

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

**Planning Committee      1 October 2020**

**Waste County Matter**

**Application No (District):**      [SM.19/07/1141 W](#) (Staffordshire Moorlands).

**Applicant:**                              Whistonhall Golf Club Ltd.

**Description**                              Remodelling of existing golf course to improve on-site water management, accessibility and player safety through the importation of engineering materials to regrade and reprofile part of the existing golf course, with the construction of new attenuation and irrigation ponds, erection of an associated pump house and proposed landscaping and tree planting.

**Location:**                                  Whiston Hall Golf Club, Black Lane, Whiston.

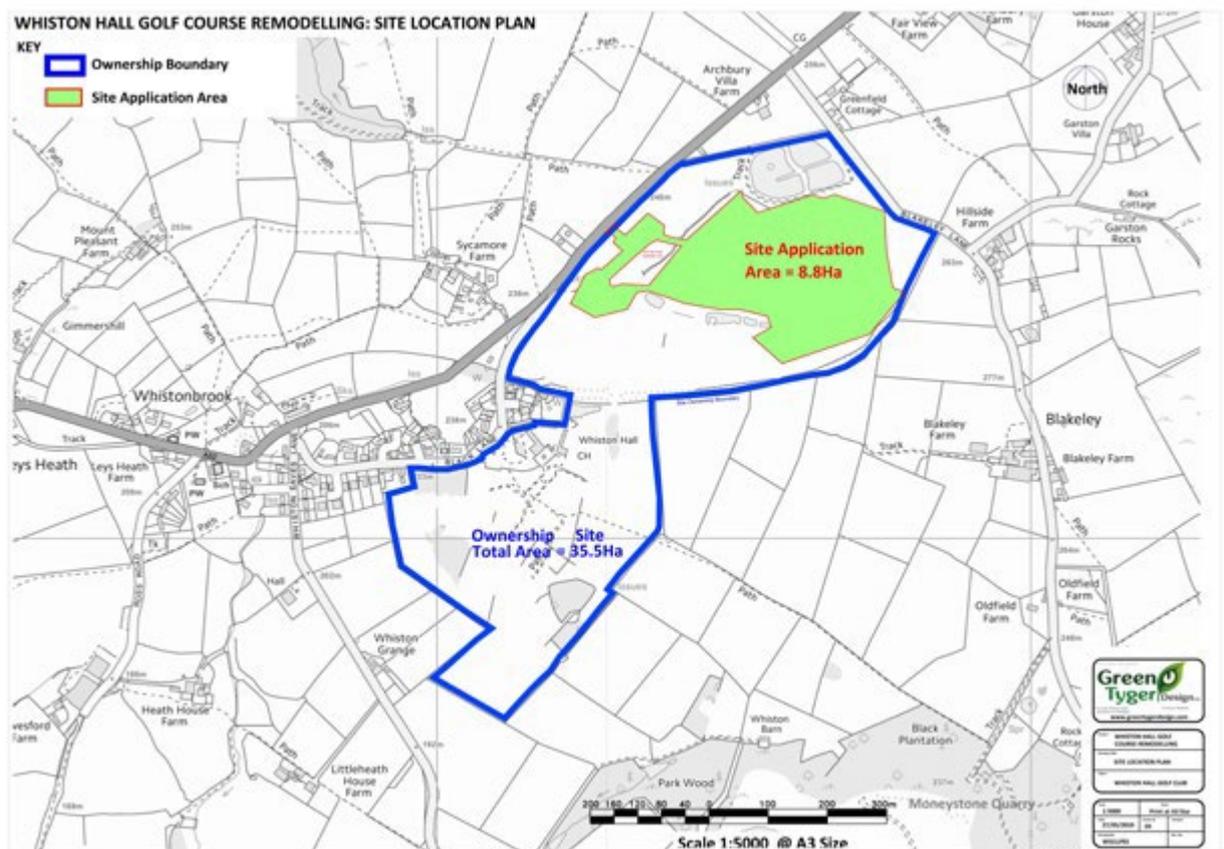
**Site and Surroundings**

1. Whiston Hall Hotel and Golf Club is located on the eastern edge of Whiston Village, about 5 kilometres to the north-east of Cheadle, in the Staffordshire Moorlands. The A52 runs along the northern boundary of the site, with residential development to the west, and the remainder of the site is bounded by open agricultural land.



Aerial image taken from Planning Statement. Approximate location of area of the course to be remodelled highlighted within the indicative red line boundary

2. The Whiston Hall Golf Course is an 18 hole course which extends to the east and south of the village and is divided into two sections by the embankment / former 1804 route of the Cauldon Low Tramway (recognised as non-designated heritage assets by Staffordshire Historic Environment Record) which linked the Cauldon Low limestone quarry (approximately 3km to the east of the site) and the Cauldon Branch of the Trent and Mersey Canal at Froghall (approximately 1.7km west of the site) . The northern section of the golf course has 12 holes and is bound to the north by Whiston Common and the A52, by Blakely Lane to the east, the embankment to the south and Black Lane to the west. The southern part of the golf course has 6 holes and is bound by the embankment and Black Lane to the north, and arable fields to the east, south and west. Immediately to the north of the application site, are a series of large ponds used as a fishery. The former Moneystone Quarry is to the south of the golf course.
  
3. The overall golf course combined with the Hall (which is a hotel and wedding venue) extends to approximately 35.5 hectares. The application site extends to approximately 8.8 hectares, covering approximately one quarter of the overall golf course site and includes the northern 9 holes. The site layout shows an area in the western section of the site, totalling 0.5 hectares which is not included as part of the application area (refer to Committee Report Plan 1: Site Location).



Application and ownership boundary taken from Landscape and Visual Impact Assessment document.

