

<b>Local Member</b>	
Mr M Worthington	Churnet Valley

## **Planning Committee – 1 October 2020**

### **Report of the Director for Economy, Infrastructure and Skills**

## **Delegation of planning decisions related to the afteruse of Moneystone Quarry to Staffordshire Moorlands District Council**

### **Purpose of the Report**

To seek approval to the delegation of planning decisions related to the afteruse of Moneystone Quarry to Staffordshire Moorlands District Council.

### **Recommendation**

That the Planning Committee delegate planning decisions on the current planning applications and EIA Screening Opinions, and any subsequent planning decisions related to the afteruse of Moneystone Quarry, to Staffordshire Moorlands District Council.

### **Summary**

The majority of Moneystone Quarry, between Whiston and Oakamoor in the Staffordshire Moorlands, was sold by Sibelco UK to Laver Leisure (Oakamoor) Ltd (Laver Leisure) in July 2010.

As the new landowners, Laver Leisure obtained approval from this Planning Committee to a Revised Restoration Plan in March 2014.

Laver Leisure obtained outline planning permission from Staffordshire Moorlands District Council (SMDC) for holiday lodges and a central hub building etc. ('the leisure development') in October 2016.

SMDC is currently considering an application for the approval of the reserved matters for Phase 1 of the leisure development and related matters (see [Appendix 1](#): The Relevant Planning History).

Staffordshire Moorlands District Council (SMDC) have formally written to request that the planning decisions on the current applications and EIA Screening Opinions at Moneystone Quarry be delegated to them for determination as it has been brought to their attention that the applications and related matters are 'county matters' by virtue of Schedule 1 to the Town and Country Planning Act and as such should be determined by Staffordshire County Council as the relevant Local Planning Authority. Your officers have also been questioned about the same matter by a local resident.

The Town and Country Planning Act defines 'county matters' as including the use of land previously used for mineral working where the operations or use would conflict with or prejudice compliance with a restoration condition or an aftercare condition.

Meanwhile the Government's planning practice guidance explains that separate planning permission is likely to be required for most forms of afteruse which will usually be decided by the district planning authority.

Your officers have followed the practice guidance here and elsewhere that afteruse proposals are 'district matters' and consequently have not objected to SMDC determining the afteruse applications and related matters at Moneystone quarry.

The Local Government Act 1972 enables a local authority to arrange for the discharge of any of their functions by any other local authority and the County Council's Constitution enables the Planning Committee to delegate its functions to another local authority.

In conclusion, having regard to: the provisions in the Town and Country Planning Act; Planning Practice Guidance; the nature of the current applications and related matters and the relevant planning history; and, the Local Government Act and the Constitution, it is reasonable for the avoidance of doubt and for planning practice reasons to recommend to the Planning Committee that the planning decisions on the current planning applications and EIA Screening Opinions, and any subsequent planning decisions related to the afteruse of Moneystone Quarry, be delegated to SMDC.

## **Background**

The majority of Moneystone Quarry was sold by Sibelco UK to Laver Leisure (Oakamoor) Ltd (Laver Leisure) in July 2010.

As the new landowners, Laver Leisure obtained approval from this Planning Committee to a Revised Restoration Plan in March 2014.

Laver Leisure obtained outline planning permission from Staffordshire Moorlands District Council (SMDC) for holiday lodges and a central hub building etc. ('the leisure development') in October 2016 (see [Appendix 1](#): The Relevant Planning History).

## **Current planning applications and EIA Screening Opinion requests at Moneystone quarry**

The current planning applications listed below were received by SMDC in November 2019, subsequently validated and are currently being assessed by them:

- SMD/2019/0716: Retention of former laboratory building and change of use to a sports hall with climbing wall, soft play area, two-lane mini bowl, cinema room; craft room and craft store, bike store and maintenance and bike hire office, cafe, viewing area, WCs, management office and plant rooms associated with Moneystone Park external alterations and reconfiguration of

existing car park to provide 24no. car parking spaces.

