

CORRESPONDENCE

This correspondence follows the submission of questions to Mayor Redfearn of North Tyneside Council for a Council meeting on 26 November, 2020. The Chair of the Council decided that they should be directed to council officers instead of being answered at the meeting.

Response dated 25 November, 2020.

Dear Mr Smith

Please find attached a letter from Phil Scott in relation to your question to Council.

Kind Regards

Christine Lee

Personal Assistant to Phil Scott,

Head of Environment, Housing and Leisure

Quadrant East, Cobalt Business Park, Silverlink North, NE27 0BY

[North Tyneside Council.](#)

24 November 2020

Mr Robin Smith
15 Grosvenor Drive
Whitley Bay
Tyne and Wear

Dear Mr Smith

Thank you for your question to Council.

In order to investigate this, I have spoken with our Planning Manager and reviewed the case file. I can confirm that you are correct, condition 15 of the decision notice has not yet been discharged.

With regard to sanctions which will be applied to the applicant I can confirm that as is normal in breaches of this nature, the Planning Officer will be writing to the applicant to notify them of the breach and request that a retrospective application be made to discharge this condition.

I understand that a number of measures have been implemented at Marden Quarry to reduce the risk of flooding both before and after the work at Briar Vale.

These works include the replacement of sealed chamber covers with mesh covers to allow drainage if the water level reaches that height, jetting and clearing of the outfall pipe and refurbishment of the adjustable penstock weir. I know that this penstock weir has now

been removed completely.

Once details of these works have formally been submitted to the Planning Officer it is likely that this condition will be discharged.

Thank you again for getting in touch.

Yours sincerely



Phil Scott
Head of Environment, Housing and Leisure

Reply dated 26 November, 2020.

Dear Ms Lee,

I asked two questions, one a main question and the 2nd a supplementary question:-

I would also like to know what sanctions will be applied to the applicant/agent for the non-compliance to conditions as listed in the decision notice issued on 22 February, 2017 for 16/01956/FUL.

Although I have referred to condition 15 in my submission the question concerns the non-compliance of the set of conditions as issued in the decision notice. The application to discharge conditions was not made until after the work was completed !

I ask the Mayor to ensure a requirement for including the application of DM5.2 for consideration in all planning applications where developments in one area (such as Murton Gap) have an impact on the sustainability of the green infrastructure in another area.

A reading of the page covering the supplementary question should have made it clear that I was asking for DM5.2 to be considered in similar developments that could have a damaging impact on another area.

Please review the response to my questions; i.e. answer them!

(Mr Scott may not be the appropriate function head to answer the supplementary question.)

Regards,

Robin Smith
15 Grosvenor Drive
Whitley Bay
NE26 2JP

PS I have attached the questions as submitted and a copy of the Briar Vale decision notice. I have also attached a set of photo contact prints of the flooding in Marden Quarry In August to October **THIS YEAR** for Phil Scott's attention.

Response dated 26 November, 2020.

Dear Mr Smith

Thank you for your email.

I have forwarded your email on to the Director of Capita Partnership for consideration.

Kind Regards

Christine Lee

Personal Assistant to Phil Scott,

Head of Environment, Housing and Leisure

Quadrant East, Cobalt Business Park, Silverlink North, NE27 0BY

[North Tyneside Council.](#)

Response dated 9 December, 2020.

Dear Mr. Smith

Thank you for your e-mail of 26 November 2020 regarding the response from Phil Scott to your recent question to the Mayor regarding the works at Marden Quarry. Your e-mail, setting out additional questions, has been passed to me to respond to. Please accept my apologies for not having provided a response to your supplementary question previously but unfortunately this had not been provided.

In providing this further response, I have taken the opportunity to discuss your supplementary question with partnership colleagues including the Planning Manager and the Head of Highways and Construction.

You have drawn attention to policy DM5.2 of the adopted Local Plan. This policy relates to the protection of green infrastructure and provides a basis to resist the loss of green infrastructure but also ensure that green infrastructure can be managed alongside new development and is enhanced when necessary. It is one of a suite of development management policies which will be applied in the consideration of planning applications as is relevant.

I note your concerns that there is no specific reference to this policy in the approved Murton Masterplan. I am sure you will appreciate that as the Masterplan supplements the Local Plan, such proposals for development at Murton would be considered against all relevant policies in the Local Plan. The Masterplan specifically notes that "When considering planning applications for development, the Local Plan should be read as a whole and all relevant policy will provide potential material considerations in their determination." It is a key requirement of the Masterplan that a network of green infrastructure is provided as part of the development of the Murton site and if development is aligned with the Masterplan requirements the aims of policy DM5.2 would be met.

It is also relevant to note that policy S4.4C, which relates to the development of allocated sites at both Murton and Killingworth Moor, states that applications will only be granted where, among other matters, appropriate mitigation measures are agreed to address potentially harmful impacts of development including on the net biodiversity of the area and in relation to flood risk and water quality. In this context the impacts of surface water flooding on Marden Quarry are well documented and understood. The works already undertaken on land at Murton will assist in securing surface water management measures which will meet the needs of future development. A site wide surface water management strategy will be required for the Murton site which will remove surface water from the combined sewer and re-direct surface watercourses currently entering the combined sewerage and surface water network at Briar Vale and Monkseaton to a large capacity culvert adjacent to the hospital site so as to remove surface water from the combined system and reduce flood risk in the area. Policy DM5.12 which relates to development and flood risk will also be an important consideration.

In this context, I am not of the view that Policy DM5.2 is directly relevant to the consideration of applications relating to the development of the Murton site. As explained above, other directly relevant policies are intended to ensure development provides a new network of green infrastructure. I would seek to assure you that in considering the impacts of development in relation to surface water management, the impact of works on Marden Quarry will be a consideration and if a requirement for works at the Quarry were to be identified the developer would be required to support the delivery of such works.