4. Access to the Hall and Golf Club buildings and car park is from Black Lane to the west. Access to the proposed application site however would be from a temporary access off the A52. The A52 comprises a straight two-way single carriageway road,

approximately 6.5m wide which is straight with grass verges along both sides and is subject to the national speed limit. From approximately 190m to the southwest of the golf course frontage, the speed limit reduces to 40mph entering Whiston village. Near the proposed temporary access, two dwellings have frontages with private drives onto the A52 on the north side of the road. Public Right of Way Kingsley 58 provides a short section of footpath which connects Blakeley Lane to the A52. There is a Grade II Listed Milepost at SK 041 474 located on the A52, adjacent to the site. There are no other listed buildings located within or immediately adjacent to the site boundary.

5. Whilst the former route of the Cauldon Low tramway is outside of the application area, the proposed development falls within the Ancient Woodlands consultation zone; and, within the Churnet Valley Site of Special Scientific Interest (SSSI) consultation zone and SSSI Impact Risk Zone. The Churnet Valley SSSI is 370 metres to the northwest. To the east of the application site, separated by Blakeley Lane, is the Upper Garston Rocks Site of Biological Interest (SBI) (a distance of 220 metres) and the Garston Villa (west of) Biodiversity Alert Site (BAS) (a distance of 308 metres).
6. Part of the southern section of the golf course, immediately to the south of the Hall, is the Whiston Hall SBI, and to the south of this is the Whiston Eaves SSSI. The application site is however 260 metres northeast of this SBI and 1.1 km north east of Whiston Eaves SSSI.

## **Summary of Proposals**

7. The application seeks to remodel the existing golf course to improve on-site water management, accessibility and player safety through the importation of what the applicant describes as engineering materials [150,000 tonnes / 100,000 cubic metres of non-hazardous construction demolition and excavation waste] over a 24 month period to regrade and reprofile the northern half of the golf course (the back 9 holes) and the construction of new attenuation and irrigation ponds and proposed landscaping and tree planting. The course suffers from poor layout and drainage and is expensive to manage and maintain. Drainage would be improved allowing play to be undertaken throughout the year and access to tees would be improved for less mobile golfers. (Refer to Committee Report Plan 2 - Masterplan).
8. The development also includes:
  - Erection of a small pump house, faced in stone and slate to operate the drainage irrigation of the remodelled course, located in the eastern part of the application area to the north of the irrigation pond. Trees would be planted around the pump house to contain its setting.
  - A temporary access would be taken from the A52, approximately 400 metres to the west of the junction with Blakeley Lane on the northern boundary of the site, during the temporary working period. Construction vehicles would not access the application site from the existing access on Black Lane.
  - The waste would be screened by a weighbridge inspector upon arrival to the site in a site compound area near to the temporary access road entrance. A maximum of 4 staff would be on site at any one time and 4 car parking spaces would be provided within the site compound. For the majority of the

24-month construction period there would be 3 full time workers on site consisting of a weighbridge man, a bulldozer driver and a digger driver.

- The proposed engineering works would be controlled in five phases to minimise impacts. (Refer to Committee Report Plan 3- Phasing and temporary works plan). Each working phase area would be contained by topsoil bunds, which would be seeded to offer a visual and noise buffer to the working area. There would be no import of material in Phase 1 (4-month period), excavations to shape the golf course and import of inert material would take place in Phases 2 to 5 (a 20-month period). Timings and details of the plant and machinery which would be used in each phase are provided in a methodology statement.
- Construction vehicle movements have been calculated on a 20-month construction phase based on a 67-week period (taking account of 40 full working weeks per annum). Operating hours would be five days per week Monday to Friday between 07:30 to 17:30 hours (10-hour period). Based on the estimated 150,000 tonnes of material to be imported and an average truck load of 22.5 tonnes there would be a total number of 100 vehicle deliveries / 200 movements per week which equates to 20 HGV loads in per day / 40 lorry movements, approximately 2 laden lorries going in / 2 empty lorries going out per hour. (A truck movement every 15 mins). There would be a total of 6,667 deliveries to the site / 13,334 movements over the 24-month period.
- Non-native (leylandii) trees would be removed and moorland habitats established.
- A minimum of 9 holes would remain playable whilst the temporary works are taking place over the 24-month period.

9. The application is accompanied by:

- Planning Supporting Statement.
- Landscape and Visual Impact Assessment.
- Heritage Desk-Based Assessment.
- Ecological Impact Assessment.
- Arboricultural Planning Statement.
- Flood Risk Assessment & Surface Water Drainage Strategy.
- Highways Statement.
- Noise Impact Assessment.
- Dust and Air Quality Assessment.
- Justification Report by expert Golf Course Landscape Architect (Tyger Green Design Ltd).

- Phasing and Temporary Works Methodology Statement.
- 3D Existing and Proposed Visuals and Fly-through video.
- Site Location Plan.
- Existing Site Survey.
- Masterplan Proposal.
- Outline Drainage and Irrigation Plan.
- Sections Plan.
- Phasing and Temporary Works Plan.
- Irrigation Pump House Detail.
- 3D Model Comparison – Existing and Proposed Visuals.
- Outline Planting Plan.
- Response to consultations and representations.

