

Outline Planning Application for 100 houses land North of Pepper St Keele

Application Ref 13/00970/OUT

Keele Parish Council Statement

This statement responds to the applicant's *Planning Statement* in the first instance and submits two commissioned reports and a planning assessment which analyse the applicant's findings on the whole site.

Appendices:

Appendix 1 – Specialist Report commissioned from Dr. Bernard Besly

Appendix 2 – Specialist Report commissioned from Dr. Susan Digges La Touche

Appendix 3 – Detailed Planning Policy Assessment from Keele Parish Council

Appendix 4 – Omissions and inaccuracies in the Applicant's Planning Statement

Time Available for Comments

The applicant has added over 100 pages to the application within the past few days thus not leaving the prescribed 21 days for consideration of such a substantial addition. We ask that the consultation period be extended.

Our comments are based on the publically available documents at the time of our submission. Keele Parish Council reserves the right to make detailed comment on *all reserved matters* that are not offered in detail by the applicant in their initial submission.

Development in the Green Belt

National and local policy is against any substantial development in the Green Belt and that is also the policy of Keele Parish Council.

The applicant has pointed out in the *Planning Statement* (p.17 para. 5.8) that there is a presumption against development in the Green Belt supported by both ***Policy S3*** and ***Policy***

H1, and although the possible reasons for exemption are also listed, it should be noted that none of these apply to the proposed development and it should therefore not be approved.

Policy SP1 Spatial Principles of Targeted Regeneration p24 para 5.26 also works against the proposal to build houses here as the Pepper Street proposal does not fall into any of the four favoured categories for housing of which one is housing intervention identified by **RENEW**.

The **National Planning Policy Framework 2012 (Para 89)**, cited in the applicant's *Planning Statement* on page 29 para 5.49, makes reference to the fact that a local planning authority can allow development in the Green Belt if this consists of partial infilling of previously developed land (brownfield), as found on the Pepper Street site, but only if the end result does not have a greater impact on the openness of the Green Belt than prior to the development. This may allow an applicant to gain permission in brownfield (*washed over by Green Belt*) sites.

Keele Parish Council asks the Planning Officers for a view on the proposal in this respect. We find it difficult to judge the application on this point as the outline papers give minimal information on density, layout and design of any proposed housing estate.

Very Special Circumstances

The applicant cites three '*very special circumstances*' (VSCs) in order to justify development in the Green Belt section(Planning Statement, page 37 para. 7.8). The three VSCs are cited as:

- Housing supply
- Remediation of the burning tip
- Community open space

Housing Supply

Observations in respect of 'housing supply' and the idea of sustainability of a proposed community are made by the applicant: The proposed development is described as being in a sustainable location, i.e. 'close' to shops, schools, medical centres and transport (p 40 7.29).

However, the local view is that the proposed estate would be an isolated community, just too far from local services to create a properly 'sustainable' community. It would become a 'satellite commuter car dependent' estate far from sustainable in the true sense.

Remediation of the Burning Tip

The Parish Council submits 2 commissioned reports on the other two cited VSCs , namely the offer to extinguish and remediate the burning underground fire (the mine tip) and the offer of 67% of the development site as a 'public open space'. These reports are attached as appendices and large scale copies of diagrams and maps will be available to the Planning Committee.

The first report has been produced by consultant geologist Dr. Bernard Besly, Fellow of the Geological Society and a specialist in oil and gas geology. He is also an authority of the geology of Etruria Marl, the geological stratum on which the site is situated.

In summary Dr Besly's report questions the adequacy and thoroughness of the Ground Investigation Reports from Betts Associates and makes critical comment in respect of the applicant's omissions of key facts. He pinpoints lack of evidence and understanding of matters such as groundwater and migration of gas across the site. He also notes the lack of information on the methods to be adopted in extinguishing the fire, and control of possible pollution of air and water.