You have requested that the Mayor ensures a requirement for including the application of Policy DM5.2 for consideration in all planning applications where developments in one area have an impact on the sustainability of the green infrastructure in another area.

Planning legislation already requires that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. It is not considered necessary to offer any further requirement. The Local Plan, adopted in 2017, contains a comprehensive suite of policies and it is already a lawful requirement that these are taken into account, as relevant, in the determination of planning applications. I hope this gives you sufficient assurance that the impacts of development on Marden Quarry will be appropriately considered in the planning application determination process.

You have also asked what sanctions would be imposed on the applicant/agent in relation to the non-compliance with conditions imposed on permission 16/01956/FUL. You should be aware that the council, acting in its capacity as Local Planning Authority, cannot impose the formal sanctions normally associated with planning enforcement on itself. As was explained in the response to your original question, a number of measures were implemented at the Quarry to reduce the risk of flooding and the planning officer will again request details are submitted to demonstrate compliance with the condition.

I hope that the above is helpful

Kind Regards

Margie Burdis

Partnership Director

Local Public Services

Reply dated 15 December, 2020.

Dear Ms Burdis,

Thank you for your considered response to my questions to the Mayor largely centred on the flooding in Marden Quarry.

I am unsure whether you were supplied with the photographs illustrating the recent flooding that I provided to Phil Scott's assistant, Christine Lee. They are attached. A cursory study of the sequence will reveal both the cause of the blockage and that the flooding occurring twice over the period indicated. This is all after the removal of the lake outlet penstock weir gate (sluice gate) and tree roots in the pipe run from the lake outlet for which NTC is responsible.

I believe that the Project Engineer who has been dealing with the problem, Andrew Burnett, reports to Nicholas Bryan (as advised by Mr Bryan, during a consultation event about the Murton Gap Masterplan held at Monkseaton High School in 2017). I have suggested to Mr Burnett a possible solution that should reduce the problem of blockage of the lake outlet and that he consult other engineers about its possible implementation.

I am unable to follow up with a further response before the end of this year - in the meantime my thanks to you and -

Best wishes for Xmas and the New Year,

Robin Smith
15 Grosvenor Drive
Whitley Bay
NE26 2JP

Further reply to Ms Burdis 10 January, 2021.

Dear Ms Burdis,

Further to my reply of 15 December last:-

Mr Scott states in his reply that "the Planning Officer will be writing to the applicant to notify them of the breach and request that a retrospective application be made to discharge this condition."

Condition 15, as for several others of the 15 planning conditions, referred to the requirement that they be submitted to and approved in writing by the Local Planning

Authority at various **stages** during the development work. No submissions were made during the development work, despite requests by the Planning Officer. An application to discharge conditions (19/00306/COND) was only made after the development work was completed.

As to condition 15 - although the penstock weir **gate** was removed (2 March, 2020), and earlier tree roots removed (30 August, 2019) from the outlet pipe run to the junction with NWL's sewer, flooding has continued.

I now turn to your emailed message dated 9 December, 2020.

There is no doubt in my mind that policy DM5.2 of the Local Plan is directly relevant to developments on the Murton Gap site. I have submitted objections to the current planning application (PA) 19/00257/FULES by Northumberland Estates. The first of these, submitted on 2 April, 2019, is listed under public comments and begins with the sentence, "This objection concerns the effect of flooding downstream of the Rake Lane surface water sewer." A revised and extended version was sent as a PDF attachment to an email message to Development Control, dated 28 August, 2019. It was referred for the attention of the Planning Officer and followed an invitation to comment on 19/00257/FULES by the Planning Manager.

The applicant's report, FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY 610065 states that the surface water "flows directly to the coast". It does not ! The report does not take into account any impact upon Marden Quarry Park.

You state "A site wide surface water management strategy will be required for the Murton site which will remove surface water from the combined sewer and re-direct surface watercourses currently entering the combined sewerage and surface water network at Briar Vale and Monkseaton to a large capacity culvert adjacent to the hospital site so as to remove surface water from the combined system and reduce flood risk in the area."

Surface water from the area near Briar Vale has already been redirected from the combined sewer to the Rake Lane sewer using a dry storage pond that is much smaller than given in the PA for the Briar Vale scheme, 16/01956/FUL. That flooding of the lake boundary in Marden Quarry continues after the limited measures that have been taken so far indicates the problem has yet to take into account the requirement for the effects of climate change in future. No relevant strategy that takes into account the whole of the Murton Gap site envisaged housing development exists.

Turning now to your remarks in response to my request on sanctions that should be imposed on the applicant and agent for their failure to comply with the conditions imposed on the Briar Vale PA 16/01956/FUL :-

My request follows similar requests made in 2019 directly to the Planning Manager. My inspection of the Planning Officer's internal messages to/from others in Capita revealed that her actions were timely in seeking submissions in response to the planning conditions. That none were made before the Briar Vale work was completed should at least deserve written reprimands and suitable warnings about future related actions. Otherwise, "it will look to him that the Council thinks it fine to flaunt all the rules when we insist other applicants submit applications" (for discharge of conditions). (From internal email message, JD to JL - 15 February, 2019.)

I regret the delay to this further response to your email message of 9 December, 2020. This has been caused by an accidental spillage of wine onto my laptop PC keyboard that caused it not to be useable. However, I have been able to create a summary table of links to relevant pages posted to one of the two websites that I maintained that has since been merged with the other. It includes a link to this correspondence as a record.

<https://www.oldermothians.co.uk/rls/taled.html>

Regards,

Robin Smith
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