### **The Applicant's Case**

10. The strategic aim of the proposed development is to create an improved golf course destination, and to reinvest in Whiston Hall to create a high-class golf resort and boutique hotel and wedding and restaurant venue which would increase visitor numbers and local employment required for the running of the hotel and course. This would contribute towards leisure and tourism within the Churnet Valley.
11. The applicant's agent states that the scheme presents significant planning gains for short term temporary impacts of importing inert waste material over a 20-month period of the 24 month overall working period applied for. The works have been split into manageable phases to minimise the landscape and environmental effects. The applicant would welcome the use of strict planning conditions tying the development proposal to the submitted phasing plan and phasing methodology document.
12. It is stated that Whiston Hall Golf Club has been financially struggling for several years to remain open. The Golf Club is a former member only club, which has seen a significant reduction in membership and participation and is now a pay and play course open to all members of the public. The current course layout and topography in the northern half suffers from poor drainage, and therefore, the course is expensive to manage and maintain. Without improvements being made to the quality of the course, it is likely to close and be lost as a leisure facility.
13. In order to establish the course as a known destination for tourism golf and increase membership and general participation, the current course needs investment to improve the site drainage and accessibility of tees. The quality of the fairways, greens, and the challenge of the course profile and landscaping needs significant improvement to attract both tourism golfers and more members from the local area in Staffordshire.

14. The services of specialist landscape architects for new and improved golf courses (Tyger Green Design Ltd) has been employed by the applicant who have produced a Justification Report which highlights the golfing case for the proposed improvement and remodelling of the course:
- Whiston Hall Golf Club opened in 1972 and is understood to have been designed and constructed by the landowner without any expert golf course architect involved.
  - Parts of the course are too steep for accessibility and ease of play. The current layout includes holes which cross over, in terms of tee and fairway location, and gradients which create blind shots. A remodelled and re-arranged course layout would improve player safety accordingly and improve accessibility for elderly /disabled golfers as steep tees and fairways are difficult to negotiate.
  - The northern half of the course has suffered from waterlogging which stops play, damages the quality of fairways resulting in rutting damage. The landscaping implemented consists of significant amounts of Leylandii planting that is alien to the landscape character of the Staffordshire Moorlands.
  - Due to the current design and gradient of the course, the grounds management is intensive and expensive, which is why the course has been left to fall into its current poor condition.
  - If the drainage of the site and the course irrigation is managed through an improved course design and drainage layout there would be significant knock-on effects for the improvement and management of the course, in terms of playing quality, surface water drainage management, the creation of ponds would create net gain opportunities for biodiversity, and the potential to replace Leylandii trees with native species planting significantly improving the visual relationship the golf course has with the surrounding landscape character of the area.
15. The agent states that the proposal has been significantly scaled back from the 2017 Screening Opinion (Refer to relevant Planning History [SCE.300](#) and [SCE.301/Whiston Hall Golf](#)). The western half of the course does not suffer from the same drainage problems as the eastern half. Works are concentrated where they are needed using the minimal amount of material required to remodel and regrade part of the course, whilst half the course would remain open during the temporary period which inert engineering material would be imported into the site.
16. Draining the course through attenuation methods is a sustainable form of drainage design and is also sustainable for golf course management. Rainwater falling on the site would be captured and attenuated in a series of ponds. The lowest irrigation pond would be utilised for watering greens and fairways during more drier months of the year, rather than using a mains supply to water the course. A pump house adjacent to the irrigation pond is incorporated into the design to pump water to where it is required.
17. The proposals do involve the use of cut material from the proposed new attenuation and irrigation ponds and this has reduced the overall amount of inert material required for the remodelling works.

18. The material imported would be inert soils from construction sites in the Derby and Stoke areas, strictly controlled by the Environment Agency (EA) through an Environmental Permit. Two letters from waste management companies have been received by the applicant which state that they would be able to comfortably supply 100,000 cubic metres of clean inert material within the specified time period, set out in the application, and would manage the Environmental Permit application which would specify the sources and type of inert material to be imported. The applicant's agent has however stated that the Environmental Permit cannot be applied for until planning permission is granted.
19. The agent has also stated that in respect of land ownership, as of the end of July 2020, the civil matters relating to the prospective agreement in place for the purchase of Whiston Hall Golf Club are being brought to a close and the applicant is now entitled to register the land in his name. [Note on submission of the application, as the applicant was not the sole owner of the application area / land edged red, Certificate B instead of Certificate A should have been completed. Determination of the application was held in abeyance until Certificate B was completed and submitted certifying that notice had been given to the owner(s)].

### **Relevant Planning History**

20. [SCE.300](#) 'Request for Screening Opinion - Proposed remodelling of existing golf course to facilitate use by disabled golfers'. The proposal relates to remodelling works within the existing 18-hole 35-hectare golf course site through the importation of 225,000 – 300,000 tonnes of inert waste and topsoil over a 16 – 24-month period to re-align some of the existing fairways and greens. The site is within the consultation zone / less than 500 metres from the Whiston Eaves Site SSSI [an environmentally sensitive area in EIA terms]. The site also contains the Whiston Hall SBI. Natural England advised that the proposed development could have significant indirect impacts upon the SSSI in relation to air and water quality and the development would constitute EIA development. Natural England concluded that further detailed assessment of the potential indirect environmental effects upon Whiston Eaves SSSI including traffic impacts should be required. The Screening Opinion dated 6 April 2017 therefore concluded that the development would constitute EIA development and an Environmental Statement (ES) should accompany the application.
21. [SCE.301/Whiston Hall Golf](#) 'Request for EIA Screening Opinion - proposed development comprising the re-modelling of existing golf site involving the importation of between 225,000 and 300,000 tonnes of inert waste material'. The proposal relates to the operation of a permitted golf course and the remodelling of 12 of the 18 holes (an area of 189,237m<sup>2</sup>) for use by disabled golfers over a 16 – 24-month period. This relates to the northern area of the golf course only, land north of the embankment. Based on a working average of 22.5 tonnes per load, the importation of material is proposed over a 53 – 80 week period with deliveries Monday to Friday (between 0800 and 1900 hours) at a rate of 34 – 38 loads / 68 – 76 movements per day or 3-4 lorry loads / 6-8 movements per hour (a lorry every 7.5 minutes in an hour period). The proposal excludes the 6 holes in the southern part of the golf course closest to the Whiston Eaves SSSI. It is stated that the former tramway route embankment forms a definitive physical boundary separating two different hydrological catchments. As such, surface water run-off from the northern part of the site, within which the remodelling works would be contained, would be expected to travel to the on-site ponds and then to the north west. Unlike the earlier