- SMD/2019/0725: Proposed construction of surface water outfall associated with Moneystone Park leisure development

There are also two corresponding Environmental Impact Assessment (EIA) Screening Opinion requests listed below:

- SMD/2020/0243: EIA Screening Opinion request relating to the retention and change of use of the former laboratory building
- SMD/2020/0244: EIA Screening Opinion request relating to the proposed surface water outfall

Staffordshire Moorlands District Council (SMDC) have formally written to request that the planning decisions on the current applications and EIA Screening Opinions at Moneystone Quarry be delegated to them for determination as it has been brought to their attention that the applications and related matters are 'county matters' by virtue of Schedule 1 of the Town and Country Planning Act 1990 to be determined by Staffordshire County Council as the relevant Local Planning Authority. Your officers have also been questioned about the same matter by a local resident.

SMDC have explained that both planning applications and the associated EIA Screening Opinion requests relate to the proposed leisure development for which outline planning permission was granted by them in October 2016 (ref SMD/2016/0378). Furthermore, SMDC is also currently considering an application for approval of the reserved matters for Phase 1 of this development (ref SMD/2019/0646). SMDC therefore see that there is considerable merit in them determining these matters.

The Town and Country Planning Act 1990 - Schedule 1 (Local Planning Authorities: Distribution of Functions) - [paragraph 1](#) defines 'county matters' as follows:

- '(h) the carrying out of operations in, on, over or under land, or a use of land, where the land is or forms part of a site used or formerly used for the winning and working of minerals and where the operations or use would conflict with or prejudice compliance with a restoration condition or an aftercare condition;'

Meanwhile the Government's Planning Practice Guidance explains that:

'Separate planning permission is likely to be required for most forms of afteruse, except:

- agriculture and forestry;
- uses for which planning permission is granted under a Local Development Order;

- nature conservation and informal recreation which do not involve substantial public use.

Applications for afteruse will usually be decided by the district planning authority but in some instances, and depending on the type of afteruse, responsibility will rest with the mineral planning authority.' [emphasis added]

(ref. Planning Practice Guidance - Minerals – [Restoration and aftercare of mineral sites](#) (paragraph 046 (revision date 6/3/2014)))

Your officers have followed the practice guidance that afteruse proposals are 'district matters' e.g. in the 2014 Planning Committee report on the revised restoration plan for Moneystone Quarry explained that any afteruse proposals would be regarded as district matter. For this reason, your officers have not objected to SMDC determining the afteruse proposals at the quarry since 2014.

[Section 101](#) (1) of the Local Government Act 1972 enables a local authority to arrange for the discharge of any of their functions by any other local authority and the County Council's Constitution ([Section 10](#) - paragraph 4.1) enables the Planning Committee to delegate its functions to another local authority.

In conclusion, having regard to: the provisions in the Town and Country Planning Act; Planning Practice Guidance; the nature of the current applications and related matters and the relevant planning history; and, the Local Government Act and the Constitution, it is reasonable for the avoidance of doubt and for planning practice reasons to recommend to the Planning Committee that the planning decisions on the current planning applications and EIA Screening Opinions, and any subsequent planning decisions related to the afteruse of Moneystone Quarry, be delegated to SMDC.

### **List of Background Papers**

[Planning Committee report 6 March 2014](#) - submission of details in compliance with Condition 35 of planning permission SM.96/935 relating to a Revised Restoration Plan

[The Minerals Local Plan for Staffordshire \(2015 - 2030\)](#) (adopted 16 February 2017)

- Policy 6: Restoration of Mineral Sites

[National Planning Policy Framework](#) (updated February 2019)

- [Section 17](#): Facilitating the sustainable use of minerals

The Town and Country Planning Act 1990 – Schedule 1 - (Local Planning Authorities: Distribution of Functions) - [paragraph 1](#)

[Planning Practice Guidance](#)

- [Minerals](#)

The Local Government Act 1972 - [Section 101](#)(1)

The County Council's Constitution ([Section 10](#) - paragraph 4.1)

