road bend radii are too small. There are two pinch points over bridges on Mow Lane to the east and west of the access to BD062, and a new sewage pump on Mow Lane all of which reduce the feeder road to a single carriageway in at least 3 locations. There is no alternative access to BD062. Planning permission has been refused on highways grounds in the past and the situation has only got worse with the creation of the third pinch-point on Mow Lane. The actual distributor road width (Mow Lane) falls below the minimum required of distributor roads by the Residential Design Guide. Within the Guide it is clarified that minimum acceptable local distributor roads width must be 6.7m; Mow Lane is 4.25m wide, therefore not meeting the minimum requirements (Residential Design Guide. Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000). ISSUE 5 - Flooding BD062 (land at end of York Close / Essex Drive) suffers from a high amount of surface water flooding. It is classed as a wet meadow (evidenced by certain marsh flora) and plays an important role in slowing down rainwater flowing into the Biddulph Brook (natural flood management). This field drains part of the Biddulph Valley way as evidenced by the Environment Agency flood maps

(<https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>). The proposed eastern site access of Essex Drive is in a floodplain. The field should remain as semi-natural habitat and its' role in natural flood management enhanced.

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

See standard summary in MMC256.

Officer Response

See standard officer response in MMC256.

Recommendation

See MMC256.

Objection to the deleting of the local green space designation of Dorset Drive East and West Community Area.

October 2019

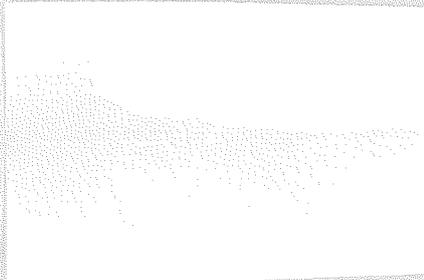
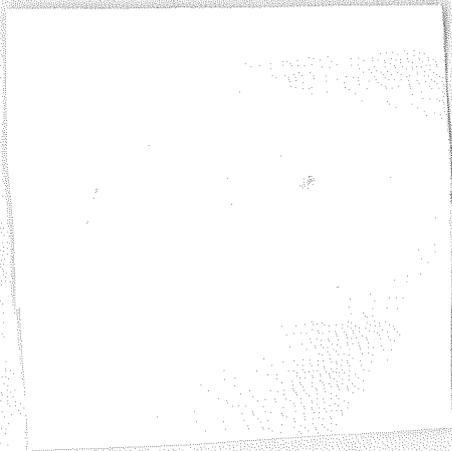
The green area on Thatcher Grove has for the past five decades been a safe area used and enjoyed by children from our road. Play whether just fun playing, ball games, cricket and football. The government tells us children need more exercise and fresh air so what's better than this. As families grow up others take over this pleasant facility which we hoped would always be there for this purpose.

Although we greatly appreciate the local council mows the grass, it's the local residents that keep tidy and litter pick our precious green area.

Please keep our green areas as green space designation.

Thank you.

Mr M Turnock and Mrs S Turnock.



Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Sound - Effective	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

<p>Access to BD 068 and BD 087 - Road Safety Issues</p> <p>Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?</p> <p>The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have</p>
--

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title		Mr
First name		John
Last name		Coxon
Job title (if applicable)		Director
Organisation (if applicable)	Wainhomes (North West) Ltd	Emery Planning
Address line 1		1-4 South Park Court
Address line 2		Hobson Street
Address line 3		Macclesfield
Address line 4		Cheshire
Post code		SK11 8BS
Telephone number		01625 442 785
Email address		support@emeryplanning.com

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM1

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

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Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

Please note

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Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

Mr John Coxon

Date:

30.10.19

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM6

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

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(Continue on a separate sheet / expand box if necessary)

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Mr John Coxon

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30.10.19

Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM8

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

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- Adoption of the Local Plan.

5 Signature:

Mr John Coxon

Date:

30.10.19

Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM9

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

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Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

Mr John Coxon

Date:

30.10.19

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM17

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed statement

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Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

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- Publication of the Inspector’s Final Report
- Adoption of the Local Plan.

5 Signature:

Mr John Coxon

Date:

30.10.19

Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM20

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

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Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector’s Final Report
- Adoption of the Local Plan.

5 Signature:

Mr John Coxon

Date:

30.10.19

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM22

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

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Notifications

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- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

Mr John Coxon

Date:

30.10.19

Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM39

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

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Date:

30.10.19

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM48

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector’s Final Report
- Adoption of the Local Plan.

5 Signature:

Mr John Coxon

Date:

30.10.19

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM54

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM72

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

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Mr John Coxon

Date:

30.10.19



Staffordshire Moorlands Local Plan, Main Modifications Consultation

Land off Wardle Gardens, Leekbrook, Leek, Staffordshire,
ST13 7AR

for Wainhomes (North West) Ltd

Emery Planning project number: 16-003

Project : 16-003
Site address : Land off Wardle
Gardens, Leekbrook,
Leek, Staffordshire, ST13
7AR
Client : Wainhomes (North West)
Ltd

Date : October 2019
Author : Aaron Marrs

Approved by : John Coxon

This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence.

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Emery Planning Partnership Limited
trading as Emery Planning.

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1. Introduction

- 1.1 Emery Planning Partnership is instructed by Wainhomes to respond to the current Main Modifications consultation in respect of the Staffordshire Moorlands Local Plan.
- 1.2 We have made detailed representations at each stage of the local plan process and examination. This representation deals solely with the proposed modification changes as set out in the Staffordshire Moorlands Local Plan – Schedule of Main Modifications September 2019 document. Unless expressly stated within these representations, our previous outstanding objections remain.
- 1.3 The Main Modifications do not address all our objections and we maintain our position that the plan is not sound. Further modifications are required to address these fundamental issues of soundness. In particular, we have outstanding concerns in respect of the conflicting and contradictory policies with specific regard to the settlement of Leekbrook, the approach to development in the smaller villages, the Council's failure to produce sufficient evidence in relation to housing land supply and the shortfall in housing provision over the plan period.
- 1.4 At the examination hearing sessions, we expressed concern in relation to consulting upon main modifications to the plan at the same time as a new housing land supply position statement from the Council. We maintain serious reservations over this approach, as we cannot see how the examination has progressed to main modifications (usually the final stage before the Inspector's report is published) without full and proper consideration of the new evidence. Our client has a fundamental right to a fair hearing. In our view the new position warrants full and proper consideration, particularly considering the significant soundness issues we have previously identified, and as such the hearings should be re-opened to interrogate the new evidence. It is clear from this evidence that there remains a housing land supply shortfall, and there is a need for further modifications to the plan.

2. Main Modification MM1

Para/Policy Number 1.1.

- 2.1 We welcome the extension of the plan period to 2033. However, due to the ongoing delays in the Local Plan process, even if the plan is adopted by the end of 2019 it will only cover a period of 13 years. The plan is therefore not consistent with the 15-year plan period requirement as set out in paragraph 22 of the 2019 Framework and paragraph 157 of the 2012 Framework.
- 2.2 One of the practical implications of extending the plan period, was the need to identify additional allocations for development. However, no additional allocations are proposed, and there is a shortfall in housing provision for the plan period of at least 271 dwellings (according to the Council's own trajectory). We comment upon the supply implications in our response to the Housing Trajectory and the Housing Implementations Strategy.

3. Main Modification MM6

Policy SS1a

- 3.1 Changes should only be made to make sound a plan that is otherwise unsound. In respect of this policy, it is not clear why the plan is unsound with the policy as currently drafted.

4. Main Modification MM8

Para/Page Number 7.22

- 4.1 We object to the inclusion of the wording "*provides an adequate timeframe*". It is not an adequate timeframe in the context of national planning policy. However, we recognize that a pragmatic judgement needed to be made in light of the Council's evidence base. Ultimately there was a lack of foresight on the Council's part in preparing the evidence base documents, as our representations made clear from an early stage that there were issues in relation to the proposed plan period.

Para/Page Number 7.24

- 4.2 We maintain our objection to the council adopting the 'Liverpool method' to spread the housing shortfall up to the year 2033. We believe the 'Sedgefield method' should be adopted

to readily contribute towards the historic shortfall in the delivery of housing and additional sites allocated. Notwithstanding our concern in relation to the latest iteration of the housing trajectory, it shows that the cumulative shortfall would be addressed by 2023/24. There is no reliance in this plan on sites with exceptional infrastructure requirements, such as new settlements, to meet the housing requirement. It is therefore not clear why it is necessary to proceed with the Liverpool method, other than to artificially show a 5 year housing land supply and restrict otherwise sustainable development from coming forward to address the shortfall within a quicker timeframe.

5. Main Modification MM9

Para/Page Number 7.33

- 5.1 We strongly believe that 10% slippage allowance is not sufficient given the failure to meet development requirements since the adoption of the Core Strategy. A substantially higher flexibility allowance should be provided within the new Local Plan, more in the region of at least 20%, as discussed within our previous representations. However, we acknowledge that this is an improvement over the lack of a slippage allowance in previous drafts of the plan.
- 5.2 We have concerns regarding the 10% slippage allowance insomuch as there does not appear to be any additional allocations or suggested locations for an increased number of units over the previous draft plan. When reviewing the anticipated figures, the trajectory indicates that the plan has a deficit of -271 dwellings, when, due to the 10% slippage allowance, the overall provision should see an surplus of 608 units.
- 5.3 Furthermore, it would be a misinterpretation of national planning policy to rely upon the 2012 NPPF Paragraph 47 or the 2019 NPPF paragraph 67(b), which requires the identification of specific sites for years 11-15 'where possible'. That means that if it is possible to identify specific sites, then they should be identified and allocated. In this case it is eminently possible as this is a whole Local Plan dealing with allocations of all scales, and there are no good environmental or policy reasons for not identifying sites in years 11-15. The Council is not relying upon (or has identified) broad locations. The Council has simply failed to identify a sufficient supply for the plan period. No justification has been provided as to why it has not been possible to identify further sites to meet the requirement in full.

- 5.4 Furthermore, in Staffordshire Moorlands, much of the district is designated as Green Belt and this plan is reviewing Green Belt boundaries. The Framework requires that Authorities must have regard to their Green Belt's intended permanence in the long term, so that they should be capable of enduring beyond the plan period. It is evident upon review that this plan does not take this requirement into consideration.
- 5.5 As discussed in our previous representations, additional housing land should be allocated within the plan, enabling additional residential units to be delivered.
- 5.6 We also maintain that the strategy for the rural areas needs to be fundamentally readjusted, with sufficient housing provided to meet the needs across the rural areas.
- 5.7 With regards to employment land supply, the employment figures in Table 7.8 have been increased, with an allocation of 7.12Ha to Leek. However, when reviewing the employment land provision for Leek, there only appears to be 6.39Ha of employment land allocated within the plan. Accordingly, an additional site should be allocated for circa 0.8ha.

6. Main Modification MM17

- 6.1 Our objection in relation to the deletion of land west of Basford Lane, Leekbrook, namely the failure of the plan to identify a replacement allocation, is covered in more detail in response to MM48 below.

7. Main Modification MM20

Page/Policy Number 108, Policy H1 and supporting text

- 7.1 We maintain our objection to only allowing limited infill development outside of smaller villages through the removal of their village boundaries. Furthermore, we object to the monitoring of the windfall site provision. This objection is on the basis that monitoring the provision does not sufficiently address the significant issue of non-delivery of windfall sites. It has already been established within this consultation response, that there is a shortfall in provision across the plan period (-271 units).

8. Main Modifications MM22

Page/Policy 114 Policy H3 and supporting text

- 8.1 The Council's own evidence on viability demonstrates that many the proposed allocations are not viable based on providing 33% affordable housing. The revised policy provides flexibility, but in practical terms this will cause significant uncertainty and delay, as a viability assessment will need to be undertaken for each application that comes forward. If the policy is adopted as drafted then the trajectory needs to properly take this into account, as per our previous representations on the matter. At present it does not.
- 8.2 Notwithstanding the above, we remain of the view that the spatial strategy and site allocations should have been fundamentally re-assessed, on the basis that an alternative strategy could deliver significantly more affordable housing. There is a significant and serious shortfall of affordable housing provision in the district, and it is unreasonable to simply press on with the same allocations when clear evidence has come to light (i.e. the Whole Plan Viability Assessment) that they will not deliver the requisite quantum of affordable housing.
- 8.3 With regards to part 3 of the policy, we specifically object to the proposed wording 'at the Council's discretion'. An applicant must be able to read the plan on face value and understand what is and is not acceptable. This phrase should be removed.

9. Main Modification MM39

Page 158 Policy DSB1 and supporting text

- 9.1 The proposed reduction in area of site DSB1, The Wharf Road Strategic Development site, will see a reduction in housing provision of 146 units. For reasons explained earlier within this response and in previous consultation responses, there should be an increase in the provision of units and identification sites to address the shortfall arising from this amendment.

10. Main Modification MM48

Page 181 Policy DSR3, Land west of Basford Lane, Leekbrook and supporting text

- 10.1 The proposed allocation of Land West of Basford Lane has now been deleted. However, no additional sites have been provided nor any potential replacement sites indicated. As we have set out in our response to MM9, the employment land figures for Leek (once corrected) highlight a shortfall of approximately 0.8ha. This shortfall needs to be addressed.
- 10.2 As per our previous representations, our client's site (Land off Wardle Gardens, Leekbrook) is an existing allocation for employment use, and was recently refused planning permission for residential use, as it was concluded that developing the site for residential use would jeopardise the preferred employment use from coming forward.

11. Main Modification MM54

Para/Policy Number 10.4

- 11.1 A modification is proposed in relation to reviewing the plan every 5 years, and it is stated that the need for a full or partial review will be considered when housing delivery has not met the housing requirements in the Local Plan or the Housing Delivery Test.
- 11.2 It should be noted that the housing trajectory has already been missed by a very significant margin in the first 2 years (see our comments to MM72 below). Numerous sites have not progressed as originally expected and continue to be pushed back in the trajectory, albeit the Council still maintains unrealistic assumptions in respect of the delivery of those sites. This is all in the context of the previous Local Plan which, in terms of housing delivery, failed. We remain firmly of the view that now is the time to properly ensure that the plan meets the housing needs of the area, rather than waiting for the inevitable review based on further failure to meet housing needs.

12. Main Modification MM72

Appendix 7 (Housing Trajectory)

12.1 The Main Modification states that it will include an “*amended housing trajectory to reflect updated housing figures 31/03/2019 and Housing Implementation Strategy consultation Jan 19*”.

12.2 A new Housing Implementation Strategy (dated July 2019) has been published for consultation alongside the main modifications. However, we have significant concerns in relation to the robustness of the trajectory included within it. There have been two consistent themes throughout the examination in relation to the Council's evidence on housing land supply:

- A fundamental lack of robust, up-to-date evidence to support the Council's trajectory; and,
- A failure to deliver upon previous trajectories and statements in relation to the performance and progress of sites.

12.3 This not the first, or even the second, trajectory which has been before the examination of this plan. The lack of realism in the trajectory is underlined by actual performance:

- The trajectory at Appendix 7 of the submission version anticipated that 313 dwellings would be completed in 2017/18, and 419 dwellings in 2018/19. However only 142 dwellings were completed in 2017/18 and 165 in 2018/19. Therefore, actual completions in the first 2 years have been 58% less than the trajectory in the submitted plan.
- The updated trajectory submitted by the Council during the examination (ref: EL7.003, dated January 2019) anticipated that 291 dwellings would be completed in 2018/19. Actual performance in that year was 43% less than the trajectory.

12.4 This evidence alone demonstrates that the Council's assumptions have consistently proved to be wrong and are not supported by robust evidence. If the Council cannot even predict housing delivery in the forthcoming year, then we cannot see how the Inspector can have any confidence in its ability to predict housing delivery over the course of the plan period. This is not at all surprising given the total absence of documentary evidence which underpins the Council's housing land supply position and the delivery of sites within the trajectory.

12.5 Paragraph 68-004 of the PPG “How can an authority demonstrate a 5 year supply of deliverable housing sites?” states the following in relation to plan-making:

“In plan-making, strategic policies should identify a 5 year housing land supply from the intended date of adoption of the plan.”

12.6 It should be noted that whilst this plan is being assessed under the interim arrangements set out in paragraph 214 of the 2019 Framework, the onus has always been on the Council to demonstrate that sites without planning permission (i.e. the draft allocations) are deliverable if they are to be included within the 5 year housing land supply.

12.7 Paragraph 68-007 of the PPG: “What constitutes a ‘deliverable site’ in the context of plan-making and decision-taking?” provides further information. It states:

“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- have outline planning permission for major development;*
- are allocated in a development plan;*
- have a grant of permission in principle; or*
- are identified on a brownfield register.*

Such evidence, to demonstrate deliverability, may include:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;*
- firm progress with site assessment work; or*
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.”*

12.8 The new HIS fails to produce any such evidence. We maintain the objections that we expressed in relation to housing land supply at previous stages of the examination, as it is apparent that delivery has been significantly lower than anticipated by the LPA, and numerous sites within the trajectory have not progressed as anticipated. Once again, the Council has amended the

start dates for numerous sites within the latest housing trajectory. Once again, no new evidence is provided to support the Council's position.

- 12.9 We provide a table at Appendix **EP1** which summarises the changing positions on the sites within the supply, and a comparison with the evidence provided to support the trajectory (i.e. Appenedix 1 of the HIS). The progress suggested by the Council on many sites has clearly failed to materialise, and yet no new evidence is provided to support the latest assumptions. We therefore maintain the position set out in our Matter 4 hearing statement in relation to which sites clearly do not meet the definition of deliverable and should not be included within the 5 year supply / first 5 years of the trajectory. As the base date is now 1 April 2019, the earliest that these sites could be considered to start delivering in the trajectory is 2024/25.

