

Cabinet Meeting: Monday, 13 January 2025

Question from: Faye Williams

Question to:

The original flood risk assessment for the Belmont site approved at the planning stage, was incorrect. The Environment Agency flood risk assessment confirms that the surface water flood risk for HX6 3LL is **high** risk.

The Existing Drainage Plan by Philip S. Ryley shows no reference to the gully running through the site and has the wrong postcode on the plan. The work has not taken place shown on the approval to culvert the stream from Norland hillside - this is now causing erosion of the protected woodland area and this has resulted in high levels of surface water flooding in January 2025. It is negligent to ignore the flood risk assessment.

Planning was passed in 2019 after an enquiry by Inspector Ian Jenkins and a number of planning conditions were set.

Condition 22 The development shall not begin, until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority and 25 concerning drainage and woodland management have not been satisfactorily discharged after over four years.

Furthermore the failure to meet the initial planning requirement to separate the site from the River Ryburn with a 1.75 metre wall has not been carried out. My question is why has planning permission not been revoked?

Response

This question appears to relate to planning application reference 17/00114/VAR (Description: *Variation of Conditions 5 (to allow 24-hour use within the building Monday to Friday inclusive) and 12 (to allow use of heat and energy recovery plant) of Planning Application 04/02712*).

The above application was refused by the Council but allowed on appeal by an Inspector appointed by the Secretary of State. At the same time the Inspector also granted permission for the SWIP itself under a separate application reference 17/00113/WAM (Description: *Construction of external flue, and change of use of existing building from recycling use (B2) to heat and energy recovery process (sui generis) and introduction of mechanical drying of inert soils and aggregates (B2) adjacent to the existing recycling shed together with the installation in underground ducts of pipes connecting the energy recovery plant in the said building to the dryer*). The Town and Country Planning Act 1990 states that local planning authorities and the Secretary of State can revoke or modify planning permission if they consider it "expedient" to do so. It does not set out under which circumstances it may be

“expedient” to revoke planning permission or set restrictions on the use of these powers.

A ministerial statement from 2006 explained that the Secretary of State can revoke planning permission as they see fit, but an intervention “can only be justified in exceptional circumstances” and “if the original decision is judged to be grossly wrong”. Having regard to the above, revocation is not an option in these circumstances.