screening opinion (ref. [SCE.300](#)) Natural England has advised that the revised development proposals are not likely to significantly affect the features of interest for which the Whiston Eaves SSSI is notified. Sufficient biodiversity and landscape information should however support any application. The Screening Opinion dated 27 June 2017 concluded that the revised proposals were not EIA development and an Environmental Statement would not be required. Nevertheless it is important to note that there are potential environmental effects which would need to be carefully considered and the submission indicates that a full Ecological Impact Assessment, Hydrological and Hydrogeological Assessment and Air Quality Assessment would be undertaken to determine the effects on the SSSI. Furthermore, the application would also be accompanied by a Planning Statement; Design and Access Statement; Transport Statement / Assessment; Heritage Statement; Landscape Visual Impact Assessment; Landscape Master Plan / Planting Plan; Flood Risk Assessment; and, Noise Assessment.

22. The former Moneystone Quarry is to the south of Whiston Hall Golf Club (ref. [SM.96/935](#)). Laver Leisure obtained outline planning permission in 2016 from Staffordshire Moorlands District Council (SMDC) for a Centre Parks style leisure development at the quarry (ref. [SMD/2016/0378](#)).

### **Environmental Impact Assessment (EIA)**

23. Screening Opinion - Yes Environmental Statement - NO
24. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the County Council conducted a "Screening Opinion" on the proposals which concluded that the proposed development is not EIA development and therefore need not be supported by an Environmental Statement (ref: [SCE.316/SM.19/07/1141 W](#) dated 16 August 2019).

### **Findings of Consultations**

#### **Internal**

25. **Highways Development Control (on behalf of the Highways Authority) (HA) –** Conditions are recommended in the interest of highway safety (NPPF Paragraph 108) to ensure that the development can be constructed without undue inconvenience to road users; to maintain and safeguard the existing drainage system; and to ensure that the access is reinstated to its previous condition on completion of works:
- Pre-commencement condition requiring the submission and approval of a Construction Method Statement which shall provide for:
    - i) A site compound with associated temporary buildings
    - ii) The parking of vehicles of site operatives and visitors
    - iii) Loading and unloading of plant and materials
    - iv) Storage of plant and materials used in constructing the development
    - v) Wheel wash facilities
    - vi) Routing of delivery vehicles.

The approved Statement shall be adhered to throughout the construction period.

- Pre-commencement condition requiring the submission and approval of the details of the piping of the existing ditch under the proposed access. The highway works shall thereafter be constructed in accordance with the approved details prior to the development being brought into use.
- The development should not be brought into use until the visibility splays have been provided (shown on plan 44858/5502/001). The visibility splays should thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.
- Pre-commencement condition requiring the details for approval of the surfacing of the access drive rear of the public highway and thereafter maintained in a bound material for a minimum distance of 15m back from the carriageway edge. The development shall not be brought into use until the access drive has been surfaced in accordance with the approved details.
- No material to be imported or exported until the construction access to the site has been completed.
- Within one month of the completion of the works, submission of details for approval of the reinstatement of the construction access to verge with full height kerb, which shall include the removal of the drainage pipe conditioned above, made redundant as a consequence of the completion of the works. The construction access made redundant as a consequence of the completion of the development shall thereafter be reinstated as verge with full height kerb in accordance with the approved plans within one month of the approval of the plans.

26. **Planning Regulation Team** – Complaints have been received from local residents in connection with works to be undertaken on the golf course site including soil stripping and commencing the import of waste prior to this application being determined. It was anticipated that works would commence over one of the bank holiday weekends however that didn't happen. Enforcement action cannot be taken relating to anticipation. Formal enforcement action can only be considered when there is an actual situation. Fly tipping of waste on the golf course (waste potentially taken from buildings being refurbished including gas canisters, old doors etc) has however been investigated by a Planning Regulation Officer and the applicant has asked the tenants at the site to remove the waste. Any complaints relating to the Moneystone Quarry site are being investigated as a separate matter.

27. **Flood Risk Management Team** – To prevent flooding by ensuring the satisfactory storage of /disposal of surface water from the site the following condition is recommended:

The development should be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy July 2019 (FRA) and the following mitigation measures detailed within the FRA:

- Limiting surface water run-off generated by the 100-year critical storm so that it will not exceed 52.2l/s and not increase the risk of flooding off-site.
- Provision of adequate attenuation flood storage on the site to 100-year standard.