Wharf Road, Biddulph

- 12.10 We have commented on the delivery of a number of the allocated sites. There is nothing within the latest evidence to suggest that these fundamental issues have been resolved. However, in relation to the land at Wharf Road, Biddulph, the Council has recently published a committee report which fundamentally contradicts the Council's own position at the Local Plan. This is significant new evidence and must be considered in assessing the soundness of this plan. A copy of the committee report is appended at **EP2**, although we assume that the Council has already provided a copy to the Inspector given its clear relevance to the examination.
- 12.11 At the examination the Council claimed that all landowners were being engaged through the masterplan process. However, paragraph 8.12 of the committee report makes clear that the land ownership issues remain a significant and unresolved constraint, and a number of landowners have failed to engage:

"The most significant challenge to delivering the Wharf Road site relates to the large number of landowner's, 14 in total, or 12 excluding the land at BDNEW. The consultants recommend that, in order to secure a sensible layout and maximise development potential it will be necessary for co-operation between the various landowners. This is a challenge as different owners have different aspirations and levels of willingness to co-operate. There are some landowners who understand the need to work with others collectively to enable the development, whilst others who did not engage with the masterplan process and may assume that they can deliver their site in isolation. Whilst some landowners did not engage with the masterplan process, all landowners are supportive of the Local Plan land allocation." (our emphasis)

12.12 Paragraph 8.14 sets out the need for joint working and the need for a joint venture agreement or similar:

"The masterplan recognises that the main challenge to delivering the site is the large number of landowners. To successfully deliver the scheme the landowners will need to work together and agree to sell the land through a formal joint venture or by working with a third party developer and agreeing options to ensure the whole site is delivered, rather than pockets of isolated development."

12.13 Paragraph 8.17 sets out the recommendations of the Council's appointed consultants:

"Sanderson Weatherall suggested next steps are;

- 1. Ascertain / acquire ownership of the land that has not been registered*
- 2. Carry out feedback session with landowners to discuss the finding of the report*
- 3. Discuss potential sales value with landowners*
- 4. Carry out formal valuation of residential properties*
- 5. Carry out formal pre-application for the site to help de-risk the project*
- 6. Source development partner through competitive tender" (our emphasis)*

12.14 Not only does the report identify the need to ascertain / acquire ownership of unregistered land, the above steps are necessary before even an outline application is submitted. They are wholly incompatible with delivering the site within the timescales envisioned within the trajectory. Indeed, there is significant risk as to whether the site will be delivered at all during the plan period.

12.15 Paragraph 8.18 adds:

"Officers recommend that no further work is commissioned to consultants at the present moment in time. This maybe [sic] reviewed at a later date once the Local Plan is adopted and market demand for the site has been established. In the mean time [sic] officers will proactively work with landowners to understand and explain the findings of the masterplan and the implications this will have on development potential and expected land values."

12.16 Again, such an approach (ceasing work, a decision that "may be reviewed at a later date") is wholly incompatible with the housing trajectory. The prospect of agreement between landowners and an eventual planning application is clearly many years away.

12.17 The only reasonable conclusion is that the site will not start delivering for at least several years and must be pushed back significantly in the trajectory to reflect the above issues. There is also

a need for sufficient flexibility within the supply to deal with the very real prospect that the site may not deliver any units at all during the plan period.

12.18 It should be noted that simply removing this site from the first 5 years of the trajectory reduces the supply by 125 units. This amendment alone results in the deliverable supply reducing to less than 5 years.

Blythe Vale

12.19 The site is included for 15 units in 2019/20. However, at the time of writing pre-commencement conditions are yet to be discharged. A further planning application for a re-plan of phase 1 (LPA ref: SMD/2018/0790) also remains undetermined. It is not realistic to assume that 15 units will be completed in 2019/20. First completions should be pushed back to 2020/21. This would reduce the 5 year supply by 30 units.

12.20 The site has also been split up and is included twice within the trajectory, to reflect the planning permission. However, this results in overlap between phases 1 & 2, a position which increases the development rates in 2021/22 and 2022/23 to 45 dwellings per annum. This should be amended so that phase 2 follows on from phase 1. There is no evidence of a second developer. This would reduce the 5 year supply by a further 45 units.

12.21 Such is the fragility of the Council's 5 year supply position, the above amendments to the Blythe Vale site (i.e minus 75 units) would result in the deliverable supply reducing to less than 5 years.

Build rates / lead-in times

12.22 We maintain our objections as set out in our representations to the previous version HIS. The Council has no evidence to justify the assumptions in most categories at Appendix 2 of the HIS. Whilst a very small selection of cherry-picked examples is provided, the evidence is limited at best and it is not clear why the examples that we provided in our representations to the HIS have not been considered.

13. Housing Implementation Strategy

- 13.1 We have set out our comments in relation to the Housing Implementation Strategy, and in particular the revised housing trajectory, in our response to MM72. The revised trajectory is not robust and is not underpinned by anywhere near the level of evidence that national planning policy expects.
- 13.2 We also refer to our previous consultation response to the HIS in February 2019. The comments remain applicable to the latest HIS given that very little has changed in the document.
- 13.3 The only reasonable conclusion to be drawn from the evidence is that the Council cannot demonstrate:
- a 5 year housing land supply; and,
 - a sufficient housing land supply over the plan period.
- 13.4 The plan can proceed to adoption considering this position and the fundamental absence of evidence.

14. Conclusions

- 14.1 This consultation response has outlined the proposed modifications we object to and provided justification for our objections.
- 14.2 It should be noted that our outstanding objections, detailed in our previous consultation responses still stand as there are no proposed modifications that address our previous objections.
- 14.3 Our position that the plan is not sound, justified, effective, consistent with national planning policy (both current and archived) nor positively prepared remains unchanged.

15. Appendices

- EP1. Summary of changes to allocated sites within the housing trajectory
- EP2. Cabinet Committee Report, October 2019 (Wharf Road, Biddulph)

EP1

Site	Capacity	First units to be completed as per Local Plan trajectory of:				Council's evidence at:			Comments
		March 2017	March 2018	Jan 2019	July 2019	March 2018	Jan 2019	July 2019	
Leek Newton House	179	2021/22	2021/22	2021/22	2022/23	None.	None.	None.	
Leek Cornhill	50	2021/22	2021/22	2022/23	2022/23	No private owners.	Council has commissioned a joint masterplan with an adjoining landowner.	As per previous.	
Leek The Mount	345	2021/22	2021/22	2021/22	2022/23	Short term delivery within 2 years.	As per previous.	As per previous.	
Biddulph The Mills	57	2021/22	2021/22	2021/22	2022/23	When contacted in 2017, one of landowners said expected start date within 1-5 years, build out rate of 20pa, no constraints. Another owner reconfirmed interest in releasing land in 2017 but no details re: delivery or start times.	As per previous.	As per previous.	
Biddulph Wharf Road	588	2020/21	2020/21	2021/22	2021/22	Four owners re-confirmed interest in releasing land in 2017 but no details re: delivery or start times. Another owner stated a local developer would be interested in developing their parcel, approx.	As per previous.	As per previous.	Masterplan prepared – at Cabinet meeting of 08 October 2019, officers recommended not to adopt the masterplan as an SPD “to allow maximum flexibility in delivering the site.”

						80dpa within 5 years. Masterplan commissioned with engagement from all 11 landowners.			The report states that the most significant challenge to delivering the site is the large number of landowners (12). The report states that “different owners have different aspirations and levels of willingness to co-operate.” The report states “on adoption of the Local Plan the Council will actively engage private sector developers and promote the site.”
Biddulph Tunstall Road	85	2021/22	2021/22	2021/22	2022/23	Five owners re-confirmed interest in releasing land in 2017 and anticipated start date to be short-medium term. Masterplan commissioned with engagement from landowners.	As per previous.	As per previous.	Masterplan prepared – at Service Delivery Panel meeting of 25 September 2019, officers recommended not to adopt the masterplan as an SPD “to allow maximum flexibility in delivering the site.”
Cheadle North	320	2019/20	2019/20	2019/20	2021/22	SMD/2018/0180: Hybrid application under consideration.	As per previous.	As per previous.	S106 not signed. Latest documentation published on website 29/10/19 (revised air quality assessment). Re-consultation took place in September.

Cheadle Cecilly Brook	106	2021/22	2021/22	2021/22	2021/22	SMD/2017/0660: Outline permission approved for 121 dwellings subject to s106 in Sept 2018.	As per previous.	As per previous.	S106 not signed.
Cheadle Rear of the Birches	51	2021/22	2021/22	2021/22	2021/22	SMD/2017/0659: PP granted for 39 dwelling subject to s106.	As per previous.	As per previous.	S106 not signed.
Cheadle The Green	42	2020/21	2020/21	2020/21	2021/22	None.	Unknown whether there is a housebuilder actively interested in the site.	As per previous.	
Cheadle Mobberley	430	2021/22	2021/22	2021/22	2022/23	Agent for landowner states family in final stages of signing a contract with developer. Agent expects construction between 1-5 years following PP.	As per previous.	As per previous.	
Blythe Vale	300	2018/19	2018/19	2018/19	2021/22	PP for 118 dwellings approved May 2018. RM application for phase 2 resolution to approve	As per previous.	As per previous.	
Werrington YOI	75	2021/22	2021/22	2021/22	2022/23	Short-term, part of Homes England Accelerated Delivery programme	As per previous.	As per previous.	

EP2

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Cabinet

8 October 2019

TITLE:	Wharf Road Strategic Development Site
PORTFOLIO HOLDER:	Councillor Ralphs - Leader
CONTACT OFFICER:	Sarah Porru- Head of Regeneration
WARDS INVOLVED:	Biddulph West

**Appendices Attached – Appendix 1 Executive Summary
Appendix 2 Landownership plan**

1. Reason for the Report

- 1.1 To inform Councillors of the Wharf Road masterplan, which has been prepared to assist with the delivery of the emerging Local Plan.

2. Recommendation

- 2.1 That the Cabinet note the findings of the masterplan, but at this time do not commission further work.

3. Executive Summary

- 3.1 As part of the Accelerated Housing Delivery Programme, Sanderson Weatherall were commissioned in September 2018 to complete a masterplan for the Wharf Road Strategic Development area identified in the emerging Local Plan (DSB1).

- 3.2 The basis for commissioning the masterplan was based on several objectives:

- 3.2.1 Assist delivery of the Local Plan
- 3.2.2 Bring together the landowners with a co-ordinated vision for the site
- 3.2.3 Devise a strategic vision for the site which can then be promoted to developers and investors.

- 3.3 As part of the masterplan process, a review of the housing market found limited interest from private sector developers. The research suggests that

this was due to Biddulph being a secondary location in comparison to larger towns such as Congleton and Tunstall which offer more amenities and job opportunities. Consequently, the consultants found the sales rates anticipated for new build at Wharf Road would be slightly lower given its rural location and poor public transport links. The consultants also identified it is possibility not a lack of demand, but also lack of development opportunities. No land has been allocated for new residential development since the 1998 Local Plan. The emerging Local Plan identifies suitable land for 3802 homes across the whole the Staffordshire Moorlands over the Local Plan period.

- 3.4 Three options were developed for the site, in line with the emerging Local Plan DSB1 policy. The options focused, not on what should be delivered in terms of residential dwellings or mix, but where on the site it should be located.
- 3.5 Options 1 & 2 focused the retail/ employment element of the scheme to the north of the site, whilst option 3 identified an area in the south of the site for this use.
- 3.6 The Council's preferred option 3 would potentially deliver approximately 471 residential units (including land to the east of Meadow Way) and an additional 145 residential dwellings with the land at BDNEW. Subsequently, following post hearing comments from the Local Plan Inspector in December 2018, the area of land known as BDNEW, which lies to the West of the Biddulph Valley Way has been deleted by the Council (in June 2019) as a Local Plan allocation. The Wharf Road Masterplan had already been commissioned and was nearing completion before the inspector sent his comments to the Council. The completed masterplan therefore recognises this change by providing two options, including and excluding BDNEW.

4. How this report links to Corporate Priorities

- 4.1 The Wharf Road Masterplan seeks to deliver housing growth anticipated in the Local Plan and will therefore have implications the following aims of the Corporate Plan:
 - Aim One - Help create a safer and healthier environment for our residents to live and work
 - Aim Three – To create a strong economy by supporting further regeneration of towns and villages
 - Aim Four - Protect and improve the environment.

5. Alternative Options

- 5.1 Option 1 (recommended) that the Cabinet note the Wharf Road Masterplan, recommendations and next steps. Officers suggest that the masterplan not be formally adopted as an Supplementary Planning Document (SPD) , to allow maximum flexibility in the delivery of the site.
- 5.2 There are no options as the report is for noting only.

6. Implications

- 6.1 Community Safety - (Crime and Disorder Act 1998)
No implications
- 6.2 Workforce
No implications
- 6.3 Equality and Diversity/Equality Impact Assessment
- 6.4 Financial Considerations
A budget of £29,425 was approved by Cabinet in April 2018. There are no further financial considerations going forward.
- 6.5 Legal
No legal implications
- 6.6 Sustainability
The masterplan was prepared according to wider sustainability considerations
- 6.7 Consultation
No public consultation event was held as part of the masterplan process due to the local plan examination process.
- 6.8 Risk Assessment
A risk assessment was carried out of part of the masterplan process

Dai Lerner
Executive Director (Place)

Web Links and Background Papers

Accelerated Housing Delivery Programme (April 2018)

Contact details

Kate Hall
Regeneration Officer
kate.hall@highpeak.gov.uk

7. Detail

- 7.1 The Council is committed to accelerating housing delivery across the Staffordshire Moorlands area. The District has suffered from low levels of development for many years. Planning approvals are being granted on sites but some are not coming forward to the construction phase. In order to tackle this problem we listened to the issues raised by developers and developed a comprehensive delivery programme to tackle the problem. The Accelerated

Housing Delivery programme was approved by Cabinet in April 2018 and focuses around 2 core aims;

- Deliver community benefits in the form of increased income from council tax, business rates and New homes Bonus for reinvestment in the community.
- Drive forward delivery of the local plan and maintain 5 years land supply by proactive measures and Council led interventions where appropriate..

7.2 The emerging Local Plan identifies the land at Wharf Road, Biddulph as a Strategic Development site (local plan policy DSB1). The development of a masterplan is pivotal in developing the strategic vision for the Wharf Road area to assist with bringing the site forward for development. Therefore Sanderson Weatherall were commissioned back in September 2018 to prepare the plan.

Site details

7.3 The land at Wharf Road is a key mixed use development site. It is in a sustainable location close to the town centre and presents an opportunity to comprehensively plan for a range of uses to make a significant contribution to Biddulph's development needs.

7.4 Local Plan (Submission Version) Policy DSB1 stated the following:

The Wharf Road site is a 23.4 hectare site which is allocated for mixed use development of:

- Housing 20.4ha (approximately 588 dwellings)
- Employment 1ha
- Retail 0.5ha (food store of around 1000m² net sales floor)
- Retention of school playing field 1.5ha

7.5 Following post hearing comments from the Local Plan Inspector in December 2018, the area of land known as BDNEW, which lies to the West of the Biddulph Valley Way has been recommended for removal as a Local Plan allocation.

7.6 On 26th June 2019, the Council agreed a schedule of main modifications to the Local Plan (Submission Version) to address the Inspector's feedback. This includes the removal of site BDNEW and consequential amendments to the Policy DSB1. They included increased housing densities on the remainder of the Wharf Road allocation in light of the masterplan preferred option, a reduced site area (18.5ha) and revised housing yields (442 homes).

7.7 Consultation on main modifications will take place during September / October before the Inspector draws further conclusions.

7.8 The Wharf Road Masterplan had already been commissioned and was nearing completion before the inspector made this decision. The completed masterplan therefore recognises this change by providing two options,

including and excluding BDNEW.

7.9 The emerging local plan through policy SS6 seeks to enhance the role of Biddulph as a significant service centre and market town and support its regeneration through the following actions:

- Improve the local housing market and range of community facilities by increasing the range of house types available especially for first time buyers, families and older people.
- Create employment growth and increase diversity of employment opportunities
- Strengthen the role of Biddulph as a significant service and retailing centre

7.10 Wharf Road was identified as a priority site for delivery intervention due the large number of landowners, 14 in total (shown in Appendix 2). The landowners comprise a range of stakeholders including the District Council, County Council, James Bateman Junior High School, private investment companies and a range of individual owners with little or no development experience. In addition to the large number of landowners, the site is also heavily constrained and requires a harmonized approach to maximise the development potential of the site. It was felt that the development of a cohesive masterplan would ensure a sustainable vision for the site which will be promoted to suitable private sector investors/developers once the Local Plan is adopted.

7.11 Planning History

7.12 Land at the northern end of the site was allocated for retail, employment and non food retail as part of the Biddulph Area Action Plan (2007) whilst the principal of residential development was identified for the southern section of the site, (previously known as area 4) in the Core Strategy (2014).