### **Appendix 1: The Relevant Planning History**

- SM.94/852 dated 17/11/94 – permitted the erection of new buildings and demolition of redundant ones
- SM.96/935 dated 22/5/1998 – permitted the extension and progressive restoration of Moneystone Quarry and associated matters;
- SM.06/10/122 M dated 23/8/2007 - refused the proposed 30-hectare extension to extract an additional 6.5 million tonnes of silica sandstone over a 10 year period with progressive restoration to grassland, wetland, native woodland, dry heathland and the creation of a 10 hectare lake;
- SM.96/935/122 M D4 dated 13/3/2014 - approved the details submitted in compliance with Condition 35 of planning permission SM.96/935 relating to a revised Restoration Plan
- SCO.65/Moneystone Quarry dated 3/10/2014 – commented on the consultation from Staffordshire Moorlands District Council in connection with a Scoping Opinion for the proposed leisure development
- SMD/2014/0432/122 M MCA dated 22/10/2014 – raised no objection and a holding objection to the consultation from Staffordshire Moorlands District Council in connection with a planning application to them for construction and operation of solar photovoltaic farm including provision of internal service roads, fencing, CCTV, below ground cabling and electrical ancillary equipment
- SMD/2015/0220 MCA dated 13/5/2015 – raised no objection to the consultation from Staffordshire Moorlands District Council in connection with an application to them for the re-submission of application (SMD/2014/0432) for construction and operation of solar photovoltaic farm including provision of internal service roads, fencing, CCTV, below ground cabling and electrical ancillary equipment
- SMD/2014/0682/122 M MCA dated 4/11/2015 – raised no objection to the consultation from Staffordshire Moorlands District Council in connection with an application to them for outline planning permission with all matters reserved except access for the erection of a high quality leisure development comprising holiday lodges; a new central hub building (providing swimming pool, restaurant, bowling alley, spa, gym, informal screen/cinema room, children's soft play area, cafe, climbing wall and shop); cafe; visitor centre; administration building; maintenance building; archery centre; water sports centre; equipped play and adventure play areas; multi-sports area; car parking, and managed footpaths and cycleways set in attractive landscaping and ecological enhancements

- SMD/2016/0378 MCA dated 27/7/2016 – raised no objection to the consultation from Staffordshire Moorlands District Council in connection with a planning application to them for outline permission with some matters reserved for the erection of a high quality leisure development comprising holiday lodges; a new central hub building (providing swimming pool, restaurant, bowling alley, spa, gym, informal screen/cinema room, children's soft play area, cafe, shop and sports hall); cafe; visitor centre with farm shop; administration building; maintenance building; archery centre; watersports centre; equipped play areas; multi-sports area; ropewalks; car parking; and managed footpaths, cycleways and bridleways set in attractive landscaping and ecological enhancements
- SMD/2019/0646 received 6/11/19 - no comment reply to the consultation from Staffordshire Moorlands District Council in connection with a reserved matters application to them for phase 1 of the leisure development comprising 190 lodges; erection of a new central hub building etc.
- SMD/2019/0716 received 3/12/19 - no comment reply to the consultation from Staffordshire Moorlands District Council in connection with the proposed retention of former laboratory building and change of use to a sports hall etc.
- SMD/2019/0725 – no consultation received from Staffordshire Moorlands District Council in connection with the proposed construction of surface water outfall associated with Moneystone Park leisure development
- SMD/2020/0243 MSA received 11/5/2020 – a response has not yet been sent pending the decision on the matters raised in this report to the consultation from Staffordshire Moorlands District Council in connection with an application to them for an EIA Screening Opinion request for Change of Use of Existing Buildings [the former laboratory buildings]
- SMD/2020/0244 MSA received 11/5/2020 – a response has not yet been sent pending the decision on the matters raised in this report to the consultation from Staffordshire Moorlands District Council in connection with an application to them for an EIA Screening Opinion request for a surface water outfall

## **Appendix 2**

### **Equalities implications:**

This report has been prepared in accordance with the County Council's policies on Equal Opportunities.

### **Legal implications:**

Officers are satisfied that the legal implications have been addressed in the report.

### **Resources and value for money implications:**

Officers are satisfied that there are no direct resource and value for money implications arising from this report.

**Risk implications:**

Officers are satisfied that there are no direct risk implications arising from this report.

**Climate Change implications:**

It is a matter for SMDC to consider the climate change planning policies in their Local Plan and government policy, where applicable, when determining planning applications submitted to them.

**Health Impact Assessment screening:**

It is a matter for SMDC to consider health related planning policies in their Local Plan and government policy, where applicable, when determining planning applications submitted to them.