28. **County Noise Engineer** - Conditions recommended, based on the duration and the predicted noise levels, limiting noise to 55 dB LAeq, 1hr and for the works to be completed within 2 years. It is commented that the noise report submitted has assessed the potential impact from the importing of inert material and works associated with re-profiling the golf course. The baseline noise level has been established by carrying out noise monitoring at six locations considered to be representative of the nearest noise sensitive receptors. The results showed a general background noise level of around 40 to 45 dB LA90. The plant and operations required during each phase of the works have been identified and noise predictions for the six representative receptors have been carried out on a phase by phase basis. It is however considered that the guidance used by the applicant (BS5228-1:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1: Noise) to assess the noise impact and to also determine the appropriate noise limits during the works is not appropriate for this type of development. “In my view the BS5228 derived noise limits are intended to be used on general construction and demolition schemes where specific noisy operations are short term – perhaps days or weeks, whereas this development is of a longer term. BS5228 suggests that where construction activities involve large scale and long-term earth moving activities, then this is more akin to surface mineral extraction than conventional construction activity and guidance contained within NPPF should be considered when setting noise criteria for acceptability. I believe this is more applicable to this development and therefore I would suggest that a noise limit of 55 dB LAeq, 1hr (based on background LA90 + 10 dB) is appropriate for the type (and duration) of operations proposed at Whiston Hall Golf Club”.
29. **Environmental Advice Team (EAT)** – Conditions are recommended if minded to approve the development. The application has been assessed in regard of landscape, ecology, tree protection, archaeology, historic environment, and rights of way:
- **Landscape.** It is commented that the landscape impacts appear to be fairly assessed in the submitted Landscape and Visual Impact Assessment Report, and both the construction phase and operational phase are considered. The impact of the increase in levels up to 5 metres in some parts of the course; the removal of established tree planting throughout the working area; and the impact of vehicle access and importing 150,000 tonnes of suitable material are all covered in the Assessment. Should the construction phase stray beyond the two-year window impacts would be exacerbated. Success or otherwise of the proposal in terms of the landscape will however depend on the rigorous attention to the construction phase sequence, the advance planting, and the implementation and ongoing maintenance of the planting strategy. The proposal to plant native species as advance planting outside the working areas, as well as a comprehensive planting strategy plan for the proposal site demonstrate a commitment to assimilating the modified golf course into the surrounding landscape, the submission of further details would however be required (listed below).
  - **Ecology.** It is commented that the Ecological Impact Assessment has been carried out satisfactorily and likely effects on species and habitats identified and the assessment contains recommendation for protected species. A licence would need to be secured from Natural England before commencing

development. (Refer to Appendix 2: European Protected Species which sets out the County Council's legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017). Clarification is however requested on the location of the additional 0.45 hectare of species rich grassland and wildflower meadow to be created as submitted plans do not identify this area. Assurance is sought that the heathland site (Whiston Hall SBI) in another part of the golf course is not the intended location. The tree protection plans submitted within the Arboricultural Planning Statement show that the applicant has made efforts to avoid the best specimen of mature native trees, however revisions to the submitted Outline Planting Plan are required as unsuitable non-native and invasive species are included. Submission of further details would be required prior to the commencement of works (listed below). [Note: An updated planting plan was submitted by the applicant in accordance with the requests of EAT which substituted the species questioned with native and more suitable species, tree planting and aquatic plants, and amended ground preparation notes for wildlife meadow].

- **Archaeology / Historic Environment.** Taking account of the development history of the site, it is commented that no archaeological concerns with the proposals are raised and as such archaeological mitigation would not be appropriate in this instance. No identified sites (post medieval / early modern agricultural and industry-related sites) extend into the proposal site, although the remains of the 1804 Cauldon Low Tramway are located immediately adjacent to part of the proposal site. With regard to the potential impact of the proposals on the setting of heritage assets in the vicinity of the proposal site, the conclusions of the Heritage Desk Based Assessment (HDBA) provided in support of the application, on the indirect impact on these is supported. It is however recommended that the opinion is sought of the Staffordshire Moorlands District Council's (SMDC) Conservation Officer as to the effectiveness of this HDBA and on the impact of the proposals on the designated heritage assets in this area. [Note a response from SMDC has not been received].
- **Public Rights of Way.** It is commented that the Public Footpath No.58 Kingsley Parish runs to the north of the application site, but this does not appear (from the application documents) to be affected by the proposals.
- **Recommended Landscape, Ecology and Tree Protection Conditions:**
  - i. Planting carried out in accordance with the submitted landscape plan and phasing of planting operations.
  - ii. Pre-commencement condition for submission of a soil handling / management plan that includes soil handling to good practice and ongoing maintenance of topsoil bunds. The applicant shall demonstrate his methodology for stripping, handling, testing and spreading soils in relation to BS 3882: 2015 Topsoil. In particular, the suitability of on-site topsoil for creating wildflower meadows and as a planting medium for native trees and shrubs.
  - iii. The phasing plan should be revised to include the programme for topsoil operations set out in the approved soil handling / management plan.

- iv. No mortar shall be used in the post construction reinstatement of the drystone wall along the A51 boundary, so that it is matching style to the remaining wall.
- v. Submission of soil test results, including details of nutrient status (N, P, K, pH) for meadow and wetland creation areas for each phase, prior to commencement of next phase, and prior to completion of seed sowing of final phase. Final soil chemistry should be of low phosphate status as defined in BS 3882 (2015) Specification for topsoil. [Submission of soil test results for phases 1 and 2 together at the end of phase 2 (and before sowing) and results for phases 3 and 4 submitted at the end of phase 4 (and before sowing) with final test results for phase 5 submitted prior to completion of sowing. This would allow any remediation to take place in a timely manner, and with reasonable reporting. The reports submitted only need to be those from the lab that tests the soils; they do not need to be long reports from consultants].
- vi. Pre-commencement condition for submission of details of seed sources, establishment and maintenance for wildflower meadows and other habitats.
- vii. Pre-commencement condition for habitat establishment and maintenance plan for monitoring meadow and wetland habitats.
- viii. No vegetation removal in the bird nesting season (1 March to 31 August inclusive).
- ix. No night working or lighting. If temporary lighting, is unavoidable, details of type, positions, heights and orientation of units to be submitted for approval.
- x. Mitigation measures set out in the submitted Ecological Impact Assessment should be implemented.
- xi. Works carried out in the proposed timeframe, and in strict accordance with the submitted phasing plan and phasing methodology.
- xii. Informative on any decision notice for applicant to secure a licence from Natural England before commencing development as the ecological survey results indicate that a European Protected Species is likely to be present.