7.13

Planning ref	Description	Decision
SMD/2009/0284	change of use of land, erection of garage, office building and parking for 10 coaches	Approve
SMD/2006/0647 SMD/2007/0024	& erection of non food retail units	Outline approval
SMD/2011/0332	erection of 8 retail units (approval of reserved matters)	refused
SMD/2011/0332 SMD/2012/0175	approval of reserved matters relating to 07/00170/ OUT_MJ	Refused & withdrawn
SMD/2006/1224 SMD/2007/0593	& residential development	Refused
SMD/2015/0684	Extra care development	Withdrawn

Masterplan process

- 8.0 The masterplan is split into 4 key areas, each of which will be covered in detail below:
- Market Demand
 - Options
 - Viability & deliverability
 - Recommendations and next steps

Market Demand

- 8.1 The consultants felt the housing market in Biddulph had stalled due to a number of factors, summarised below:
- Very limited major new build residential developments (Uplands Mill in 2012 being the most recent)
 - Identified lack of supply of executive new build detached properties within Biddulph.
 - Sales rates achievable for new build at Wharf Road are slightly less than comparables given its rural location.
 - Lack of public transport links as Biddulph relies solely on bus links.
 - Biddulph is a secondary town and in comparison to larger towns such as Congleton and Tunstall which offer more amenities and job opportunities.
 - Lack of evidence of demand for development opportunities could be due to the limited availability of suitable sites and given the predominant green belt status.
- 8.2 Even though the current housing market has stalled the consultants felt the site offered an excellent opportunity to deliver open market/ affordable housing and suggested the following mix of properties types.
- 1/2 bed apartments – Extra Care/ Sheltered
 - 2 bedroom terrace house- high density
 - 3 bedroom semi detached house – high density
 - 3/4 bedroom detached house- mid density
- 8.3 The predominant theme identified by the consultants was a perceived lack of demand for housing in the Biddulph area. As noted earlier the last major new build development commenced in 2012. It is important to note, that as the consultants identified, it is possibly not a lack of demand, but a lack of development opportunities which has stalled the housing market. This can be directly linked to the Local Plan process where no land has been allocated for new residential development since the 1998 Local Plan. The emerging Local Plan identifies suitable land for 3802 homes across the whole of the Staffordshire Moorlands area over the Local Plan period.

Options

- 8.4 Sanderson Weatherall developed 3 options for the site, shown in Appendix 1.

- 8.5 The 3 options focus on how different layouts would impact on deliverability of the site, rather than the amount and type of proposed development.
- 8.6 The options are summarised below, including the additional land east of Meadow Way:
- Option 1- 482 residential units (627 units including land at BDNEW)
Option 2 - 515 residential units (660 units including land at BDNEW)
Option 3 - 471 residential units (616 units including land at BDNEW)
- 8.7 Option 3 was identified as the Councils preferred option. Due to the Local Plan examination process we were unable to carryout a public consultation event. The decision to move forward with option 3 as the Councils preferred option was made by senior council officers in conjunction with Sanderson Weatherall after reviewing the advantages and disadvantages of each option.
- 8.8 The executive summary shown in appendix 1 highlights the benefits of each option in detail.
- 8.9 Officers felt that option 3 delivered greatest benefit and was the scheme most aligned with owner aspirations. The benefits identified were:
- Sports provision located closer to existing school building
 - Retail/ employment located close to housing, creating a village green surrounded by housing and retail
 - Access to the site in three locations
 - Higher density units to suit extra care / sheltered housing for elderly positioned closer to town centre facilities.

Viability and deliverability

- 8.10 Sanderson Weatherall completed a detailed viability assessment of the scheme which indicates that both scenarios i.e. with or without land at BDNEW are viable and produce positive land values in the region of £113,000 - £125,000 per acre.
- 8.11 The viability section of the masterplan is crucial as it demonstrates to landowners and potential developers that the site stacks up financially, and is worth investigating further. There has already been considerable interest from several discount supermarkets for the retail element of the site and discussions with the County Council are on going.
- 8.12 The most significant challenge to delivering the Wharf Road site relates to the large number of landowner's, 14 in total, or 12 excluding the land at BDNEW. The consultants recommend that, in order to secure a sensible layout and maximise development potential it will be necessary for co-operation between the various landowners. This is a challenge as different owners have different aspirations and levels of willingness to co-operate. There are some landowners who understand the need to work with others collectively to enable the development, whilst others who did not engage with the masterplan

process and may assume that they can deliver their site in isolation. Whilst some landowners did not engage with the masterplan process, all landowners are supportive of the Local Plan land allocation.

8.13 Given the size of the Wharf Road site, the consultants suggest the site be delivered in 3-4 phases. Of critical relevance to the phasing and delivery of the site is the ability to access the land and identify which parcels of land effectively control access to the site. With this in mind there are a number of packages which naturally flow from the landownership and anticipated levels of co-operation which are shown in detail in the executive summary in Appendix 1.

- Phase 1 – plots 1, 2, 6 and 9
- Phase 2 – plots 8 and 10
- Phase 3 – plots 3,4,5 and 7
- Phase 4 – plot 11 (land at BDNEW) (since completion of the masterplan, BDNEW land allocation has been removed from the emerging Local Plan)

Recommendations and Next Steps

8.14 The masterplan recognises that the main challenge to delivering the site is the large number of landowners. To successfully deliver the scheme the landowners will need to work together and agree to sell the land through a formal joint venture or by working with a third party developer and agreeing options to ensure the whole site is delivered, rather than pockets of isolated development.

8.15 While the masterplan provides a good indication of what the site can deliver and demonstrates the site is financially viable, the document will not be adopted as a Supplementary Planning Document (SPD).

8.16 Through the masterplan process, a vision and preferred option has been developed which we feel meets both the Councils and wider landowner aspirations most effectively. It is envisaged that masterplan will promote and stimulate interest in Wharf Road development opportunity. Ultimately it is for the open market, through developers and landowners to a lesser extent to decide how the site will come forward. The anticipated Local Plan provides detailed requirements through policy (DSB1 & SS6) but does allow some flexibility if required.

8.17 Sanderson Weatherall suggested next steps are;

1. Ascertain / acquire ownership of the land that has not been registered
2. Carry out feedback session with landowners to discuss the findings of the report
3. Discuss potential sales value with landowners
4. Carry out formal valuation of residential properties
5. Carry out formal pre-application for the site to help de-risk the project
6. Source development partner through competitive tender

- 8.18 Officers recommend that no further work is commissioned to consultants at the present moment in time. This may be reviewed at a later date once the Local Plan is adopted and market demand for the site has been established. In the mean time officers will proactively work with landowners to understand and explain the findings of the masterplan and the implications this will have on development potential and expected land values.
- 8.19 In order to facilitate and promote development of the site, on adoption of the Local Plan the Council will actively engage private sector developers and promote the site. The Council will also work closely with Homes England to investigate funding opportunities and will bid for funding as and when appropriate.

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Stephen Wales

There is a need to have open spaces near peoples homes

There is also need to allow the countryside - its flora and fauna- to be part of village life in this the heart of the historic village

Constant infill of fields is destroying the feel of living close to countryside for residents, and traditional village living is fast turning into an urban sprawl

The visual amenity afforded to other established properties will be destroyed forever should this ill thought out scheme go ahead

Facilities in the village are almost non existent with no chemist ,doctors or NHS dentist (for adults), and the lack of parking is evident around those few businesses that survive

The village is clearly at capacity - being one of the largest villages in the UK - and increasing thru traffic through the already congested narrow Hollow lane or Ostlers Lane is both dangerous and unneighbourly

***I ask that the Local Green Space (LGS) is retained ***

Denial of this designation is contrary to the stated aims of the Localism Act to empower communities

This UK law this allows communities to shape the future of their surrounds

2019-10-27

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Comment:

Derek L Walker. B.Sc. Tech. Hons., AMCT., C.Eng., MIEE., JP.

The increased light pollution will render the equipment of local astronomers (of which there are many) to be inadequate. The heavens can only be a wonder to young people if they can be seen!

My parents and grand parents pointed out wild life to me in this area. I am doing so to my children, their children and my great grand children and they should be able to do so for their offspring.

The area is one of the few where I may wander in peace in my advanced years, limited as I am to short walks. 2019-10-31

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
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3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MISS
First name	NAOMI
Last name	WATERS
Address line 1	
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:

Date: 14/10/19



Staffordshire Moorlands Local Plan Examination
MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019
Representations Form

Part A – Personal details and notifications

	Personal details
Title	MISS
First name	NAOMI
Last name	WATERS
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

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Sound - Justified	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated "The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works"

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

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Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Signature:



Date: 14/10/19



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Part A – Personal details and notifications

	Personal details
Title	MISS
First name	NAOMI
Last name	WATERS
Address line 1	[Redacted]
Address line 2	
Address line 3	
Post code	
Telephone number	
Email address	

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice>

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

<p>No Buy in by the people of Biddulph Short cutting of the Modification selection process is not acceptable.</p> <p>Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?</p> <p>I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.</p>

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Date:

14/10/19

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

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Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
------------------------	-------

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
- Biddulph** Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday)

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part A – Personal details and notifications

	Personal details	Agent's details (if applicable)
Title	Mr & Mrs Webb	Mr
First name		John
Last name		Coxon
Job title (if applicable)		Director
Organisation (if applicable)		Emery Planning
Address line 1		1-4 South Park Court
Address line 2		Hobson Street
Address line 3		Macclesfield
Address line 4		Cheshire
Post code		SK11 8BS
Telephone number		01625 442 785
Email address		support@emeryplanning.com

Notifications and Consent

Representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. The Council requires your personal details in order to process your examination representation and contact you about the Local Plan process. This includes publication of the recommendations of the Inspector appointed to carry out an examination and adoption of the Local Plan. Examination participants should familiarise themselves with the District Council's **Planning Policy privacy notice** at <https://www.staffsmoorlands.gov.uk/article/3876/Planning-and-Planning-Policy-privacy-notice> .

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM1

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

Please note

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If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

Mr John Coxon

Date:

30.10.19

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM6

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Mr John Coxon

Date:

30.10.19

Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM8

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

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5 Signature:

Mr John Coxon

Date:

30.10.19

Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM9

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

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Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
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- Adoption of the Local Plan.

5 Signature:

Mr John Coxon

Date:

30.10.19

Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM20

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Please see enclosed statement

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Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

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- Publication of the Inspector’s Final Report
- Adoption of the Local Plan.

5 Signature:

Mr John Coxon

Date:

30.10.19

Part B – Representations

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM22

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed statement

(Continue on a separate sheet / expand box if necessary)

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Please see enclosed statement

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Please note

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Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5 Signature:

Mr John Coxon

Date:

30.10.19

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM39

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM54

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

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Mr John Coxon

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Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference - MM72

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

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5 Signature:

Mr John Coxon

Date:

30.10.19



Staffordshire Moorlands Local Plan, Main Modifications Consultation

Land between Rudyard Road & Hot Lane, Biddulph Moor

for Mr & Mrs Webb

Emery Planning project number: 17-204

Project : 17-204
Site address : Land between Rudyard
Road & Hot Lane,
Biddulph Moor
Client : Mr & Mrs Webb

Date : October 2019
Author : Aaron Marrs

Approved by : John Coxon

This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence.

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Emery Planning Partnership Limited
trading as Emery Planning.

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1. Introduction

- 1.1 Emery Planning Partnership is instructed by Mr & Mrs Webb to respond to the current Main Modifications consultation in respect of the Staffordshire Moorlands Local Plan.
- 1.2 We have made detailed representations at each stage of the local plan process and examination. This representation deals solely with the proposed modification changes as set out in the Staffordshire Moorlands Local Plan – Schedule of Main Modifications September 2019 document. Unless expressly stated within these representations, our previous outstanding objections remain.
- 1.3 The Main Modifications do not address all our objections and we maintain our position that the plan is not sound. Further modifications are required to address these fundamental issues of soundness. In particular, we have outstanding concerns in respect of the failure to distribute any development to Biddulph Moor (a larger village), the housing distribution including the distortion of the spatial strategy by the Blythe Vale site (which forms part of Stoke), the Council's failure to produce sufficient evidence in relation to housing land supply, and the shortfall in housing provision over the plan period.
- 1.4 At the examination hearing sessions, we expressed concern in relation to consulting upon main modifications to the plan at the same time as a new housing land supply position statement from the Council. We maintain serious reservations over this approach, as we cannot see how the examination has progressed to main modifications (usually the final stage before the Inspector's report is published) without full and proper consideration of the new evidence. Our client has a fundamental right to a fair hearing. In our view the new position warrants full and proper consideration, particularly considering the significant soundness issues we have previously identified, and as such the hearings should be re-opened to interrogate the new evidence. It is clear from this evidence that there remains a housing land supply shortfall, and there is a need for further modifications to the plan.

2. Main Modification MM1

Para/Policy Number 1.1.

- 2.1 We welcome the extension of the plan period to 2033. However, due to the ongoing delays in the Local Plan process, even if the plan is adopted by the end of 2019 it will only cover a period of 13 years. The plan is therefore not consistent with the 15-year plan period requirement as set out in paragraph 22 of the 2019 Framework and paragraph 157 of the 2012 Framework.
- 2.2 One of the practical implications of extending the plan period, was the need to identify additional allocations for development. However, no additional allocations are proposed, and there is a shortfall in housing provision for the plan period of at least 271 dwellings (according to the Council's own trajectory). We comment upon the supply implications in our response to the Housing Trajectory and the Housing Implementations Strategy.

3. Main Modification MM6

Policy SS1a

- 3.1 Changes should only be made to make sound a plan that is otherwise unsound. In respect of this policy, it is not clear why the plan is unsound with the policy as currently drafted.

4. Main Modification MM8

Para/Page Number 7.22

- 4.1 We object to the inclusion of the wording "*provides an adequate timeframe*". It is not an adequate timeframe in the context of national planning policy. However, we recognize that a pragmatic judgement needed to be made in light of the Council's evidence base. Ultimately there was a lack of foresight on the Council's part in preparing the evidence base documents, as our representations made clear from an early stage that there were issues in relation to the proposed plan period.

Para/Page Number 7.24

- 4.2 We maintain our objection to the council adopting the 'Liverpool method' to spread the housing shortfall up to the year 2033. We believe the 'Sedgefield method' should be adopted

to readily contribute towards the historic shortfall in the delivery of housing and additional sites allocated. Notwithstanding our concern in relation to the latest iteration of the housing trajectory, it shows that the cumulative shortfall would be addressed by 2023/24. There is no reliance in this plan on sites with exceptional infrastructure requirements, such as new settlements, to meet the housing requirement. It is therefore not clear why it is necessary to proceed with the Liverpool method, other than to artificially show a 5 year housing land supply and restrict otherwise sustainable development from coming forward to address the shortfall within a quicker timeframe.

5. Main Modification MM9

Para/Page Number 7.33

- 5.1 We strongly believe that 10% slippage allowance is not sufficient given the failure to meet development requirements since the adoption of the Core Strategy. A substantially higher flexibility allowance should be provided within the new Local Plan, more in the region of at least 20%, as discussed within our previous representations. However, we acknowledge that this is an improvement over the lack of a slippage allowance in previous drafts of the plan.
- 5.2 We have concerns regarding the 10% slippage allowance insomuch as there does not appear to be any additional allocations or suggested locations for an increased number of units over the previous draft plan. When reviewing the anticipated figures, the trajectory indicates that the plan has a deficit of -271 dwellings, when, due to the 10% slippage allowance, the overall provision should see an surplus of 608 units.
- 5.3 Furthermore, it would be a misinterpretation of national planning policy to rely upon the 2012 NPPF Paragraph 47 or the 2019 NPPF paragraph 67(b), which requires the identification of specific sites for years 11-15 'where possible'. That means that if it is possible to identify specific sites, then they should be identified and allocated. In this case it is eminently possible as this is a whole Local Plan dealing with allocations of all scales, and there are no good environmental or policy reasons for not identifying sites in years 11-15. The Council is not relying upon (or has identified) broad locations. The Council has simply failed to identify a sufficient supply for the plan period. No justification has been provided as to why it has not been possible to identify further sites to meet the requirement in full.

- 5.4 Furthermore, in Staffordshire Moorlands, much of the district is designated as Green Belt and this plan is reviewing Green Belt boundaries. The Framework requires that Authorities must have regard to their Green Belt's intended permanence in the long term, so that they should be capable of enduring beyond the plan period. It is evident upon review that this plan does not take this requirement into consideration.
- 5.5 As discussed in our previous representations, additional housing land should be allocated within the plan, enabling additional residential units to be delivered.
- 5.6 We also maintain that the strategy for the rural areas needs to be fundamentally readjusted, with sufficient housing provided to meet the needs across the rural areas.

6. Main Modification MM20

Page/Policy Number 108, Policy H1 and supporting text

- 6.1 We maintain our objection to only allowing limited infill development outside of smaller villages through the removal of their village boundaries. Furthermore, we object to the monitoring of the windfall site provision. This objection is on the basis that monitoring the provision does not sufficiently address the significant issue of non-delivery of windfall sites. It has already been established within this consultation response, that there is a shortfall in provision across the plan period (-271 units).

7. Main Modifications MM22

Page/Policy 114 Policy H3 and supporting text

- 7.1 The Council's own evidence on viability demonstrates that many the proposed allocations are not viable based on providing 33% affordable housing. The revised policy provides flexibility, but in practical terms this will cause significant uncertainty and delay, as a viability assessment will need to be undertaken for each application that comes forward. If the policy is adopted as drafted then the trajectory needs to properly take this into account, as per our previous representations on the matter. At present it does not.
- 7.2 Notwithstanding the above, we remain of the view that the spatial strategy and site allocations should have been fundamentally re-assessed, on the basis that an alternative strategy could

deliver significantly more affordable housing. There is a significant and serious shortfall of affordable housing provision in the district, and it is unreasonable to simply press on with the same allocations when clear evidence has come to light (i.e. the Whole Plan Viability Assessment) that they will not deliver the requisite quantum of affordable housing.

- 7.3 With regards to part 3 of the policy, we specifically object to the proposed wording 'at the Council's discretion'. An applicant must be able to read the plan on face value and understand what is and is not acceptable. This phrase should be removed.

