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Third Open Letter to Simon Vincent Service Manager

Strategic Planning Service City Futures

Sheffield City Council

Date: 25th September 2023

Dear Simon Vincent Thank you for your response regarding the Freedom of Information Act. However, I do have more Questions for you and your department.

**Background information,**

“The Climate Change Act 2008 requires local authorities to take proactive steps to mitigate and to adapt to climate change. Local authorities, the Environment Agency and other prescribed bodies are obliged to work together in relation to area-wide strategic flood risk planning under the “duty to cooperate” in the Localism Act 2011.”

[Responsibilities for flooding are divided among various public and government bodies1234](#). These include:

[Local authorities or national park authorities12](#)

[Water and sewerage companies1](#)

[The Department for Environment, Food and Rural Affairs \(DEFRA\)3](#)

[The Cabinet Office3](#)

[The Department for Communities and Local Government3](#)

[The Treasury3](#)

**Ecological Owlthorpe: an environmental approach.**

Ecological Owlthorpe promotes the preservation and conservation of upstream environments, an approach which is finding some favour in government circles. [In an interview with Sophie Ridge](#) in February 2020, George Eustace explained that the government’s approach to UK flood prevention would consist of an extra £4bn spending on flood defences but also in Yorkshire the creation and support of upstream nature-based solutions. In addition, as reported in a [government press release](#) on 23 January 2020, the Environment Agency, the Forestry Commission and Natural England have jointly committed to “nature-based solutions to tackle the climate emergency”, to which Ecological Owlthorpe has the potential to make an excellent contribution.

I objected to Howard Baxter Sheffield (LPA) regarding building in Owlthorpe: [22 Royston Avenue Sheffield S20 6SG \(Objects\) Comment submitted date: Fri 21 Feb 2020 Flooding.](#)

From: Michael Meredith Sent: 26 May 2020 20:21 To: [george.eustice.mp@parliament.uk](mailto:george.eustice.mp@parliament.uk) Subject: Planning Application to George Eustace MP Secretary of State for Environment, Food and Rural Affairs Dated 26th May 2020  
Dear Mr. Eustace, I am writing to you because a Planning Application on Owlthorpe Fields is to be determined at the Sheffield City Council Planning Committee Meeting on Tuesday 2nd June. I formally request that you review this

application with a view to calling it in. The planning application made by Avant Homes to build on Owlthorpe Fields in Sheffield does not comply with Government directive concerning upstream flood defences and climate change policy. I set out below my reasons for requesting this action for your own determination. I believe The Secretary of State has the power to take the decision-making power on a planning application out of the hands of the local planning authority when it is of national interest.

Research I have taken under the freedom of information act: <https://www.ecological-owlthorpe.org/letters.htm> under the titles [Environment Agency](#) and [Coal Authority](#) suggests that all sites C, D, E and F in Owlthorpe are not fit for building purposes. For example, this document I obtained from the Coal Authority, was not supplied to the Inspector at the enquiry. [https://www.ecological-owlthorpe.org/19\\_03143\\_FUL-COAL\\_AUTHORITY-1401550%20\(2\).pdf](https://www.ecological-owlthorpe.org/19_03143_FUL-COAL_AUTHORITY-1401550%20(2).pdf) The document shows surface coal on all sites. Workmen were seen working over the drains on Moss Way. The Coal Authority stated they were nothing to do with them and suggested it was the responsibility of the Environment Agency. [The Environment Agency](#) explain this video: <https://www.ecological-owlthorpe.org/Ochredyke2.mp4> taken behind Cristal Peakes. The Environment Agency explain this is called kickback water. It happens in heavy rain conditions when the drains cannot cope with the water from the flooded mines. It must be released into rivers or onto the land. Their answer to Question 2: This site is 1.5km upstream of main river (Environment Agency maintained river) so it is unlikely that Environment Agency staff would have been in this area as it is outside of our remit from a flood risk perspective. The river here is classed as an ordinary watercourse and will be the responsibility of Sheffield City Council. In my investigations I have found the Owlthorpe flood Map. <https://www.getthedata.com/flood-map/owlthorpe> this map shows that flooding of mine water happens on Moss Way, the very spot that Sheffield City Council workers were seen working.

In [Appeal Decision Inquiry Held on 12-15, 19, and 21 January 2021 Site visit made on 20 January 2021 by O S Woodward BA\(Hons.\) MA MRTPI](#) an Inspector appointed by the Secretary of State Decision date: 2 March 2021. I cannot see any mention as to how surface coal is to be removed or how safe the site is regarding flooded mine workings that run under Owlthorpe?

I have made a formal complaint to the [Parliamentary Ombudsman](#) I have also followed [Parliamentary procedures](#) my documents of complaint to [Planning inspectorate](#) I am not satisfied with planning inspectorates internal enquiries. I have been attempting to represent my case back to the Parliamentary Ombudsman but I am finding resistance from MP Clive Betts please review my [open letter to MP Clive Betts](#).

In the internal enquiries into inspector O S Woodward he said he had misplaced his note with regard to the Site Visit [Here is my report](#). You may note that Barristers from both Avant Homes and Sheffield City Council did not attend the site visit, maybe this was because this happened in the middle of the Covid pandemic. Traveling was prohibited. I think the Barristers did not want to receive a fine and run the risk of being struck off.