### **External**

31. **Staffordshire Moorlands District Council (SMDC)** – no response has been received.
32. **Staffordshire Moorlands District Council Environmental Health** – no response has been received.
33. **Kingsley Parish Council** – object. The Council feel that this is a very significant planning application which should be the subject of a detailed Environmental Impact Assessment. The Council unanimously agreed to recommend refusal of the application on the following grounds:
  - The application is deceptive in that it is a heavily disguised waste management operation masquerading as a golf course remodelling exercise.
  - The volume of waste material involved is very substantial.
  - The nature of the material dumped on the site may well be hazardous.

- The daily volume of HGV traffic travelling to and from the site would have a negative impact on Whiston and the surrounding area.

The Council added that in the unfortunate event of this application being granted, then the conditions should be imposed to ensure:

- The regular monitoring of waste being dumped at the site by the SCC Enforcement Team.
- There are financially binding contractual obligations in the form of a bond placed on the applicant / contractor, to ensure that all work is properly completed, and all environmental conditions fully complied with

34. The adjoining **Ipstones Parish Council** - object. The Council has major concerns regarding the increased amount of traffic created by this totally unnecessary proposal. The golf course is perfectly adequate for the purpose of playing golf, not just now but well into the future. The concerns raised are:

- The growth in traffic, predominantly HCV's, will increase noise and dust as well as greatly increase danger on the highways of Ipstones Parish and those of neighbouring parishes over which the Councils residents have need to navigate caused by the much higher volume of HCV's going to and from the work site. Whiston and Kingsley Banks on the A52 are notorious for HCV's rolling back due to lack of power or adhesion on the slopes as well as runaway vehicles due to brake failures. One of the latter causing the death of a lorry driver some years ago when his own lorry ran over him when he tried to jump clear. The roads of this area are very dangerous, and this proposal will only make them worse. Since most of the incidents are resolved without police co-operation records of these incidents are incomplete.
- Adequate monitoring of the 'engineering material' being used for the remodelling of the golf course. The Council is aware that there have been some cases nationwide where toxic waste was illegally dumped in similar circumstances to those which will prevail at Whiston Hall Golf Course. It is therefore essential each individual HCV load is sampled and analysed for suitability before being placed in-situ. Some planned 'remodelling' of golf courses, similar in character those planned for Whiston Hall Golf Course, elsewhere in the country were never completed after the initial discharge of 'engineering material'. The courses concerned were rendered useless until remedial action could be taken - fresh funds permitting.

The Council added that if planning approval is granted a restoration guarantee bond equal to the cost of the contract should be held in ESCROW until satisfactory completion of the works to ensure that the golf course is not rendered useless after the initial deposit of waste material. A condition relating to lorry routing is also recommended that HGV's should not use the Ipstones route (B5053) to travel to Whiston.

35. The adjoining **Cotton Parish Council** – object. The Council has concerns about what materials would be used and concerns about the additional traffic this will generate.
36. **Environment Agency (EA)** – no objections. The EA strongly advised that the

applicant should engage with the EA's National Environmental Permitting Team to ensure the imported material meets the EA's requirements, under the Environmental Permitting (England and Wales) Regulations 2016. The EA commented that 'as there is no guarantee that a permit will be granted the applicant /developer is asked to contact the EA for a pre-application discussion relating to Environmental Permitting'. [Note pre-application discussions with the EA have not taken place. The applicant's agent has commented that a permit application would be applied for once planning permission was obtained].

37. The EA also commented that 'parallel tracking Planning and Environmental Permit applications offers the best option for ensuring that all issues can be identified and resolved, where possible, at the earliest possible stages. This will avoid the potential need for amendments to the planning application post-permission. Joint discussions are advised with the applicant, planning authority and EA, as well as parallel tracking of the planning and permit applications. Where a developer decides not to parallel track their planning and environmental permit applications, it should be noted that the EA will not be able to offer detailed advice or comments on permitting issues impacting upon planning'.
38. Natural England (NE) – no objection. NE do not consider that the proposed development would have significant adverse impacts on designated sites. Based on the plans submitted, NE considers that the proposed development will not damage or destroy the interest features for which the Whiston Eaves SSSI site has been notified. The following advice on designated sites / landscape and advice on other environmental issues is however provided:
- Soils: Should the development proceed NE advice that the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling and make the best use of soils on site.
  - Local sites and priority habitats and species: The impacts of the proposed development on any local wildlife or geodiversity sites in line with paragraphs 171 and 174 of the NPPF should be considered. There may also be opportunities to enhance local site and improve their connectivity.
  - Environmental enhancement: Development provides opportunities to secure net gains for biodiversity and wider environmental gains as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). NE advise that the mitigation hierarchy (NPPF paragraph 175) is followed and retention and enhancement of existing environmental features on and around the site are firstly considered and what new features could be incorporated into the development proposal. Offsite measures should be considered where onsite measures are not possible.
  - Biodiversity duty: The Local Authority has a [duty](#) to have regard to [conserving biodiversity](#) as part of decision making, including restoration or enhancement to a population or habitat.

## **Publicity and Representations**

39. Site notice: YES      Press notice: YES
40. 50 neighbour notification letters were sent out and 33 representations have been

received. The concerns raised in representations are summarised below and a fuller summary is provided in [Appendix 3](#):

- a) Landfill in disguise. Importation is for financial benefit and a fully functional golf course is not guaranteed.
  - b) Timescale for completion of works not guaranteed. Bond required to ensure development is finished within the period of time.
  - c) Effective maintenance, management and enforcement of proposal would be required. Resources are queried to ensure compliance and resources are required to ensure necessary management one facility is completed.
  - d) HGV traffic for a period of 2 years or longer. Access direct onto A52. Concerns of highway safety and impact on local amenity.
  - e) Risk of contaminated land.
  - f) Historic protection required. The tramway should not be shown on plans as within the land ownership of the applicant.
  - g) Adverse impact on health and local amenity by the proposals.
  - h) Highly sensitive location with risk of irreversible damage to environment and impact on wildlife by the proposals.
  - i) Visual impact.
  - j) Impact on house prices by disguised landfill.
  - k) Full Environmental Impact Assessment required before a decision on the application is made.
  - l) Land ownership and validity of application is queried.
41. Complaints were received regarding fly-tipping on the golf course; infilling of a pond; and also that an earth removal contract had been agreed with the applicant prior to the determination of this application and the back 9 holes had been sold and works were to commence on stripping turf and soils ready for the import of waste. [Refer to The Planning Regulation Team response above].
42. Complaints were also received regarding the unauthorised conversions of the outbuildings to Whiston Hall. [The complaints were referred to Staffordshire Moorlands District Council to investigate].