8. Main Modification MM39

Page 158 Policy DSB1 and supporting text

- 8.1 The proposed reduction in area of site DSB1, The Wharf Road Strategic Development site, will see a reduction in housing provision of 146 units. For reasons explained earlier within this response and in previous consultation responses, there should be an increase in the provision of units and identification sites to address the shortfall arising from this amendment.
- 8.2 In addition, we have re-stated our concerns in relation to the delivery of this site in our response to MM72, emphasised by new evidence. The site will not come forward in full during the plan period. Indeed, it may not come forward at all.
- 8.3 No justification has been provided as to why other options have not been considered for addressing the shortfall. Specifically, there is suitable, deliverable land available in the closest large village of Biddulph Moor which could assist in meeting the shortfall. The allocation of our client's site would accord with the Council's evidence base in relation to Green Belt, landscape impact and delivery. Our client's site is not subject to any significant constraints.
- 8.4 We note that the Council has not considered amending the spatial strategy in spite of a host of constraints and issues being identified on the draft allocations, for example the viability assessment which clearly establishes that many of the draft allocations are not viable and/or will not deliver the policy requirement of affordable housing. This is a fundamental error as the Council is required to adopt the most appropriate strategy, when considered against the reasonable alternatives. The approach must be re-considered in view of the draft main modifications.

9. Main Modification MM54

Para/Policy Number 10.4

- 9.1 A modification is proposed in relation to reviewing the plan every 5 years, and it is stated that the need for a full or partial review will be considered when housing delivery has not met the housing requirements in the Local Plan or the Housing Delivery Test.
- 9.2 It should be noted that the housing trajectory has already been missed by a very significant margin in the first 2 years (see our comments to MM72 below). Numerous sites have not progressed as originally expected and continue to be pushed back in the trajectory, albeit the Council still maintains unrealistic assumptions in respect of the delivery of those sites. This is all in the context of the previous Local Plan which, in terms of housing delivery, failed. We remain firmly of the view that now is the time to properly ensure that the plan meets the housing needs of the area, rather than waiting for the inevitable review based on further failure to meet housing needs.

10. Main Modification MM72

Appendix 7 (Housing Trajectory)

- 10.1 The Main Modification states that it will include an “*amended housing trajectory to reflect updated housing figures 31/03/2019 and Housing Implementation Strategy consultation Jan 19*”.
- 10.2 A new Housing Implementation Strategy (dated July 2019) has been published for consultation alongside the main modifications. However, we have significant concerns in relation to the robustness of the trajectory included within it. There have been two consistent themes throughout the examination in relation to the Council's evidence on housing land supply:
- A fundamental lack of robust, up-to-date evidence to support the Council's trajectory; and,
 - A failure to deliver upon previous trajectories and statements in relation to the performance and progress of sites.

10.3 This not the first, or even the second, trajectory which has been before the examination of this plan. The lack of realism in the trajectory is underlined by actual performance:

- The trajectory at Appendix 7 of the submission version anticipated that 313 dwellings would be completed in 2017/18, and 419 dwellings in 2018/19. However only 142 dwellings were completed in 2017/18 and 165 in 2018/19. Therefore, actual completions in the first 2 years have been 58% less than the trajectory in the submitted plan.
- The updated trajectory submitted by the Council during the examination (ref: EL7.003, dated January 2019) anticipated that 291 dwellings would be completed in 2018/19. Actual performance in that year was 43% less than the trajectory.

10.4 This evidence alone demonstrates that the Council's assumptions have consistently proved to be wrong and are not supported by robust evidence. If the Council cannot even predict housing delivery in the forthcoming year, then we cannot see how the Inspector can have any confidence in its ability to predict housing delivery over the course of the plan period. This is not at all surprising given the total absence of documentary evidence which underpins the Council's housing land supply position and the delivery of sites within the trajectory.

10.5 Paragraph 68-004 of the PPG "How can an authority demonstrate a 5 year supply of deliverable housing sites?" states the following in relation to plan-making:

"In plan-making, strategic policies should identify a 5 year housing land supply from the intended date of adoption of the plan."

10.6 It should be noted that whilst this plan is being assessed under the interim arrangements set out in paragraph 214 of the 2019 Framework, the onus has always been on the Council to demonstrate that sites without planning permission (i.e. the draft allocations) are deliverable if they are to be included within the 5 year housing land supply.

10.7 Paragraph 68-007 of the PPG: "What constitutes a 'deliverable site' in the context of plan-making and decision-taking?" provides further information. It states:

"In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- *have outline planning permission for major development;*

- *are allocated in a development plan;*
- *have a grant of permission in principle; or*
- *are identified on a brownfield register.*

Such evidence, to demonstrate deliverability, may include:

- *current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- *firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;*
- *firm progress with site assessment work; or*
- *clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects."*

10.8 The new HIS fails to produce any such evidence. We maintain the objections that we expressed in relation to housing land supply at previous stages of the examination, as it is apparent that delivery has been significantly lower than anticipated by the LPA, and numerous sites within the trajectory have not progressed as anticipated. Once again, the Council has amended the start dates for numerous sites within the latest housing trajectory. Once again, no new evidence is provided to support the Council's position.

10.9 We provide a table at Appendix **EP1** which summarises the changing positions on the sites within the supply, and a comparison with the evidence provided to support the trajectory (i.e. Appenedix 1 of the HIS). The progress suggested by the Council on many sites has clearly failed to materialise, and yet no new evidence is provided to support the latest assumptions. We therefore maintain the position set out in our Matter 4 hearing statement in relation to which sites clearly do not meet the definition of deliverable and should not be included within the 5 year supply / first 5 years of the trajectory. As the base date is now 1 April 2019, the earliest that these sites could be considered to start delivering in the trajectory is 2024/25.

Wharf Road, Biddulph

10.10 We have commented on the delivery of a number of the allocated sites. There is nothing within the latest evidence to suggest that these fundamental issues have been resolved. However, in relation to the land at Wharf Road, Biddulph, the Council has recently published a committee

report which fundamentally contradicts the Council's own position at the Local Plan. This is significant new evidence and must be considered in assessing the soundness of this plan. A copy of the committee report is appended at **EP2**, although we assume that the Council has already provided a copy to the Inspector given its clear relevance to the examination.

10.11 At the examination the Council claimed that all landowners were being engaged through the masterplan process. However, paragraph 8.12 of the committee report makes clear that the land ownership issues remain a significant and unresolved constraint, and a number of landowners have failed to engage:

"The most significant challenge to delivering the Wharf Road site relates to the large number of landowner's, 14 in total, or 12 excluding the land at BDNEW. The consultants recommend that, in order to secure a sensible layout and maximise development potential it will be necessary for co-operation between the various landowners. This is a challenge as different owners have different aspirations and levels of willingness to co-operate. There are some landowners who understand the need to work with others collectively to enable the development, whilst others who did not engage with the masterplan process and may assume that they can deliver their site in isolation. Whilst some landowners did not engage with the masterplan process, all landowners are supportive of the Local Plan land allocation." (our emphasis)

10.12 Paragraph 8.14 sets out the need for joint working and the need for a joint venture agreement or similar:

"The masterplan recognises that the main challenge to delivering the site is the large number of landowners. To successfully deliver the scheme the landowners will need to work together and agree to sell the land through a formal joint venture or by working with a third party developer and agreeing options to ensure the whole site is delivered, rather than pockets of isolated development."

10.13 Paragraph 8.17 sets out the recommendations of the Council's appointed consultants:

"Sanderson Weatherall suggested next steps are;

- 1. Ascertain / acquire ownership of the land that has not been registered*
- 2. Carry out feedback session with landowners to discuss the finding of the report*
- 3. Discuss potential sales value with landowners*
- 4. Carry out formal valuation of residential properties*
- 5. Carry out formal pre-application for the site to help de-risk the project*
- 6. Source development partner through competitive tender" (our emphasis)*

10.14 Not only does the report identify the need to ascertain / acquire ownership of unregistered land, the above steps are necessary before even an outline application is submitted. They are wholly incompatible with delivering the site within the timescales envisioned within the trajectory. Indeed, there is significant risk as to whether the site will be delivered at all during the plan period.

10.15 Paragraph 8.18 adds:

“Officers recommend that no further work is commissioned to consultants at the present moment in time. This maybe [sic] reviewed at a later date once the Local Plan is adopted and market demand for the site has been established. In the mean time [sic] officers will proactively work with landowners to understand and explain the findings of the masterplan and the implications this will have on development potential and expected land values.”

10.16 Again, such an approach (ceasing work, a decision that “may be reviewed at a later date”) is wholly incompatible with the housing trajectory. The prospect of agreement between landowners and an eventual planning application is clearly many years away.

10.17 The only reasonable conclusion is that the site will not start delivering for at least several years and must be pushed back significantly in the trajectory to reflect the above issues. There is also a need for sufficient flexibility within the supply to deal with the very real prospect that the site may not deliver any units at all during the plan period.

10.18 It should be noted that simply removing this site from the first 5 years of the trajectory reduces the supply by 125 units. This amendment alone results in the deliverable supply reducing to less than 5 years.

Blythe Vale

10.19 The site is included for 15 units in 2019/20. However, at the time of writing pre-commencement conditions are yet to be discharged. A further planning application for a re-plan of phase 1 (LPA ref: SMD/2018/0790) also remains undetermined. It is not realistic to assume that 15 units will be completed in 2019/20. First completions should be pushed back to 2020/21. This would reduce the 5 year supply by 30 units.

10.20 The site has also been split up and is included twice within the trajectory, to reflect the planning permission. However, this results in overlap between phases 1 & 2, a position which increases

the development rates in 2021/22 and 2022/23 to 45 dwellings per annum. This should be amended so that phase 2 follows on from phase 1. There is no evidence of a second developer. This would reduce the 5 year supply by a further 45 units.

10.21 Such is the fragility of the Council's 5 year supply position, the above amendments to the Blythe Vale site (i.e minus 75 units) would result in the deliverable supply reducing to less than 5 years.

Build rates / lead-in times

10.22 We maintain our objections as set out in our representations to the previous version HIS. The Council has no evidence to justify the assumptions in most categories at Appendix 2 of the HIS. Whilst a very small selection of cherry-picked examples is provided, the evidence is limited at best and it is not clear why the examples that we provided in our representations to the HIS have not been considered.

11. Housing Implementation Strategy

11.1 We have set out our comments in relation to the Housing Implementation Strategy, and in particular the revised housing trajectory, in our response to MM72. The revised trajectory is not robust and is not underpinned by anywhere near the level of evidence that national planning policy expects.

11.2 We also refer to our previous consultation response to the HIS in February 2019. The comments remain applicable to the latest HIS given that very little has changed in the document.

11.3 The only reasonable conclusion to be drawn from the evidence is that the Council cannot demonstrate:

- a 5 year housing land supply; and,
- a sufficient housing land supply over the plan period.

11.4 The plan can proceed to adoption considering this position and the fundamental absence of evidence.

12. Conclusions

- 12.1 This consultation response has outlined the proposed modifications we object to and provided justification for our objections.
- 12.2 It should be noted that our outstanding objections, detailed in our previous consultation responses still stand as there are no proposed modifications that address our previous objections.
- 12.3 Our position that the plan is not sound, justified, effective, consistent with national planning policy (both current and archived) nor positively prepared remains unchanged.

13. Appendices

- EP1. Summary of changes to allocated sites within the housing trajectory
EP2. Cabinet Committee Report, October 2019 (Wharf Road, Biddulph)

EP1

Site	Capacity	First units to be completed as per Local Plan trajectory of:				Council's evidence at:			Comments
		March 2017	March 2018	Jan 2019	July 2019	March 2018	Jan 2019	July 2019	
Leek Newton House	179	2021/22	2021/22	2021/22	2022/23	None.	None.	None.	
Leek Cornhill	50	2021/22	2021/22	2022/23	2022/23	No private owners.	Council has commissioned a joint masterplan with an adjoining landowner.	As per previous.	
Leek The Mount	345	2021/22	2021/22	2021/22	2022/23	Short term delivery within 2 years.	As per previous.	As per previous.	
Biddulph The Mills	57	2021/22	2021/22	2021/22	2022/23	When contacted in 2017, one of landowners said expected start date within 1-5 years, build out rate of 20pa, no constraints. Another owner reconfirmed interest in releasing land in 2017 but no details re: delivery or start times.	As per previous.	As per previous.	
Biddulph Wharf Road	588	2020/21	2020/21	2021/22	2021/22	Four owners re-confirmed interest in releasing land in 2017 but no details re: delivery or start times. Another owner stated a local developer would be interested in developing their parcel, approx.	As per previous.	As per previous.	Masterplan prepared – at Cabinet meeting of 08 October 2019, officers recommended not to adopt the masterplan as an SPD “to allow maximum flexibility in delivering the site.”

						80dpa within 5 years. Masterplan commissioned with engagement from all 11 landowners.			The report states that the most significant challenge to delivering the site is the large number of landowners (12). The report states that “different owners have different aspirations and levels of willingness to co-operate.” The report states “on adoption of the Local Plan the Council will actively engage private sector developers and promote the site.”
Biddulph Tunstall Road	85	2021/22	2021/22	2021/22	2022/23	Five owners re-confirmed interest in releasing land in 2017 and anticipated start date to be short-medium term. Masterplan commissioned with engagement from landowners.	As per previous.	As per previous.	Masterplan prepared – at Service Delivery Panel meeting of 25 September 2019, officers recommended not to adopt the masterplan as an SPD “to allow maximum flexibility in delivering the site.”
Cheadle North	320	2019/20	2019/20	2019/20	2021/22	SMD/2018/0180: Hybrid application under consideration.	As per previous.	As per previous.	S106 not signed. Latest documentation published on website 29/10/19 (revised air quality assessment). Re-consultation took place in September.

Cheadle Cecilly Brook	106	2021/22	2021/22	2021/22	2021/22	SMD/2017/0660: Outline permission approved for 121 dwellings subject to s106 in Sept 2018.	As per previous.	As per previous.	S106 not signed.
Cheadle Rear of the Birches	51	2021/22	2021/22	2021/22	2021/22	SMD/2017/0659: PP granted for 39 dwelling subject to s106.	As per previous.	As per previous.	S106 not signed.
Cheadle The Green	42	2020/21	2020/21	2020/21	2021/22	None.	Unknown whether there is a housebuilder actively interested in the site.	As per previous.	
Cheadle Mobberley	430	2021/22	2021/22	2021/22	2022/23	Agent for landowner states family in final stages of signing a contract with developer. Agent expects construction between 1-5 years following PP.	As per previous.	As per previous.	
Blythe Vale	300	2018/19	2018/19	2018/19	2021/22	PP for 118 dwellings approved May 2018. RM application for phase 2 resolution to approve	As per previous.	As per previous.	
Werrington YOI	75	2021/22	2021/22	2021/22	2022/23	Short-term, part of Homes England Accelerated Delivery programme	As per previous.	As per previous.	

EP2

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Cabinet

8 October 2019

TITLE:	Wharf Road Strategic Development Site
PORTFOLIO HOLDER:	Councillor Ralphs - Leader
CONTACT OFFICER:	Sarah Porru- Head of Regeneration
WARDS INVOLVED:	Biddulph West

**Appendices Attached – Appendix 1 Executive Summary
Appendix 2 Landownership plan**

1. Reason for the Report

- 1.1 To inform Councillors of the Wharf Road masterplan, which has been prepared to assist with the delivery of the emerging Local Plan.

2. Recommendation

- 2.1 That the Cabinet note the findings of the masterplan, but at this time do not commission further work.

3. Executive Summary

- 3.1 As part of the Accelerated Housing Delivery Programme, Sanderson Weatherall were commissioned in September 2018 to complete a masterplan for the Wharf Road Strategic Development area identified in the emerging Local Plan (DSB1).

- 3.2 The basis for commissioning the masterplan was based on several objectives:

- 3.2.1 Assist delivery of the Local Plan
- 3.2.2 Bring together the landowners with a co-ordinated vision for the site
- 3.2.3 Devise a strategic vision for the site which can then be promoted to developers and investors.

- 3.3 As part of the masterplan process, a review of the housing market found limited interest from private sector developers. The research suggests that

this was due to Biddulph being a secondary location in comparison to larger towns such as Congleton and Tunstall which offer more amenities and job opportunities. Consequently, the consultants found the sales rates anticipated for new build at Wharf Road would be slightly lower given its rural location and poor public transport links. The consultants also identified it is possibility not a lack of demand, but also lack of development opportunities. No land has been allocated for new residential development since the 1998 Local Plan. The emerging Local Plan identifies suitable land for 3802 homes across the whole the Staffordshire Moorlands over the Local Plan period.

- 3.4 Three options were developed for the site, in line with the emerging Local Plan DSB1 policy. The options focused, not on what should be delivered in terms of residential dwellings or mix, but where on the site it should be located.
- 3.5 Options 1 & 2 focused the retail/ employment element of the scheme to the north of the site, whilst option 3 identified an area in the south of the site for this use.
- 3.6 The Council's preferred option 3 would potentially deliver approximately 471 residential units (including land to the east of Meadow Way) and an additional 145 residential dwellings with the land at BDNEW. Subsequently, following post hearing comments from the Local Plan Inspector in December 2018, the area of land known as BDNEW, which lies to the West of the Biddulph Valley Way has been deleted by the Council (in June 2019) as a Local Plan allocation. The Wharf Road Masterplan had already been commissioned and was nearing completion before the inspector sent his comments to the Council. The completed masterplan therefore recognises this change by providing two options, including and excluding BDNEW.

4. How this report links to Corporate Priorities

- 4.1 The Wharf Road Masterplan seeks to deliver housing growth anticipated in the Local Plan and will therefore have implications the following aims of the Corporate Plan:
 - Aim One - Help create a safer and healthier environment for our residents to live and work
 - Aim Three – To create a strong economy by supporting further regeneration of towns and villages
 - Aim Four - Protect and improve the environment.

5. Alternative Options

- 5.1 Option 1 (recommended) that the Cabinet note the Wharf Road Masterplan, recommendations and next steps. Officers suggest that the masterplan not be formally adopted as an Supplementary Planning Document (SPD) , to allow maximum flexibility in the delivery of the site.
- 5.2 There are no options as the report is for noting only.