**Facts Matter:** I showed inspector O S Woodward, Howard Baxter Sheffield (LPA) and representatives from Avant Homes the water retention on Owlthorpe by placing a ruler in the tracks left by the off-road bikers. Residents of Owlthorpe understand how in wet months millions of gallons of water are stored in Owlthorpe and gently released into the Ochre Dyke. It seems to me that none of the officials understood the significance of standing water and the effect it has on downstream flooding in bad weather conditions. This is better demonstrated in the website: <https://www.ecological-owlthorpe.org/Water.mp4> Please view.

**Facts Matter:** As we passed by the spot where the suds system would be, the path had turned into a river that we all had to paddle through. This was not a rainy day but surface water was pouring off the land. Members of (OAG) are witnesses to this fact. The building inspector, Howard Baxter of Sheffield (LPA) and Avant Homes representatives seemed oblivious to this fact.

## Health and Safety Questions.

**Question 1:** There have been several sinkholes appearing in Sheffield. When engineers investigate, they state that the problem has occurred because of rotting pit props from old mine workings. I have asked the Coal Authority Question 3. Regarding flooding, what effect does flooding have on the timber props that hold the roofs up in old mine workings that run under Owlthorpe? Coal Authority answers **“We do not hold information on timber props used in old mine workings or the effect that flooding may have on them.”** I understand that Sheffield (LPA) holds mining records of the mines that run under Owlthorpe. We understand that millions of tons of coal were extracted from under Owlthorpe and delivered to the power station at Meadowhall. Residents of Owlthorpe have a right to

know how safe the mines are that run underground. In the Reports from Lithos Consulting; Probe hole Log 18 Strata Wet between 14.2m and 18m, **heavy water inflow below 14.8 metres depth**, much nearer the surface than **60 meters**, reported by the Coal Authority. This problem may be caused because the land dips away from the header waters of the Ochre Dyke standing at **197.5 Metres above sea level**. To Site C and D standing at **81 Metres above sea level** a difference of **116 Metres**. Pit head of Birly woods pit stands at **138 Metres above sea level**, a difference of **57 Metres above sea level**. Pit head of Moorhole Colliery stands at **116 Metres above sea level**, a difference of **35 Metres**. **Can you please make records of mine workings that run under Owlthorpe available on line so residents of Owlthorpe can see them?**

**Question 2:** Can you supply information on the state of pit props after being subject to water inflow on pit props in Owlthorpe?

**Question 3:** The Coal Authority and the Environment agency explain that Sheffield City Council are responsible for the Ochre that poured out of the disused mine working that runs under [Owlthorpe as seen in this video](#). Ochre deposits were found on farm land from Beighton all the way down to Fishlake. What are the outcomes of Ochre on the food chain?

**Question 4:** In an [Appeal Decision](#), Inquiry Held on 12-15, 19, and 21 January 2021 Site visit made on 20 January 2021 by O S Woodward BA(Hons.) MA MRTPI an Inspector appointed by the Secretary of State Decision date: 2 March 2021 Quote: **“MAIN ISSUES 7. The principle of development is not in dispute between the main parties. The site is one (Site E) of three sites (Sites C, D and E) in the Owlthorpe area which have been allocated for residential development for some time, as set out in Policy H13 of the Unitary Development Plan 1998 (the UDP), and in detail in the Housing Sites (C, D, E), Moorthorpe Way, Owlthorpe Planning and Design Brief, November 2017 (the Brief).”** Please read <https://www.ecological-owlthorpe.org/PlanningObjections12thApril2023.pdf> Can you explain why you have removed site C and D and replaced them with site F without consultation with residents of Owlthorpe?

## **The next questions are relevant to your department.**

**Question 5:** The document supplied by Howard Baxter Sheffield (LPA) to the inspectorate bears no resemblance to the content of the Planning and Highways Committee Meeting 2nd June 2020 I observed. I made complaints to the Planning inspector. Sheffield City Council Barrister Guy Williams investigated on my behalf and arranged with Lucy Bond, Area Team Manager (City Centre & East Team) Development Management City Growth Department, for me to review. This is my report: <https://www.ecological-owlthorpe.org/EO-18ReviewofPlanningMeeting.pdf> Extracts from the report. The planning Solicitor, Kate, explained the procedure and vote was taken with many of the committee citing traffic impact as the reason for rejecting this application. The result was 10 against with 2 abstentions. After the vote was taken Colin Walker Interim Head said **“I think there is a significant risk if you throw Highways impact into this as a reason for refusal and that risk is that you effectively neutralise the site in residential terms.”** If Inspector O S Woodward had reviewed the video footage I do not think building on plot E would have been granted. I have reported Inspector O S Woodward to the [Parliamentary Ombudsman](#). I have followed [Planning Inspectorate's procedures](#). Copies of the video are available. Would you like a copy?

**Question 6:** Can you explain why this document:

[https://www.ecologicalowlthorpe.org/19\\_03143\\_FULCOAL\\_AUTHORITY-1401550%20\(2\).pdf](https://www.ecologicalowlthorpe.org/19_03143_FULCOAL_AUTHORITY-1401550%20(2).pdf) was not made available at the Inspectors Inquiry? This document shows the outcrop of surface coal. Was Avant Homes made aware of the outcrop of coal before they purchased the land? Was Inspector Woodward misled about the extent of work that would need to be undertaken to make the land safe? In [Inspector O S Woodward's Appeal Decision](#) there is no mention about the Surface Coal and how it needs to be removed before construction can take place. Please explain?

Thank you for your attention

Kind regards

Michael Meredith