### **The development plan policies (and proposals) and the other material planning considerations relevant to this decision**

43. National Planning Practice Guidance – Determining planning application - [How must decisions on applications for planning permission be made?](#) explains that:

‘To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the

development plan unless there are material considerations that indicate otherwise.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at [paragraph 11 \[not 14 as stated\] of the \[National Planning Policy\] Framework](#). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.'

44. [Appendix 1](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

## Observations

45. Having given careful consideration to the application and supporting information, including the information subsequently received, the consultee comments and the representations received the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:
- The general development plan policy and other material planning policy considerations.
  - The site-specific development plan policy considerations and the matters raised by consultees and in representations.

### **The general development plan policy and other material planning policy considerations**

46. The [National Planning Policy Framework](#) (February 2019) (NPPF) contains no specific waste policies. Instead the [National Planning Policy for Waste](#) (October 2014) (NPPW) explains the need to:
- a) drive waste management up the waste hierarchy;
  - b) promote a more sustainable and efficient approach to resource use; and,
  - c) ensure that waste is considered alongside other spatial planning concerns.
47. The NPPW also emphasises the importance of:
- a) putting in place the right waste management infrastructure at the right time and in the right location;
  - b) providing a framework in which communities and businesses are engaged to take more responsibility for their own waste;
  - c) securing the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and,
  - d) ensuring that the design and layout complements sustainable waste management.

48. The new waste strategy '[Our Waste, Our Resources: A Strategy for England](#)' published in December 2018 sets out a national policy framework with respect to waste. The strategy discusses the management of residual waste and states that energy from waste is generally preferable to landfill, which it sees as having an ongoing role only for inert waste that cannot be prevented or recycled.
49. The [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#) (WLP (Policies 1.1, 2,3, 3.1) also promotes the principal that waste is a resource and seeks to encourage the diversion of waste away from landfill; supports waste development which manages waste higher in the 'waste hierarchy; requires facilities which enable the movement of waste to be minimised, ensure that waste is being dealt with as close as possible to where it arises, and reduces the need to transport waste great distances. In addition, policy requires protection of human health and the environment; and, the overall (economic, social and environmental) benefits outweigh any material planning objections.
50. The recycling of construction, demolition & excavation waste and the diversion of inert waste to quarries requiring backfill for restoration purposes will be favoured over new inert landfill / landraising proposals (WLP Policy 1.3).
51. In relation to the use of waste for landscaping, screening, engineering purposes or for the improvement of agricultural or forestry land local policy (WLP Policy 1.4) advises that where inert waste is to be used, the applicant should demonstrate that the proposal addresses the following:
  - i. It can demonstrate that the nature and extent of landscaping and screening is reasonable and necessary;
  - ii. The amount of waste proposed to be deposited is the minimum necessary for the intended / agreed purpose;
  - iii. It will not undermine the restoration of quarries that require the inert materials for restoration purposes;
  - iv. It can demonstrate that flood risk will not be increased, and surface run-off will be managed safely;
  - v. It would not raise the level of the land to an unacceptable degree such that it would create an adverse visual impact on the landscape and/or reduce openness of the Green Belt;
  - vi. The proposals are comprehensive, detailed, practicable and achievable within the proposed timescales.
52. The WLP (paragraph 5.18) explains that where waste materials is used for landscaping and similar purposes, the applicant should demonstrate clearly that the amount of waste to be used in the process is the minimum necessary, and the nature and extent of landscaping, screening and engineering works would move waste management up the waste hierarchy toward re-use and recovery and not constitute a landfilling operation. The WLP also explains that a balance needs to be struck between encouraging re-use and recycling, and the impact that this type of work may have on the site and its surroundings (WLP paragraph 5.20).

53. WLP Policy 3.1 also requires facilities to be compatible with nearby uses, and appropriate in scale and character to their surroundings giving careful consideration to any cumulative effects that may arise.
54. Commentary: The proposals have been assessed below against the general guidance on the provision of waste management facilities that are the right type, in the right place and at the right time. Site specific considerations are discussed later.