6. Implications

- 6.1 Community Safety - (Crime and Disorder Act 1998)
No implications
- 6.2 Workforce
No implications
- 6.3 Equality and Diversity/Equality Impact Assessment
- 6.4 Financial Considerations
A budget of £29,425 was approved by Cabinet in April 2018. There are no further financial considerations going forward.
- 6.5 Legal
No legal implications
- 6.6 Sustainability
The masterplan was prepared according to wider sustainability considerations
- 6.7 Consultation
No public consultation event was held as part of the masterplan process due to the local plan examination process.
- 6.8 Risk Assessment
A risk assessment was carried out of part of the masterplan process

Dai Lerner
Executive Director (Place)

Web Links and Background Papers

Accelerated Housing Delivery Programme (April 2018)

Contact details

Kate Hall
Regeneration Officer
kate.hall@highpeak.gov.uk

7. Detail

- 7.1 The Council is committed to accelerating housing delivery across the Staffordshire Moorlands area. The District has suffered from low levels of development for many years. Planning approvals are being granted on sites but some are not coming forward to the construction phase. In order to tackle this problem we listened to the issues raised by developers and developed a comprehensive delivery programme to tackle the problem. The Accelerated

Housing Delivery programme was approved by Cabinet in April 2018 and focuses around 2 core aims;

- Deliver community benefits in the form of increased income from council tax, business rates and New homes Bonus for reinvestment in the community.
- Drive forward delivery of the local plan and maintain 5 years land supply by proactive measures and Council led interventions where appropriate..

7.2 The emerging Local Plan identifies the land at Wharf Road, Biddulph as a Strategic Development site (local plan policy DSB1). The development of a masterplan is pivotal in developing the strategic vision for the Wharf Road area to assist with bringing the site forward for development. Therefore Sanderson Weatherall were commissioned back in September 2018 to prepare the plan.

Site details

7.3 The land at Wharf Road is a key mixed use development site. It is in a sustainable location close to the town centre and presents an opportunity to comprehensively plan for a range of uses to make a significant contribution to Biddulph's development needs.

7.4 Local Plan (Submission Version) Policy DSB1 stated the following:

The Wharf Road site is a 23.4 hectare site which is allocated for mixed use development of:

- Housing 20.4ha (approximately 588 dwellings)
- Employment 1ha
- Retail 0.5ha (food store of around 1000m2 net sales floor)
- Retention of school playing field 1.5ha

7.5 Following post hearing comments from the Local Plan Inspector in December 2018, the area of land known as BDNEW, which lies to the West of the Biddulph Valley Way has been recommended for removal as a Local Plan allocation.

7.6 On 26th June 2019, the Council agreed a schedule of main modifications to the Local Plan (Submission Version) to address the Inspector's feedback. This includes the removal of site BDNEW and consequential amendments to the Policy DSB1. They included increased housing densities on the remainder of the Wharf Road allocation in light of the masterplan preferred option, a reduced site area (18.5ha) and revised housing yields (442 homes).

7.7 Consultation on main modifications will take place during September / October before the Inspector draws further conclusions.

7.8 The Wharf Road Masterplan had already been commissioned and was nearing completion before the inspector made this decision. The completed masterplan therefore recognises this change by providing two options,

including and excluding BDNEW.

7.9 The emerging local plan through policy SS6 seeks to enhance the role of Biddulph as a significant service centre and market town and support its regeneration through the following actions:

- Improve the local housing market and range of community facilities by increasing the range of house types available especially for first time buyers, families and older people.
- Create employment growth and increase diversity of employment opportunities
- Strengthen the role of Biddulph as a significant service and retailing centre

7.10 Wharf Road was identified as a priority site for delivery intervention due the large number of landowners, 14 in total (shown in Appendix 2). The landowners comprise a range of stakeholders including the District Council, County Council, James Bateman Junior High School, private investment companies and a range of individual owners with little or no development experience. In addition to the large number of landowners, the site is also heavily constrained and requires a harmonized approach to maximise the development potential of the site. It was felt that the development of a cohesive masterplan would ensure a sustainable vision for the site which will be promoted to suitable private sector investors/developers once the Local Plan is adopted.

7.11 Planning History

7.12 Land at the northern end of the site was allocated for retail, employment and non food retail as part of the Biddulph Area Action Plan (2007) whilst the principal of residential development was identified for the southern section of the site, (previously known as area 4) in the Core Strategy (2014).

7.13

Planning ref	Description	Decision
SMD/2009/0284	change of use of land, erection of garage, office building and parking for 10 coaches	Approve
SMD/2006/0647 SMD/2007/0024	& erection of non food retail units	Outline approval
SMD/2011/0332	erection of 8 retail units (approval of reserved matters)	refused
SMD/2011/0332 SMD/2012/0175	approval of reserved matters relating to 07/00170/ OUT_MJ	Refused & withdrawn
SMD/2006/1224 SMD/2007/0593	& residential development	Refused
SMD/2015/0684	Extra care development	Withdrawn

Masterplan process

- 8.0 The masterplan is split into 4 key areas, each of which will be covered in detail below:
- Market Demand
 - Options
 - Viability & deliverability
 - Recommendations and next steps

Market Demand

- 8.1 The consultants felt the housing market in Biddulph had stalled due to a number of factors, summarised below:
- Very limited major new build residential developments (Uplands Mill in 2012 being the most recent)
 - Identified lack of supply of executive new build detached properties within Biddulph.
 - Sales rates achievable for new build at Wharf Road are slightly less than comparables given its rural location.
 - Lack of public transport links as Biddulph relies solely on bus links.
 - Biddulph is a secondary town and in comparison to larger towns such as Congleton and Tunstall which offer more amenities and job opportunities.
 - Lack of evidence of demand for development opportunities could be due to the limited availability of suitable sites and given the predominant green belt status.
- 8.2 Even though the current housing market has stalled the consultants felt the site offered an excellent opportunity to deliver open market/ affordable housing and suggested the following mix of properties types.
- 1/2 bed apartments – Extra Care/ Sheltered
 - 2 bedroom terrace house- high density
 - 3 bedroom semi detached house – high density
 - 3/4 bedroom detached house- mid density
- 8.3 The predominant theme identified by the consultants was a perceived lack of demand for housing in the Biddulph area. As noted earlier the last major new build development commenced in 2012. It is important to note, that as the consultants identified, it is possibly not a lack of demand, but a lack of development opportunities which has stalled the housing market. This can be directly linked to the Local Plan process where no land has been allocated for new residential development since the 1998 Local Plan. The emerging Local Plan identifies suitable land for 3802 homes across the whole of the Staffordshire Moorlands area over the Local Plan period.

Options

- 8.4 Sanderson Weatherall developed 3 options for the site, shown in Appendix 1.

- 8.5 The 3 options focus on how different layouts would impact on deliverability of the site, rather than the amount and type of proposed development.
- 8.6 The options are summarised below, including the additional land east of Meadow Way:
- Option 1- 482 residential units (627 units including land at BDNEW)
Option 2 - 515 residential units (660 units including land at BDNEW)
Option 3 - 471 residential units (616 units including land at BDNEW)
- 8.7 Option 3 was identified as the Councils preferred option. Due to the Local Plan examination process we were unable to carryout a public consultation event. The decision to move forward with option 3 as the Councils preferred option was made by senior council officers in conjunction with Sanderson Weatherall after reviewing the advantages and disadvantages of each option.
- 8.8 The executive summary shown in appendix 1 highlights the benefits of each option in detail.
- 8.9 Officers felt that option 3 delivered greatest benefit and was the scheme most aligned with owner aspirations. The benefits identified were:
- Sports provision located closer to existing school building
 - Retail/ employment located close to housing, creating a village green surrounded by housing and retail
 - Access to the site in three locations
 - Higher density units to suit extra care / sheltered housing for elderly positioned closer to town centre facilities.

Viability and deliverability

- 8.10 Sanderson Weatherall completed a detailed viability assessment of the scheme which indicates that both scenarios i.e. with or without land at BDNEW are viable and produce positive land values in the region of £113,000 - £125,000 per acre.
- 8.11 The viability section of the masterplan is crucial as it demonstrates to landowners and potential developers that the site stacks up financially, and is worth investigating further. There has already been considerable interest from several discount supermarkets for the retail element of the site and discussions with the County Council are on going.
- 8.12 The most significant challenge to delivering the Wharf Road site relates to the large number of landowner's, 14 in total, or 12 excluding the land at BDNEW. The consultants recommend that, in order to secure a sensible layout and maximise development potential it will be necessary for co-operation between the various landowners. This is a challenge as different owners have different aspirations and levels of willingness to co-operate. There are some landowners who understand the need to work with others collectively to enable the development, whilst others who did not engage with the masterplan

process and may assume that they can deliver their site in isolation. Whilst some landowners did not engage with the masterplan process, all landowners are supportive of the Local Plan land allocation.

8.13 Given the size of the Wharf Road site, the consultants suggest the site be delivered in 3-4 phases. Of critical relevance to the phasing and delivery of the site is the ability to access the land and identify which parcels of land effectively control access to the site. With this in mind there are a number of packages which naturally flow from the landownership and anticipated levels of co-operation which are shown in detail in the executive summary in Appendix 1.

- Phase 1 – plots 1, 2, 6 and 9
- Phase 2 – plots 8 and 10
- Phase 3 – plots 3,4,5 and 7
- Phase 4 – plot 11 (land at BDNEW) (since completion of the masterplan, BDNEW land allocation has been removed from the emerging Local Plan)

Recommendations and Next Steps

8.14 The masterplan recognises that the main challenge to delivering the site is the large number of landowners. To successfully deliver the scheme the landowners will need to work together and agree to sell the land through a formal joint venture or by working with a third party developer and agreeing options to ensure the whole site is delivered, rather than pockets of isolated development.

8.15 While the masterplan provides a good indication of what the site can deliver and demonstrates the site is financially viable, the document will not be adopted as a Supplementary Planning Document (SPD).

8.16 Through the masterplan process, a vision and preferred option has been developed which we feel meets both the Councils and wider landowner aspirations most effectively. It is envisaged that masterplan will promote and stimulate interest in Wharf Road development opportunity. Ultimately it is for the open market, through developers and landowners to a lesser extent to decide how the site will come forward. The anticipated Local Plan provides detailed requirements through policy (DSB1 & SS6) but does allow some flexibility if required.

8.17 Sanderson Weatherall suggested next steps are;

1. Ascertain / acquire ownership of the land that has not been registered
2. Carry out feedback session with landowners to discuss the findings of the report
3. Discuss potential sales value with landowners
4. Carry out formal valuation of residential properties
5. Carry out formal pre-application for the site to help de-risk the project
6. Source development partner through competitive tender

- 8.18 Officers recommend that no further work is commissioned to consultants at the present moment in time. This may be reviewed at a later date once the Local Plan is adopted and market demand for the site has been established. In the mean time officers will proactively work with landowners to understand and explain the findings of the masterplan and the implications this will have on development potential and expected land values.
- 8.19 In order to facilitate and promote development of the site, on adoption of the Local Plan the Council will actively engage private sector developers and promote the site. The Council will also work closely with Homes England to investigate funding opportunities and will bid for funding as and when appropriate.

Sansom, Claire

From: Beverley Webb <[REDACTED]>
Sent: Wednesday, October 30, 2019 5:04 PM
To: Forward Plans
Subject: Further comment regarding MM12 - Safeguarding of BD062, BD068 and BD087

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Dear Sirs

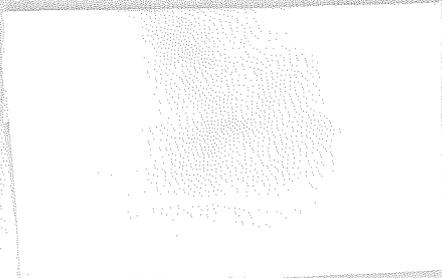
It has been brought to our attention that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly and also omitted was the ecological evidence base and it has also been incorrectly stated that these fields are urban / industrial land, which is not true.

The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019).

Therefore we would make a further comment that based on the above The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Yours faithfully

BC & BM Webb



Dear Sir

Reference MM12 – Objection to BD062, BD068 & BD087 to be included in Plan as ‘Safeguarded’

I realise the need for safeguarded sites for the future, but I was very surprised to see these 3 sites have been added to the Biddulph Plan having previously been rejected because of their unsuitable location.

These sites must be the most unsuitable sites for residential development in the whole of Biddulph, being on the boundary of the Sewage Works, Biddulph Brook, situated on flood plains with very poor highway access. Two of these sites have already been refused planning permission on a number of occasions over the past years.

The sewerage system from Biddulph town & districts converges into a common collecting chamber at the south end of the sewage works near to the boundary with Essex Drive/ York Close, joining at this point is a large public sewer that runs diagonally (along with others) across BD068, this sewer originates in the A527 Congleton Road area. Although United Utilities have strict guidelines on building over or adjacent to the sewers route, should this very old sewer be damaged during construction work, a major environmental disaster could occur, affecting hundreds of residents and their homes.

All the old sewerage systems carry surface/ storm water as well as sewage. During heavy rain the common collecting and converging chamber at the south end of the sewage works cannot take the volume of water resulting in the inspection cover lifting and untreated sewage overflowing directly into Biddulph Brook (have photo evidence), producing the strong pungent odour that can be detected all across these sites and the surrounding area of Gillow Heath. Untreated raw sewage then flows down Biddulph Brook which rises and overflows onto the flood plains over all the 3 sites (have photo evidence). Leaving this land contaminated when the flood water level s drop. Also during this flooding situation, a sewer backs up from this point and the resulting back pressure lifts a sewer inspection chamber cover in Mow Lane. This then deposits raw sewage into Mow Lane which then flows down residents' gardens and drives. In severe wet weather I understand 2 to 3 others covers have also been known to lift adding more sewage to the existing problem. To add more sewage from these proposed sites would aggravate this problem considerably more, creating a bigger environmental/hygiene problem to the residents and traffic in Mow Lane and to Biddulph Brook. In my opinion no extra development north of Mow Lane should even be considered because of these old sewerage systems and the problems they are creating. As the temperature and rainfall continue to increase due to climate change, this problem will continue to get considerable worse.

I find it somewhat surprising that I cannot find anywhere in these safeguarding proposals any report, survey or comments from the Environmental Agency or for that matter from United Utilities. Why is this? Surely these should be the first agencies to have an input into the suitability of these sites. Based on these reasons I must strongly object to any development on these sites and request that they are restored back to green belt status.

Yours faithfully

Mr B C Webb

Dear Sir

All these three proposed safeguarded sites would cause considerable extra traffic on Marsh Green Road and/or Mow Lane. Our local police consider Marsh Green Road and Mow Lane the most dangerous roads in Biddulph, with the winding narrow roads converging onto the notorious junctions with the A527 combining with the speeding traffic. The last vehicle count I have is as follows and I quote:-

Data provided by Staffordshire County Highways in October 2015 gave the following results for the A527:-
Northbound direction shows that on an average day (24hrs) 7958 vehicles drive along Congleton Road. Of these 7958 vehicles the 85th percentile speeds were 34.4mph. The peak of the volume was at 17:00 hrs with 601 vehicles travelling in this direction.

Southbound direction shows that on an average day (24hrs) 7318 vehicles drive along Congleton Road. Of these 7138 vehicles the 85th percentile speeds were 33.6 mph. The peak of the volume was at 17:00 hrs with 724 vehicles travelling in this direction.

An average weekday peak hour two way traffic flow of 1325 vehicles.

This volume has obviously increased over the last four years and has also been aggravated by the extra vehicles on Woodhouse Lane and Smithy Lane, being the exit roads from the extra 200 houses recently completed by Bovis Homes on the new Uplands Estate. Should BD068 and BD087 be developed this will incur at least an extra 150 vehicles using Marsh Green Road and the horrendous junction with the A527. Similarly extra vehicles would use the equally dangerous Mow Lane junction.

With the proposed safeguarding for development of BD068 and BD087 it would appear that travelling West down Marsh Green Road – a single lane cutting, would encounter an entrance/ exit onto BD068, then immediately onto the existing narrow stone bridge (weight limit unknown), then immediately after the bridge, the entrance/exit into the sewage works and directly opposite this a proposed entrance/exit onto BD087 and alongside the existing footbridge to the public footpath. There are no pavements in this area and this is also the location subject to flooding. It should also be noted that there is no street lighting in Marsh Green Road.

It should be noted that at least once a day an articulated tanker enters and leaves the sewage works having great difficulty negotiating the narrow bridge and lane and added to this, particularly during the summer months, farm tractors and trailers regularly use this route to the local farms. This road leads to the one of the access points to the Biddulph Valley Way and is extensively used by walkers, cyclists & runners who as locals are very much aware of the dangers of using this road now; what an horrendous, possibly fatal accident waiting to happen by the bridge, should this safeguarded land be released for development. I consider that these two sites would create an increased level of danger, not only to the current residents in this location, but to any new residents on these proposed safeguarded sites.

For these reasons, these three sites should not even be considered for development whilst there is this inherent danger to all road users in this area.