He seriously questions the applicant's understanding (or indeed correct and true knowledge) of the underground nature of the site. Dr. Besly comments on the material in the mine tip

burning for more than 10 years and the implications for further possible contamination of surrounding areas in any remediation processes.

The second report has been produced by Dr Susan Digges LaTouche, who was commissioned to comment on and verify Dr. Besly's report, as she is Chartered Geologist specialising in Contaminated Land and Environmental Protection. Her report validates the findings of Dr. Besly with regard to the inadequacy of the assessment carried out by Betts Associates on behalf of the applicant.

These conclusions are supported by the deep concern in the local community that the applicant may not have a clear understanding of the various hazards many believe to exist on this site.

Keele Parish Council reads in the applicant's papers that a detailed **methodology** for remediation of the fire will be submitted, presumably with a 'Full' application. However, we believe the Planning Officers and the Planning Committee need to see a detailed methodology relating to fire remediation **with this OUTLINE** application

There are local concerns about groundwater pollution, via use of the site's ponds as a source of water for extinguishing the fire. At the time of the White Young Green report, commissioned by the Borough and County Council, it was explicitly stated that **water** would be entirely unsuitable and likely to create an unholy chemical cocktail that would increase the combustion in the tip. Below is an extract from the Fire Service's recent comment on the application: It indicates that our independent experts' advice on putting out the fire is correct.

- **"The application of water could lead to the production of water gas which has the subsequent risk of explosion."**
- **"We wish to stress the point that if the decision made by the Planning department is to grant permission the remedial works outlined in the proposal**

would in our professional view be of high risk to the contractors carrying out the work."

These comments support the view of Keele Parish Council that further questions need answering at the 'OUTLINE' planning stage due to the contaminated nature of the site.

Keele Parish Council are also very concerned about ultimate responsibility for the mine tip site should the costs of extinguishing the fire begin to **escalate**, due to unforeseen problems, and if the applicant or their associates '**walk away**' from the matter. Would the responsibility revert to the Borough Council in the event of a major failing by the applicants or their agents to manage remediation of the land?

Keele Parish Council recommend that the applicant be required to lodge a **substantial bond** to cover the costs of any unforeseen consequences relating to remediation of the mine tip.

Community Open Space

Keele Parish Council are also deeply concerned about the donation/gift of 9.3 hectares of public open space by the applicant. Dr. Besly's expert report clearly calls into question the suitability of this land for public use. In view of the nature of the hazards on the site the applicant should be required to demonstrate the intrinsic safety of the site at the application stage.

Furthermore there is no written evidence offered of a willing management agency to take on the offer of the land, and we are highly sceptical of this offer. There is no 'dowry' offered which is normal in bequests of this sort.

Further Matters

Keele Parish Council would also like the following issues addressed at the 'OUTLINE' planning stage due to the nature of the site.

- How access to the **PROW's** (Public Rights of Way) will be kept open and safe

- Clarification of the management of transport of various materials pertaining to the fire and contaminated land into Pepper Street and beyond

Impact on Local Schools

The applicant is declining to help local schools or the community on the grounds that the cost of £2.85million for extinguishment of the fire and land remediation precludes any **Section 106** payments. This suggests to Keele Parish Council that the 'viability' of the development is already on a knife edge, and this is acknowledged in the applicant's own Residential Viability Statement.

Local residents have expressed deep concern at the pressure on local schools, which are already up to capacity (as evidenced by the LEA submission on this application), and Keele Parish Council fail to see how the proposed development can ever be called sustainable if children are to be driven miles to get to school.

Conclusion

Firstly, the grave nature of the hazards undermines the principle of OUTLINE planning permission. There is too much uncertainty about the remediation of the land, for even outline planning permission to be granted, and we feel this is sufficient to refuse this application.

Secondly, the whole application rests on the applicant's claim of VSCs for justifying development in the Green Belt, and in our opinion this case has not been made and this is also planning grounds for refusing the application.

Wenslie Naylor (Chair)

Val Newman (Vice-Chair)

Keele Parish Council