Yours faithfully

Dear Sir

I strongly object to these three sites, having been rejected following the 2017 consultation are now being targeted for 'safeguarding'. Nothing has changed with regards to the unsuitability of these sites. BD062 and BD068 are still on the boundary of the sewage treatment plant, along with BD087 they are still on a flood plain and after heavy rain flooding is still an ongoing problem. The collecting point at the south of the sewage plant still overflows cascading raw sewage onto these sites and the flooding causes a backup issue for Mow Lane and until this flooding and contamination is eradicated building north of Mow Lane should not be considered. Having been on a site visit to the sewage treatment works in Biddulph with a local councillor, the engineer conducting the guided tour made it clear that the sewers pipes in Biddulph are obviously very old and some were possibly unmapped so United Utilities were not sure of the location of sewers that cross BD068 and replacing the main sewer from the High Street in Biddulph for larger capacity would be impossible and increasing the capacity by building would, in my opinion, just increase the problem of flooding over these three sites – apart from any increase in rainfall through climate change. Having read numerous documents on the consultation website it appears to me that these sites have been hurriedly included in the local plan albeit 'safeguarded' without any regards for the reasons they were rejected in the first place or any further assessments carried out. My concern is that once these sites are removed from the greenbelt they can never be returned and as far as I concerned safeguarding is more for the benefit of the landowner rather than the residents and I quote Julian Sturdy MP for York Outer whose constituents were facing a 'safeguarding' of land.

"My concern, however, is that once land has been removed from the green belt, it is effectively lost, gone forever as development is practically guaranteed to occur on the site at some point in future. Although local authorities are encouraged to make it clear that safeguarded land is not currently available for development, I fear that, sadly, some weak-willed local authorities may sacrifice the long-term interests of local residents for short-term gain by permitting development ahead of schedule." This transcript is from House of Commons Hansard May 2014, but it is as relevant today.

Document E from the consultation gives five options, options 1 to 4 mention other sites in and around Biddulph and Knypersley, including BD062, BD068 and BD087, for 'safeguarding' however Option 5, the 'preferred' option by the council, omits them all apart from BD062, BD068 & BD087.

Why is this? when these three sites must be the worst pieces of land in Biddulph for development – they suffer from flooding as previously mentioned, access to these sites are down narrow single track roads (which are already busy including tractors and trailers from nearby farms, plus the articulated tanker accessing the sewage works on a daily basis which blocks Marsh Green Road whilst the driver negotiates the access to and from the sewage works on the bridge) with junctions onto the A527 which are horrendous and dangerous. As a user of the Marsh Green/A527 junction I am very aware that it is a dangerous junction and in fact some months ago whilst waiting to exit Marsh Green Road and having to 'inch' out to see the oncoming traffic from both Congleton and Biddulph, because of the dips in the road from both directions close to this junction, an approaching motorist obviously took exception to me having to do this and made a very rude gesture to me! Developing these sites would increase the volume of vehicles and make the junctions even more dangerous - fatal for some poor soul!

Yours faithfully,

Mrs B M Webb



Unit 2 Eclipse Office Park High Street Staple Hill Bristol BS16 5EL

T: 0117 956 1916

E: all@tetlow-king.co.uk
W: www.tetlow-king.co.uk

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

Date: 31 October 2019

Our Ref: LS M5/0402-12

By email only:
forward.plans@staffsmoorlands.gov.uk

Dear Sir/Madam

RE: STAFFORDSHIRE MOORLANDS LOCAL PLAN – MAIN MODIFICATIONS CONSULTATION

We represent the **West Midlands HARP Planning Consortium** which includes all the leading Housing Association Registered Providers (HARPs) across the West Midlands. Our clients' principal concern is to optimise the provision of affordable housing and to ensure the evolution and preparation of consistent policies that help deliver the wider economic and social outcomes needed throughout the region.

The following comments are made with regard to Local Plan **Policy H3** on affordable housing and its supporting text.

Affordable housing definitions

We notice that the updated definition for affordable housing is absent from the main modifications document. Local Plans should provide an up-to-date national definition for affordable housing in order to clarify which property types are classified as affordable and to help applicants understand which housing types they should look to provide in their applications to be considered policy compliant.

The national affordable housing definition specified in Annex 2 of the NPPF refers to "*affordable housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)*" and which complies with one or more of parts a) to d) of that definition, and not to 'intermediate affordable' housing. The definitions have specific in perpetuity retention or subsidy recycling requirements, and it is those differences that make it important for local plans to specifically reference the national definition to capture the range of affordable housing that can be delivered to meet different local needs.

Affordable housing target

The SHMA (2017) identifies that there is a net annual need of between 224 and 432 affordable dwellings per annum. The Local Plan has proposed an objectively assessed housing target of 6,080 dwellings over the plan period, equating to 320dpa. The main modifications document states that this requirement is "*seen to be 'aspirational but realistic' when considered in the context of an historic average delivery rate of 161 homes per year*", also adding that the 320dpa will 'help' to address affordable housing need. Comparing the annual affordable and market housing need it is clear that a large proportion of housing delivery would have to comprise solely of affordable housing. This is recognised in the SHMA which claims that Staffordshire Moorlands would need to provide "*at least 75% of its total annual housing requirement to comprise affordable housing if it is to meet all of its need even under the most favourable assumptions*".

Considering all of the above, it would be unrealistic to assume that that such high levels of delivery would be achievable when considering the effects of viability (among other aspects) on housing development. Therefore, all other efforts must be made by the Council to deliver as much affordable housing as reasonably possible within the District in order to ensure that delivery is striving to meet identified affordable housing need.

Affordable housing threshold

We are pleased to see that the affordable housing thresholds have now been revised to align with the Planning Practice Guidance which states that affordable housing should only be sought on residential developments that are major, i.e. a development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

Regarding the supporting text at **paragraph 8.56**, we would like to remind the council that its wording on seeking a 'target' of 33% affordable housing on-site too openly invites developers to offer affordable housing at below this level. However, it is encouraging to see that the wording for **Policy H3(1)** has been amended to provide a minimum affordable housing contribution while omitting the use of the word 'target' and allowing for deviation from the 33% where it is demonstrated to be necessary through viability evidence. We would recommend removing the word 'target' from paragraph 8.56 in order to ensure consistency between **Policy H3(1)** and its supporting text.

Affordable housing mix

The affordable housing mix set out within **Policy H3(2)** is too rigidly defined, giving little flexibility for discussion and negotiation as required for individual sites. Whilst the proposed 60:40 tenure split reflects the evidence of the SHMA, the wording should be revised to reflect the range of affordable housing types as set out in Annex 2 of the NPPF to ensure consistency with national policy and effectiveness in meeting needs. As previously mentioned, local plan policy regarding tenure mix should refer to parts a) to d) of the NPPF definition, and not simply just to affordable rent and 'intermediate affordable' housing.

Affordable housing mix policy should also allow flexibility to ensure that the tenure split brought forward on individual sites reflects local housing need, the need to provide mixed and balanced communities, and to deliver viable development. The affordable housing mix should also refer back to the NPPF affordable housing definition which includes a wide range of affordable housing products.

We would like to be notified when the Plan has been submitted for Examination, by email only to consultation@tetlow-king.co.uk. Please ensure that the **West Midland HARP Planning Consortium** is retained on the consultation database, with Tetlow King Planning listed as its agent.

Yours faithfully,



LEONIE STOATE BSc (HONS) MSc
ASSISTANT PLANNER
For and On Behalf Of
TETLOW KING PLANNING

leonie.stoate@tetlow-king.co.uk

cc: Aspire Housing
Bromford Housing Group
Platform Housing Group
The Wrekin Housing Group Ltd

John Mason - Housing Enabling Officer

Staffordshire Moorlands
District Council (SMDC),
Forward Plans Dept.,
Fax 01538 483753

31/10/19

Dear Sirs

Re: Main Modifications Consultation /
Additional Modifications Consultation
- September 2019 - Local Plan

Further to my telephone conversation today with your David Davis, I wish to make comment/representations as follows:-

Some 30 years ago members of my family purchased the property known as:-
"Mayfield", Stanley Road, Stoekton Brook and which included about 7 acres of land.

The property was already in a derelict condition and a change of use was considered for use as a private hotel because we were aware grants were available and a planning application was therefore submitted.

The Planners at SMDC recommended approval for the application but the Planning Committee turned it down.

At the subsequent appeal at the Public Enquiry (because the property had suddenly become a listed building) the Inspector gave approval for the change of use and also ruled SMDC must pay all our costs.

However we only received a fraction of the costs and all the grants which were available were not available any more.

I never dealt with any of the issues relating to "Mayfield" at the time,

() was the person dealing with "Mayfield" but I am aware a further application was submitted for a house fronting Stanley Road which did not receive approval.

It is understood repair work was done on the "Mayfield" property which did not initially have Listed Building Consent which was done to stop it falling down and to date the work has never been completed and has become a case of throwing 'good money after bad'

Now coming to the Local Plan Modifications, at the initial stages the SMDC Housing Local Plan we were aware housing had been recommended on part of the 7 acres of land at "Mayfield" ie. it was a possible site for housing development and already had a proper access roadway onto Stanley Road.

However at the last stage / final plan the location of "Mayfield" had been deleted from the plan without any known reason and when this site is a 'blot on the landscape' and 'crying out' for rejuvenation due to dereliction of the site.

In contrast a garden site at Endon is included in the final plan and therefore making the final plan unsound in the extreme when a comparison is made with the Mayfield site which is derelict.

Not including the "Mayfield" site amounts to an abuse of process of the Final Local Plan of SMDC.

I have previously made representations / comments some months ago about "Mayfield" not now being in the Local Housing Plan which I assume have to be on file in your system.

There can be little doubt that "Mayfield" has cost family members a lot of hard earned money and that SMDC are to blame in this respect.

It is hoped this letter will lead to further consideration for the 'Mayfield' site which was initially proposed for housing and it is considered a wider spread of housing would mean less 'grid lock' in the towns.

Thanking you,
Yours faithfully,

(Dennis Weston)

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

RECEIVED
30 OCT 2019

20th. October 2019

Staffordshire Moorlands District Council
Local Plan Examination.
Moorlands House.
Leek.
ST13 6HQ

Re: Site Option Consultation. Biddulph - BD087, BD68 & BD062..

I am writing to express my strong objections to and concerns about the development proposed as BD087, BD68 & BD62.

I object to these developments on the following grounds :-

1. Green Belt / Green Field Sites.
2. Environmental considerations / Flood Plain.
3. Disposal of Sewage.
4. Highways / Road Safety issues.
5. Infrastructure.
6. Noise.

I strongly object to the proposed site 087, BD068 & BD062 on the grounds that it would create many adverse effects.

I ask that this planning site option should be rejected.

Yours sincerely,



1. Green Belt / Green Field.

Proposed land for development forms part of a Green Belt / Green fields around Biddulph. The Biddulph valley is a beautiful place to live or visit. The close proximity to Biddulph Grange of these three sites detracts from the overall rural views.

The purpose of Green Belt is to protect land around urban centres from urban sprawl and to preserve and protect habitat for wildlife and conservation issues.

The proposed sites are home to many types of wild animal, included badgers, owls, wild duck, bats, newts, frogs and buzzards.

The concern is that development of these sites will impact on the environment and habitat of the wild animals in this area.

2. Environmental considerations / Flood plain.

Proposed development will run south to north along Biddulph Brook. Proposed land is 60% flood plain and the flood plain is on the local water table line.

The brook is around 2 metres wide, fast flowing and the depth is only 1.5 metres below the flood plain.

There was major flooding in the field approximately twenty years ago. The proposed development is to be built on the same flood plain.

BD087, BD68 and BD62 are proposed development of over 100 houses built to the east and in close proximity to the brook.

The brook narrows at its north end and, with the developments total waste water going directly into the brook, the increased volume of water would have the potential to cause severe localised flooding to the site. Increased flow rates in the brook would also cause severe bank erosion and flooding of properties and major roads downstream.

3. Disposal of Sewage.

The proposed development is approximately a few metres from the Sewage Works boundary and therefore a restriction on any further expansion of the works to cater for the new properties.

Sewage from the proposed houses to the north would require sewage to be pumped back up to the Sewage Works.

The proposed development site is higher in the south than in the north and the sewage tank and pump would need to be located at the lowest point of the flood plain.

At some point this area will be flooded therefore how will the flood water be prevented from entering sewage and inevitable leaking contaminating the brook and adjacent land.

4.. Highways / Road Safety issues..

Access to sites is proposed off Marsh Green Road, currently accepted as the most dangerous road in Biddulph.

Access from Marsh Green Road will require considerable excavation work to make the lane wide enough for two lanes of traffic and in addition the bridge over the brook would need to be made wider and strengthened, the work causing major traffic congestion and access to the sewage works will need to be closed as the tankers which service the works will not be able to access the site.

Marsh Green Road narrows to 2.5 metres and has insufficient room for two vehicles to pass, reducing to single track further along.

The absence of a pavement in Marsh Green Road is a major road safety concern due to the potential increase in traffic, including large and heavy vehicles.

Beaumont Close is extremely difficult to access from Marsh Green Road and is only wide enough to take one vehicle at a time.

The junction of Beaumont Close and Marsh Green Road is at an angle of 90 degrees. . This would prevent large vehicles, such as lorries, from turning into Beaumont Close. At the present time any large vehicle is unable to drive into the close and has to be reversed in from Marsh Green Road..

The junction of Marsh Green Road and Congleton Road is only 5.5 metres wide, including the pavement. There is currently only room for two cars side by side which would exclude lorries from using the junction at the same time as any other vehicle.

The junction of Marsh Green Road and Congleton Road is in a dip in the road reducing visibility from either direction and a potential road safety hazard. Currently Congleton Road has a recorded flow rate of up to 1000 vehicles per hour, add into that the traffic from all the proposed development sites which will use Marsh Green Road. This would mean a substantial increase in the volume of traffic and would require major alterations to the junction and Marsh Green Road. This also raises major concerns about road safety, particularly for pedestrians.

5. Infrastructure.

There are major concerns that the majority of the proposed developments are in the north of the valley thus putting new population at the wrong end of the valley from available schools and amenities. Most of the schools are to the south of the valley, thereby causing increased traffic flow through the town at peak times, increased volume of traffic in Marsh Green Road and the junction with Congleton Road. Vehicle movement would also increase as there is no public transport service from the north of the valley into the town centre.

6. Noise pollution.

There would be disturbance and noise pollution resulting from 100+ additional houses, which would mean at least a possible 300+ new residents in this small area. The proposed site BD087, BD68 &BD62 is in a valley that produces an echo effect which will amplify any additional noise which would be an unacceptable intrusion.

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

RECEIVED
30 OCT 2019

20th. October 2019

Staffordshire Moorlands District Council
Local Plan Examination.
Moorlands House.
Leek.
ST13 6HQ

Re: Site Option Consultation. Biddulph - BD087, BD68 & BD062..

I am writing to express my strong objections to and concerns about the development proposed as BD087, BD68 & BD62.

I object to these developments on the following grounds :-

1. Green Belt / Green Field Sites.
2. Environmental considerations / Flood Plain.
3. Disposal of Sewage.
4. Highways / Road Safety issues.
5. Infrastructure.
6. Noise.

I strongly object to the proposed site 087, BD068 & BD062 on the grounds that it would create many adverse effects.

I ask that this planning site option should be rejected.

Yours sincerely,

[Redacted signature area]

1. Green Belt / Green Field.

Proposed land for development forms part of a Green Belt / Green fields around Biddulph. The Biddulph valley is a beautiful place to live or visit. The close proximity to Biddulph Grange of these three sites detracts from the overall rural views.

The purpose of Green Belt is to protect land around urban centres from urban sprawl and to preserve and protect habitat for wildlife and conservation issues.

The proposed sites are home to many types of wild animal, included badgers, owls, wild duck, bats, newts, frogs and buzzards.

The concern is that development of these sites will impact on the environment and habitat of the wild animals in this area.

2. Environmental considerations / Flood plain.

Proposed development will run south to north along Biddulph Brook. Proposed land is 60% flood plain and the flood plain is on the local water table line.

The brook is around 2 metres wide, fast flowing and the depth is only 1.5 metres below the flood plain.

There was major flooding in the field approximately twenty years ago. The proposed development is to be built on the same flood plain.

BD087, BD68 and BD62 are proposed development of over 100 houses built to the east and in close proximity to the brook.

The brook narrows at its north end and, with the developments total waste water going directly into the brook, the increased volume of water would have the potential to cause severe localised flooding to the site. Increased flow rates in the brook would also cause severe bank erosion and flooding of properties and major roads downstream.

3. Disposal of Sewage.

The proposed development is approximately a few metres from the Sewage Works boundary and therefore a restriction on any further expansion of the works to cater for the new properties.

Sewage from the proposed houses to the north would require sewage to be pumped back up to the Sewage Works.

The proposed development site is higher in the south than in the north and the sewage tank and pump would need to be located at the lowest point of the flood plain.

At some point this area will be flooded therefore how will the flood water be prevented from entering sewage and inevitable leaking contaminating the brook and adjacent land.

4.. Highways / Road Safety issues..

Access to sites is proposed off Marsh Green Road, currently accepted as the most dangerous road in Biddulph.

Access from Marsh Green Road will require considerable excavation work to make the lane wide enough for two lanes of traffic and in addition the bridge over the brook would need to be made wider and strengthened, the work causing major traffic congestion and access to the sewage works will need to be closed as the tankers which service the works will not be able to access the site.

Marsh Green Road narrows to 2.5 metres and has insufficient room for two vehicles to pass, reducing to single track further along.

The absence of a pavement in Marsh Green Road is a major road safety concern due to the potential increase in traffic, including large and heavy vehicles.

Beaumont Close is extremely difficult to access from Marsh Green Road and is only wide enough to take one vehicle at a time.

The junction of Beaumont Close and Marsh Green Road is at an angle of 90 degrees. . This would prevent large vehicles, such as lorries, from turning into Beaumont Close. At the present time any large vehicle is unable to drive into the close and has to be reversed in from Marsh Green Road..

The junction of Marsh Green Road and Congleton Road is only 5.5 metres wide, including the pavement. There is currently only room for two cars side by side which would exclude lorries from using the junction at the same time as any other vehicle.

The junction of Marsh Green Road and Congleton Road is in a dip in the road reducing visibility from either direction and a potential road safety hazard. Currently Congleton Road has a recorded flow rate of up to 1000 vehicles per hour, add into that the traffic from all the proposed development sites which will use Marsh Green Road. This would mean a substantial increase in the volume of traffic and would require major alterations to the junction and Marsh Green Road. This also raises major concerns about road safety, particularly for pedestrians.

5. Infrastructure.

There are major concerns that the majority of the proposed developments are in the north of the valley thus putting new population at the wrong end of the valley from available schools and amenities. Most of the schools are to the south of the valley, thereby causing increased traffic flow through the town at peak times, increased volume of traffic in Marsh Green Road and the junction with Congleton Road. Vehicle movement would also increase as there is no public transport service from the north of the valley into the town centre.

6. Noise pollution.

There would be disturbance and noise pollution resulting from 100+ additional houses, which would mean at least a possible 300+ new residents in this small area. The proposed site BD087, BD68 &BD62 is in a valley that produces an echo effect which will amplify any additional noise which would be an unacceptable intrusion.

Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:

29. Ox Pasture West and 30. Ox Pasture East

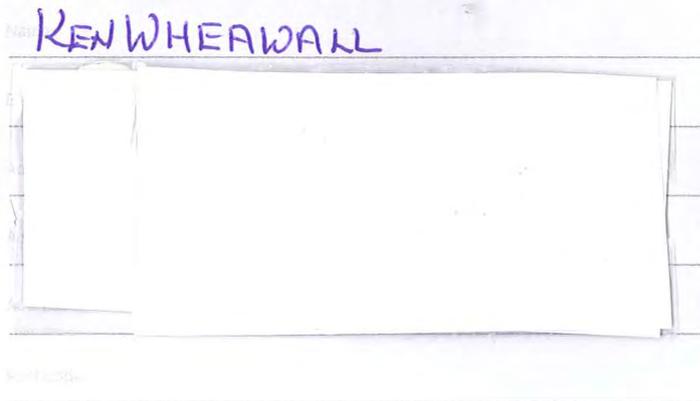


How can you help?

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the [Local Plan website](#) and in the [Statement of Representations Procedure Document](#) on the SMDC website.

If you would prefer to make a representation by yourself please email forward.plans@staffs Moorlands.gov.uk or by post to Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ. **Please make sure you include your name and address.**

For more information visit www.cheddletonresidents.org



The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment

The fields are a very good refuge for birds, hedgehogs, and other wildlife, to lose the fields to housing is a total waste. I use the footpath on regular bases as the young & old to get to and from the church, school, tearoom and the pub to meet up with family, friends and local community.

Comment

Consultee Mrs Maureen Whitehurst (1229969)
Email Address 
Address 
Event Name Main Modifications Consultation
Comment by Mrs Maureen Whitehurst (1229969)
Comment ID MMC69
Response Date 29/10/19 16:42
Consultation Point 1 Main Modifications Consultation ([View](#))
Status Submitted
Submission Type Web
Version 0.5

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

BD062/FID12

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

Sound - Positively prepared

Sound - Justified . No

Sound - Effective . No

Sound - Consistent with national policy . No

Complies with the Duty to co-operate

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Failing in duty to have regard to biodiversity Badgers, Foxes, rabbits inhabit that land Access roads too narrow, already too busy (Mow lane is dangerous to pedestrians and I fear for our children walking to school) The land gets waterlogged and in extreme weather conditions (which are becoming more regular) raw sewage floods into the brook at the bottom of Essex Drive

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Widen the roads and mend the copious amount of potholes the volume of traffic create To build that near the sewage works when at times the smell that reaches Essex Drive is absolutely disgusting, I regard as farcical!

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

Summary of response

Object to inclusion of BD062 due to: - Failing in duty to have regard to biodiversity. - Highway safety. - Flooding. - Proximity of sewage works - odour issues.

Officer Response

Refer to standard officer response to MMC179.

Recommendation

No change.

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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<p>Access to BD 068 and BD 087 - Road Safety Issues</p> <p>Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?</p> <p>The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have</p>
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East

How you can help.

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected. We have prepared some examples that may help you below, or on the attached document, but please use these as a prompt to come up with something special to you.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment:

Tony Williamson



The character and feel of this wonderful village is dependent on areas of green space such as these Ox Pasture fields. To take this away would be a tragedy. A village like ours needs these spaces to maintain the rich wildlife and preserve the access to the local school and church. 2019-10-30

Sansom, Claire

From: Steve Willott
Sent: Wednesday, October 30, 2019 7:53 PM
To: Forward Plans
Subject: Modifications to the SMDC Local Plan, MM12

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Gillow Heath.

I notice that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly.

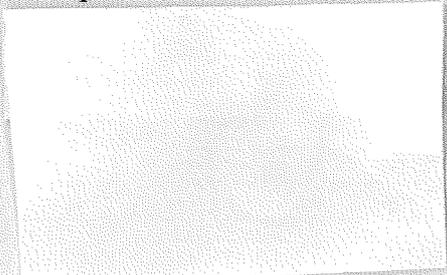
You omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect.

The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019).

The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate. Please acknowledge my comment.

Kind Regards

Stephen Willott



Comment

Consultee mr Stephen Willott (911532)

Email Address 

Address 

Event Name Main Modifications Consultation

Comment by mr Stephen Willott (911532)

Comment ID MMC79

Response Date 30/10/19 20:50

Consultation Point 1 Main Modifications Consultation ([View](#))

Status Submitted

Submission Type Web

Version 0.5

Files Consultation on the main modifications MM12 - BD062
- Gillow Field
Willott S MMC79.pdf

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM12

Question 2

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Legally compliant

Sound - Positively prepared

Sound - Justified . No

Sound - Effective . No

Sound - Consistent with national policy . No

Complies with the Duty to co-operate

No

Question 3

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See attached document

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

See attached document

Option to Upload Document

Willott S MMC79.pdf

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

See standard summary in MMC256.

Officer Response

Refer to standard officer response to MMC256.

Recommendation

See MMC256.

Sansom, Claire

From: Steve willott
Sent: Wednesday, October 30, 2019 7:42 PM
To: Forward Plans
Subject: Main Modifications to the SMDC Local Plan, MM12

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

To whom it may concern,

Please find below my comments on the Main Modifications to the SMDC Local Plan, MM12. Safeguarding of fields in Gillow Heath.

I notice that you omitted part of your evidence base when you made decisions about these sites on 26th June 2019 at the Council Assembly.

You omitted the ecological evidence base and also incorrectly stated that these fields are urban / industrial land, which is incorrect.

The decision to safeguard fields in Gillow Heath needs reconsidering both in light of your errors and in light of the evidence contained within the emerging Biddulph Neighbourhood Plan (REG14 closing 4th November 2019).

The SMDC Main Modifications are not Sound and do not Comply with the Duty to Cooperate.

Kind regards,

Stephen Willott

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Lack of due process control

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1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

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The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Sound - Consistent with national policy	<input type="checkbox"/>	X
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3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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<p>Access to BD 068 and BD 087 - Road Safety Issues</p> <p>Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?</p> <p>The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have</p>
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

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The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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Return BD087, BD068 & BD062 to Green Belt land

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No Buy in by the people of Biddulph

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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

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In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

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identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

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2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- Leek** Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday)
- Cheadle** Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday)
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Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

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If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

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Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

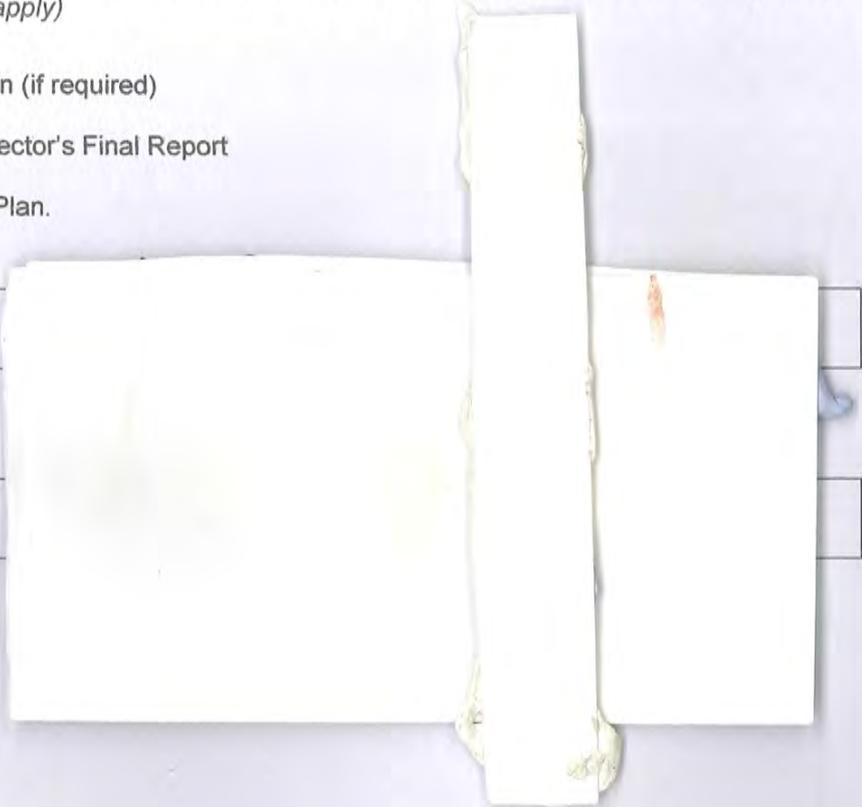
Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

Date:



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

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Sound - Justified	<input type="checkbox"/>	X
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Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 4

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Access to BD 068 and BD 087 - Road Safety Issues

Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?

The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have to be built along the river bank. The access road onto BD 087 is on the narrow side of the river bank approximately 10M wide. I believe that an investigation would be required before these sites were approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land. I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

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Please specify if you would wish to attend these Hearing sessions to discuss your representations, should the inspector deem this necessary

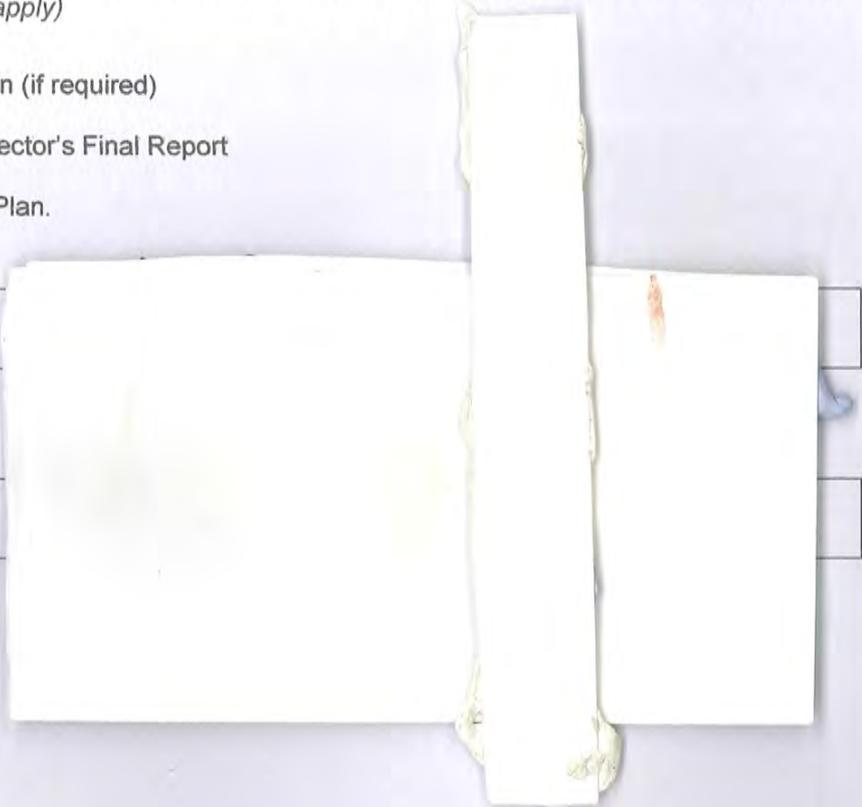
Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (please select all that apply)

- Further hearing session (if required)
- Publication of the Inspector's Final Report
- Adoption of the Local Plan.

5. Signature:

Date:



Staffordshire Moorlands Local Plan Examination

MAIN MODIFICATIONS CONSULTATION - SEPTEMBER 2019

Representations Form 5

Guidance Notes

Please ensure that you have read the accompanying 'Statement of Representations Procedure' before completing this form.

The Local Plan Main Modifications Schedule and related documents, including; the Sustainability Appraisal of Main Modifications, Biddulph options assessment, Sustainability Appraisal of Alternative Development Options for Biddulph, Housing Implementation Strategy, Equalities Impact Assessment, Tunstall Road Masterplan Executive Summary and Wharf Road Masterplan Executive Summary can be viewed on the District Council's Main Modifications consultation webpage, Council offices and local libraries.

Website: <http://www.staffsmoorlands.gov.uk/localplan>

Council offices:

- | | |
|-----------------|---|
| Leek | Moorlands House, Stockwell Street, Leek, Staffordshire, ST13 6HQ (8.45am - 5.15pm Monday - Thursday and 8.45am - 4.45pm on Friday) |
| Cheadle | Councils Connect, 15a-17 High Street, Cheadle, Staffordshire, ST10 1AA (9.00am - 12.30pm & 1.00pm - 5.00pm on Monday, Wednesday and Friday) |
| Biddulph | Town Hall, High Street, Biddulph, Staffordshire, ST8 6AR (9.00am - 5.00pm Monday – Friday) |

Please return this form by **5pm on 31 October 2019** to the email or postal address given below or by completing the online questionnaire at : <http://www.staffsmoorlands.gov.uk/localplan>

Email: forward.plans@staffsmoorlands.gov.uk

Post: Freepost RRLJ-XCTC-JBZK, Forward Plans, Staffordshire Moorlands District Council, Regeneration Services, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/12

2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Buy in is key to developing any plan – there is no buy into this plan by any of the people in Biddulph – this cannot be dressed up. No due process has been followed. To push this modified local plan through at break neck speed can only lead to an expensive legal outcome. SMDC has had 8 years to get this local plan right, this Modified Local Plan has taken 3 months from 26th June, no public face to face consultation, and a hurried last minute consultation period with almost no one informed. Only the Site Owners have been kept up to date. Why!

4. Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

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Notifications

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Further hearing session (if required)

Publication of the Inspector's Final Report

Adoption of the Local Plan.

5. Signature:

Date:

POST ROOM
REC'D - 9 SEP 2019

1st September 2019

Fao Mr Mark Dakeyne

Dear Sirs,

Redevelopment of site BD 087

I wish to object to 20 new properties to be built on the above land.

This area is a flood plain which floods both winter and summer. With the expectation that weather will become more unpredictable and changeable due to climate change it seems senseless to build on a natural flood plain which has already been turned down for use as a cemetery. Surely if the land is not suitable for the deceased it should not be suitable for the living.

There will be a lack of privacy to any new homes built as the existing houses on Congleton Road are some 10 metres above site BD 087. Some of us have no mains drainage and depend on septic tanks. We must be able to have access to our pipe work which crosses the field to drain into the brook. Four houses have right of way across this land as stated on our deeds.

Access to this site must be from Marshgreen Road which is very narrow and has no foot paths or lighting. There is also a bridge across the brook which is totally inadequate to take the weight of lorries and construction vehicles. Who is to pay for the work to widen the road, put in street lights, pavements ect.? Is it to be the developer or the ratepayer. I think questions will be asked if this expense is to be bourn by the average man in the street. This is for only 20 houses none of which I am sure will be so called affordable houses.

Unfortunately the planning department of Staffordshire Moorlands District Council seem to wish to destroy one of the few remaining areas of beauty and wild life in Biddulph. There are many areas in close proximity to Biddulph which could do with regenerating but this does not suit their purpose. This is one of the only green belt areas in the vicinity with a great variety of trees, hedges and wild life. We see on a regular basis herons, sparrowhawks, ducks, kingfishers, rabbits and bats which require the hedge rows for navigation and food. I myself have a badger which digs in my garden to feed on larvae. This is a protected animal. As it is seen locally there must be a badgers set nearby which must not be destroyed.

My late husband and I bought this property three years ago. He had terminal cancer and wished to die at home in peace and quiet in a lovely rural location. When this valley is desecrated it can never be returned to its former beauty.

Yours faithfully



Mrs V Woodward

Cc Staffordshire Moorlands District Council

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

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Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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2. In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please tick relevant box/s) :

	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

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2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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<p>Access to BD 068 and BD 087 - Road Safety Issues</p> <p>Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?</p> <p>The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have</p>
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Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

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Return BD087, BD068 & BD062 to Green Belt land

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At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Lack of due process control

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Sound - Justified	<input type="checkbox"/>	X
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Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akesmoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

Please use a separate Part B Form for each representation and ensure that one copy of Part A (Personal details) is attached.

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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

Please submit a separate form for each Main Modification that you wish to comment on. You may also refer to the supporting documents to the Main Modifications in your response.

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1. Please identify which Main Modification (MM) from the MM schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/ document reference	MM/12
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Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Return BD087, BD068 & BD062 to Green Belt land

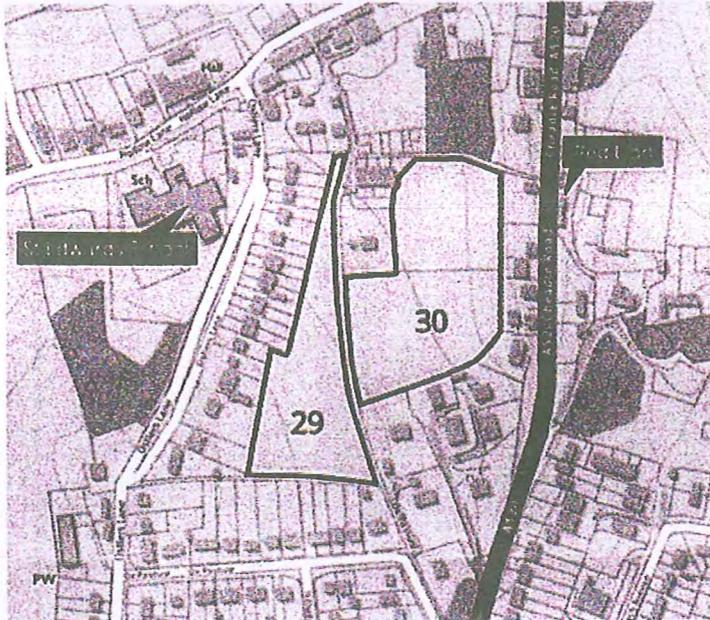
Local Plan Consultations

Between 18th September and 5pm on 31st October the District Council is consulting on modifications to the new Local Plan. The plan protected two sites in Cheddleton from development by designating them as Local Green Space (LGS). Unfortunately, the government Inspector reviewing the plan has asked for these designations to be removed.

Main Modifications 61 & 73 remove the designations from the fields Ox Pasture East and West, and this means that the local community of Cheddleton and its elected representatives have not been allowed to exercise their discretion to designate these fields as LGS despite demonstrating that both fields meet the National Planning Policy Framework (NPPF) criteria for designation. Denial of rights conferred on communities by the NPPF and the Localism Act make this aspect of the plan unsound and possibly unlawful.

Which sites are affected?

The following Cheddleton sites are in danger of losing their designation:
29. Ox Pasture West and 30. Ox Pasture East



How can you help?

Please help by submitting your representation. Representations must be attributed to named individuals. They are available for public inspection and cannot be treated as confidential. More details can be found on the Local Plan website and in the Statement of Representations Procedure Document on the SMDC website.

If you would prefer to make a representation by yourself please email forward.plans@staffs Moorlands.gov.uk please make sure you include your name and address.

Name: MARY WORWOOD

Email: _____

Address: _____

Address line 2 _____

Address line 3 _____

Post code _____

The important bit...

When you write your response (in the comment box below) it's very important to say why the 2 fields are special to you and the community and why you want them protected.

It won't help our cause if our responses are all the same. We all have our own reasons as to why the fields need to be protected.

Comment

Green spaces are vital. The most obvious thing is that greenery and a lovely view makes one feel better, but it is so much more than that. Trees and plants give out oxygen, which means they can make us healthier without any effort on our part! This benefits the NHS and Social Care services. I am sure that when I am even older and need care I will need less if I can be near a green space rather than among houses and tarmac. The powers that be are at last realising the genuine physical and mental benefits from being in green spaces.

Everybody's health is at stake. Building on green spaces means more pollution, leading to more asthma and respiratory disease. Less green spaces means less healthy and attractive places to walk. Who wouldn't rather walk in a wood or a field than on a pavement?

These 2 fields provide a setting for the historical centre of Cheddleton, leaving space between this and the newer housing development and giving access to wonderful and valued public views of the area.

They are important locally for biodiversity. My garden adjoins both fields, and I keep a record of visiting bird species – over 40 to date – as well as badgers, foxes, hedgehogs, grass snakes, frogs, toads, bats and many more insects and small animals. My own observations are borne out by recent ecological surveys. These fields are foraging areas and refuges for wildlife, and are part of the network of the wider Churnet Valley.

All this will be lost if the designation of these sites as local green spaces is removed from the local plan.
This must not happen.

Comment

Agent	Mr John Wren (620431)
Email Address	[Redacted]
Company / Organisation	[Redacted]
Address	[Redacted]
Consultee	[Redacted]
Email Address	[Redacted]
Address	[Redacted]
Event Name	
Comment by	Mr John Wren (626328)
Comment ID	MMC31
Response Date	24/10/19 11:55
Consultation Point	1 Main Modifications Consultation (View)
Status	Submitted
Submission Type	Web
Version	0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM7

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant	<input type="checkbox"/>	Yes
Sound - Positively prepared	<input type="checkbox"/>	Yes

Sound - Justified . No
Sound - Effective . No
Sound - Consistent with national policy . No
Complies with the Duty to co-operate . Yes

Question 3

Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

The "other rural areas" section now contains the phrase "where development is normally unacceptable." This is factually incorrect as there are many aspects of countryside life which fall within the definition of development in the Act but are permitted by the GPDO.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

add the word "residential" in front of "development."

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

No

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

The "other rural areas" section now contains the phrase "where development is normally unacceptable." This is factually incorrect as there are many aspects of countryside life which fall within the definition of development in the Act but are permitted by the GPDO.

Officer Response

The 'Other Rural Areas Strategy' Policy SS10 and the supporting text makes it clear that all development in these areas will be strictly controlled.

Recommendation

No change.

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Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

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Return BD087, BD068 & BD062 to Green Belt land

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The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
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Sound - Effective	<input type="checkbox"/>	X
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 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
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No Buy in by the people of Biddulph

Short cutting of the Modification selection process is not acceptable.

Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

I object to the very late modification to the SMDC Local Plan. The addition of Safeguarded land without proper investigation especially into public safety issues and clear lack of public consultation could lead to legal action and in the end proves very expensive to the local council.

The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

I do not believe that due process has been followed and that this is leaving the motives of the SMDC Planning open to question. Please could you confirm that all due diligence has been completed up front and not left to a later date when these sites could be rejected. This could prove to be a very expensive waste of time for all concerned.

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Return BD087, BD068 & BD062 to Green Belt land

Comment

Consultee Mr Nigel Yates (927178)
Address 
Event Name
Comment by Mr Nigel Yates (927178)
Comment ID MMC21
Response Date 18/10/19 15:57
Consultation Point 1 Main Modifications Consultation ([View](#))
Status Submitted
Submission Type Web
Version 0.3

Question 1

Please identify which Main Modification (MM) from the MM Schedule this representation relates to. If your comment relates to content of supporting documentation such as the Sustainability Appraisal, please identify the document and paragraph/page number etc.

MM/document reference

MM73 Page284

Question 2

In relation to the Main Modification or supporting document reference that you have identified, do you consider that the Local Plan as modified is (please select relevant box/s):

Legally compliant

Sound - Positively prepared

Sound - Justified . No

Sound - Effective . No

Sound - Consistent with national policy . No

Complies with the Duty to co-operate . No

Question 3

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It was proposed to allocate the greenspace east and west of Dorset Drive as Local Green Space. However, the Inspector has recommended their removal which puts them at risk of future development. Paras. 99-101 of the National Planning Policy Framework allows for the designation of Local Green Space, and the proposed designations clearly meet with the criteria. We, the undersigned, petition Staffordshire Moorlands District Council to robustly challenge the Inspector's recommendations and retain the greenspace off Dorset Drive as designated Local Green Space.

Question 4

Please set out what amendment(s) you consider necessary to the modification identified above in order to make the Local Plan legally compliant or sound, having regard to the test you have identified in the question above where this relates to soundness. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the Main Modification in question (if applicable). Please be as precise as possible.

Maintain Dorset Drive East and West as Local Green Space as recommended in the Neighbourhood Plan

Please note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation during the examination. After the current consultation on modifications, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.

If deemed necessary by the Inspector, further hearing sessions may take place on 17th and 18th December 2019.

Please specify if you wish to attend these Hearing sessions to discuss your representations, should the Inspector deem this necessary.

Yes

Notifications

Please specify if you wish to be notified of the following stages of the Local Plan process (*please select all that apply*)

- . Further hearing session (if required)
- . Publication of the Inspector's Final Report
- . Adoption of the Local Plan

Summary of response

Dorset Drive East and West clearly meet the LGS designation criteria so should be retained as LGS. Deletion of the designation puts them at risk of future development.

Officer Response

Refer to Inspector's Post Hearing Advice – Main Modifications and Related Matters – paras. 32 & 33. (EL6.004) and subsequent Inspector's letter (EL6.008). On the basis of the Inspector's recommendations, the Council agreed main modifications to delete the Local Green Space (LGS) at

the Council Assembly meeting on 26th June 2019. The green space at Dorset Drive is still designated as open space which offers protection under Local Plan Policy C2 (see MM31).

Recommendation

No change.

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Recommendation

No change.

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Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

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Why have these sites been deemed Level 1 Building land given that they were all excluded in 2016 as unsuitable? These sites are on a Flood plain and have soil issues - any housing or infrastructure to support the housing on this site would not be capable of being insured. Thus with no Building insurance available to the proposed houses, there would be no mortgage availability. Who would be responsible for the public liability insurance on these sites?

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The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan 2015 and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not even considered.

At the meeting on 26th June 2019 the Executive Director was asked 3 times why this land was Rank 1 in Biddulph given that two of the sites have Flooding Issues and why no other sites were Ranked 1 – No answer was given. In order to understand the logic of the SMDC Planning Team perhaps you could ask the question we cannot get an answer.

Failure to consider other sites together with lack of or no consultation since 26th June 2019 by SMDC Planning Team leave open to question, why these sites?

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Return BD087, BD068 & BD062 to Green Belt land

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MM/ document reference	MM/12
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	Yes	No
Legally compliant	<input type="checkbox"/>	X
Sound - Positively prepared	<input type="checkbox"/>	X
Sound - Justified	<input type="checkbox"/>	X
Sound - Effective	<input type="checkbox"/>	X
Sound - Consistent with national policy	<input type="checkbox"/>	X
Complies with the Duty to co-operate	<input type="checkbox"/>	X

3. Please give details of why you consider the modification is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Main Modifications to the Local Plan or their compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of due process control

On 26th June 2019 the Staffordshire Moorlands District Council voted to amend the SMDC Local Plan to include three sites surrounding the Biddulph Water Treatment Works (BWTW). It was stated at the meeting by the SMDC Planning Officer that United Utilities had No Objections to these sites; no mention was made of Environmental effects or concerns raised by the Environmental Agency. The modified SMDC Local Plan reintroduced sites BD 062, BD 068 & BD 087.

Past Information supplied to the SMDC - The Environmental Agency stated – *“When choosing which sites to allocate in this plan the council will need to demonstrate how they have steered development away from the areas of highest risk land and ensure any new development is safe and where possible reduces flood risk elsewhere. Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.*

In 2015 the Environmental Agency and United Utilities requested that the SMDC Planning team consider all other options and 27 sites before using the above sites. The Environmental Agency went on to state – Development that increases flood risk to neighbouring land or elsewhere in the catchment will not be permitted.

1. To support sites (BD 068 & 087) being taken forward as Preferred Options for Safeguarding then a Level 2 SFRA would be necessary to support this decision. This is to ensure that both sites are capable of actually supporting future housing development – SMDC identified this as a need in March 2016.

2. To develop these sites will require extensive modification to the brook. A video of the brook during a flash flood (2.6M high) is available, photographs are available yet the SMDC Planning team did not request this information. Last Flash flood Tuesday 28th July 2019.

The failure to have this process conducted before any decisions are made would potentially render the final decision on the Modified Local Plan as futile. I would recommend that the Environmental Agency is requested to carry out a site inspection to ensure all their concerns are registered - such as potential Site Evacuation Plans etc. What is the point of Safeguarding these sites if no building will be allowed in the future. BD 087 has already been rejected 4 times in the past 20 years.

Please note BD 087 is a Flood Plain and housing may be built on a Level 1 Flood zone this has been stated in writing - the access road and bridge onto this site may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

In a letter to the Planning Inspector dated 1st July 2019 - The SMDC Planning Team identified 12 out of the original 27 Biddulph sites in the SMDC Local Plan and ranked the above three sites BD 087, 068 & 062 as Ranked 1 prime building land – No other site in Biddulph is Ranked 1. Sixteen of the original sites identified in the 2015 SMDC Local Plan for Biddulph were not considered!

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Return BD087, BD068 & BD062 to Green Belt land

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Health Concerns

In a letter sent on the 27th May 2016 United Utilities stated “The position of United Utilities is that when considering a range of sites to meet the housing needs of the borough, it would be more appropriate to identify new housing sites that are not close to a water treatment works”

There are a number of issues that I feel I should bring to your attention -

1. Smell and Odour – The site owner has supplied a survey to SMDC stating that this is not a problem. This is peculiar as since 1979 there have been numerous complaints about the Smell, Odour and leakage of sewage from BWTW into the brook. Even United Utilities concede that there is an odour issue.
2. With proposed housing for BD062 & BD068 being within 10M of the water treatment boundary and the change in the climate conditions, being hotter

both in summer and winter there could be a marked increase in insect numbers. What happens if an infectious disease were to breakout? I believe United Utilities and the Environmental Agency need to identify a minimum safe distance from the BWTW boundary line for any new housing to be built. This may very well reduce the number of potential housing on these sites and therefore their overall viability.

3. United Utilities may also wish to develop a Risk Assessment Plan and consult with their legal team over potential future lawsuits against the company from any newly built sites and perhaps investigate a contingency fund plan I believe you need to take into account the position United Utilities and the Environmental Agency may take in any future development of these sites. These BD 062 and BD 068 may be unviable. I would recommend before any decision is taken to safeguard these sites a full viability report is produced using a real life scenario not a wish list and United Utilities and the Environmental Agency confirm a safe distance from the Water Works for housing to be built. may be built on a Level 2/3 Flood Zone. BD 068 access road may be built on a Level 2 Flood Zone. In past documentation no account has been taken of any potential surface water issues.

The Government has stated that Flood Plains should be avoided when other sites are available, Flood Prevention in the Congleton Area must be a Top priority, these sites will only add to this problem. All other areas that this river passes through downstream need to have their input.

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Return BD087, BD068 & BD062 to Green Belt land

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Out of date information used to develop the Modified Plan

The SMDC Planning team stated at the meeting on 26th June that they used findings from 2014, 2015 and 2016 to justify their development / conclusion to support the Modified Local Plan. This excluded information from 2017, 2018 or 2019.

The SMDC Planning Team was requested in 2015 to develop a SFRA Level 2 Flood risk analysis for BD 087, in checking with the Environmental Agency (2nd September 2019) this has not been completed. There is only a SFRA Level 1 on record.

In a letter dated 26th August 2015 from the Environmental Agency to the SMDC Planning Team it clearly states that all other sites should be considered before this site. Sites BD 062, 068 & 087 were originally excluded during the first round of consultation in 2016. In the Modified Local Plan the SMDC Planning Team has only

identified 12 sites from the original housing plan in 2014; there was originally a total of 27 sites identified in the plan. The three sites chosen as Level 1 - BD 062, 068, 087 were all considered at great length and excluded.

1. The SMDC Planning Team reintroduced these sites in May 2019 after the SMDC Local Plan was rejected by the Planning Inspector – Reason for rejection – A site called BDNEW was to be removed from the Local Plan as it was on Green Belt land. All 3 of the above sites are all on Green Belt land.
2. In the 2015 Green Belt report commissioned by the SMDC (costing tens of thousands) stated that all 3 sites (BD 062/68/87) should only be considered under Exceptional circumstances. But the same report stated that land to the south of Akemoor Lane on which BD NEW is situated should be considered for future development. Why has this report not been used as a factual base for the development of Biddulph?
3. Biddulph Town Council had rejected all three sites from the Local Plan in 2015. The Biddulph Neighbourhood Plan issued 24th September 2019 (which is the most up-to-date report on the area and has been conducted with all due diligence and public participation) - has identified these three sites as a nature corridor and natural green space.

The Executive Director for SMDC clearly stated on 26th June that the SMDC Modified Local Plan is supported by information that is potential 3 /4/ 5 years old. It is also clear that the SMDC Planning Team has not carried out all of the processes necessary to ensure that these three sites can be safely safeguarded for future building needs. It is also clear that all other sites in the Staffordshire Moorlands or the Biddulph area were not considered. I believe without full process control in developing this modified proposal this version of the Modified Local Plan should be sent back to the SMDC for reconsideration. Hopefully this will allow time for the SMDC to get Local input into their Plan for Biddulph.

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Return BD087, BD068 & BD062 to Green Belt land

Part B – Representations

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Access to BD 068 and BD 087 - Road Safety Issues
 Public Safety Issue - The land proposed for the access road for BD 068 and BD 087 & bridge onto BD 087 is only 1.5M above the normal river height (Flash Flood Height reaches 2.6M). This land has been identified as Flood Risk Level 2/3. It is the only access road and bridge onto BD 068 and BD 087 both enclosed sites. What happens in a flash flood – will there need to be an Emergency Evacuation Plan in place, have the Emergency Services been involved in pre-selection of this site?
 The Maximum rise of the river during a flash flood is 2.6M (video evidence can be supplied). The Environmental Agency has specifically stated that this river cannot be cultivated. In order to build a 6M wide (4M + 2M) single access road and bridge onto these sites a support wall will have

Be approved for Safeguarding in order to demonstrate it is actually possible given the ground condition is Marsh land.

I would ask you to dismiss the Safeguarding of BD 068 and 087 from the SMDC Modified Local Plan until the SMDC Planning Team have liaised with all vested interests (not just the site owner) and provided all the necessary information (including an SFRA Level 2 Flood Risk Assessment & Public Safety Risk Report and Soil sample reports and a Staffordshire County Council Transportation report) in order to ensure that BD 068 and 087 can be put forward in the future for planning consideration.

If the SMDC Planning Team has not carried out the necessary proprietary works required for Safeguarding of this site, then they are pulling the wool over people's eyes. Question, has Staffordshire County Council committed to funding the development of a new road for Marsh Green from the junction of the A527 to the 2 proposed access roads approximately 200M? This will involve the compulsory purchase of land and would be required to be completed before any building could be undertaken. Could the SMDC (as stated at the meeting on 26th June – a new road would be required) please confirm they have an agreement with the Staffordshire County Council to fund and complete such a road project including an agreed timescale within the next 10 years?

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