#### Right Type

55. Having regard to WLP Policy 1.4, Members of Planning Committee must be satisfied that the proposals meet the following key waste planning policy considerations:
- the proposals are reasonable and necessary;
  - the amount of waste is the minimum necessary and that there is insufficient material on-site to achieve a landform for improved accessibility for elderly /disabled golfers and improve drainage by an alternative cut and fill exercise;
  - the proposals will not undermine the restoration of quarries that require the inert materials for restoration purposes;
  - flood risk will not be increased, and surface run-off will be managed safely;
  - it would not raise the level of the land to an unacceptable degree such that it would create an adverse visual impact on the landscape; and,
  - the proposals are comprehensive, detailed, practicable and achievable within the proposed timescales. (emphasis added).
56. Kingsley Parish Council and the adjoining Parish Councils of Cotton and Ipstones in addition to representations from 33 local residents raise doubts and are not satisfied with the applicant's justification (refer to 'Applicant's Case' above) that the proposals are to facilitate the improvement of the golf course or that the applicant has demonstrated that the amount of waste to be imported is the minimum necessary. The proposal is considered to be a landfill in disguise.
57. Representations raise the issue that (with reference to the 'Planning History' above) previous proposals for the golf course improvement related to double the amount of imported material (300,000 tonnes of inert waste) to improve either the full 18 holes (an area of 35 hectares) or 12 holes (an area of 18.9 hectares) over a 24 month construction period. Also, the justification for the proposal has changed over time from improved access for disabled golfers to drainage improvements required. Whilst the scheme has been halved by the current application and 150,000 tonnes /100,000 cubic metres of imported inert waste is now proposed, the 24 month construction period remains the same but the area is a quarter of the golf course and relates to 8.8 hectares and 9 holes. Representations query if the land area has been reduced to avoid the SBI within the southern part of the golf course and /or to avoid the need to produce an Environmental Statement to accompany the application. The agent has stated that the proposal has been significantly scaled back from the 2017 Screening Opinion. The western half of the course does not suffer from the same drainage problems as the eastern half. Works are concentrated where they are needed, whilst keeping half the course open for

players during the temporary period which inert engineering material would be imported into the site.

58. Whilst it is acknowledged that the applicant's agent has commented that the proposals do involve the use of cut material from the proposed new attenuation and irrigation ponds [the volume of cut is 10,000 cubic metres) and this has reduced the overall amount of inert material required for the remodelling works, 150,000 tonnes / 100,000 cubic metres of imported material would be required and it is considered that the application has not sufficiently demonstrated that the amount of imported waste and topsoil proposed is the minimum necessary for the remodelling works to achieve the intended purpose. Sufficient detailed information explaining why the quantity of imported material is necessary and why an alternative cut and fill operation using on-site material, or why alternative options involving lesser quantities of imported material could not achieve a suitable landform and improved drainage has not sufficiently been provided.
59. National waste policy promotes a more sustainable and efficient approach to resource use and local waste policy favours the recycling of construction, demolition and excavation waste and the diversion of inert waste to quarries in the County requiring backfill for restoration purposes over new inert landfill / landraising proposals. There is also other current demand for restoration of sites in addition to quarries, for example Stafford Castle Golf Course, which require inert fill material and therefore availability of suitable material is a key consideration which the application site would be competing for.
60. The application is supported by a number of documents and whilst the proposal is comprehensive and detailed, concerns are raised by the Parish Councils and in representations over deliverability given the type, source and availability of inert waste. Success of the completed proposal would also first be reliant on a number of conditions (some being pre-commencement conditions) being discharged. Ecological, landscape, flood risk, highway and noise conditions are all recommended by statutory consultees. In addition, an Environmental Permit would be required from the Environment Agency and Protected Species Licence(s) would be required from Natural England. Concerns are raised that given the failing business would the works be completed and to the high environmental standard required given the site's location within the Churnet Valley. Representations and Kingsley and Ipstones Parish Councils recommend a restoration guarantee bond to ensure that the golf course is not rendered useless after the initial deposit of waste material. [Note: the applicant and all other persons with an interest in the land would be required to sign a Section 106 Legal Agreement to secure a restoration guarantee bond].
61. It is also queried whether the proposed development is practicable and could be achieved in the proposed 24-month timescale. Whilst two waste management companies have supplied letters to the applicant stating that they could supply the material within the timeframe, the Environment Agency however would require further information in relation to the source of inert, non-hazardous waste as the proposed activity would require a bespoke Environmental Permit and the applicant is strongly advised to undertake pre-application consultation with the EA. The EA Planning Advisor has relayed concerns from their National Permitting team, and they want more information at this stage before the planning application is determined. The applicant's agent has commented that a permit application would

be applied for once planning permission was obtained.

62. Representations also raise concerns that similar golf course improvements elsewhere in the County have extended the timeframe to complete their works by numerous planning applications amending the end date and/or amount of imported material (e.g. Swindon Driving Range) or have no end date and landfilling is ongoing for years (e.g. Stafford Castle Golf Club) or golf courses have closed after import (Goldenhill Golf Club Stoke). Ensuring that the site is restored after the two-year duration is therefore a key concern.
63. The applicant's agent states that the scheme presents significant planning gains for short term temporary impacts of importing inert waste material over a 20-month period of the 24 month overall working period. The works have been split into manageable phases to minimise the landscape and environmental effects. The applicant would welcome the use of strict planning conditions tying the development proposal to the submitted phasing plan and phasing methodology document. The applicant's agent has however also commented that the works are phased therefore in the event that an application was required for a further extension of time to complete the works, the impact would be minimal. Impacts from the duration of the proposal are therefore a key consideration. The acceptability of the proposal by statutory consultees has been based on the development being completed within 24 months. The Environmental Advice Team (refer to 'Findings of Consultations' above) has commented that should the construction phase stray beyond the two-year window landscape impacts would be exacerbated. Similarly, noise and traffic impacts would be exacerbated, and the Noise Engineer has recommended a noise limit and for the works to be completed in 2 years.
64. Elsewhere in the County, particularly in relation to time limited restoration proposals of mineral sites, progress reports tied to the phasing plans have been required by condition requiring amendments to schemes if imported material cannot be sourced in order to achieve the original timeframe. Therefore if the masterplan for the golf course improvements (refer to Committee Report Plan 2) or the phasing (refer to Committee Report Plan 3 – Phasing and temporary works plan) couldn't be achieved within the 2 year timeframe it would be necessary to require the proposal to be amended and reduced. The application however states that the minimum amount of material has been applied for in order to achieve the landform and drainage required and therefore it is unknown if a successful scheme could be achieved with less material.
65. Conclusion: It is therefore considered that insufficient information has been supplied by the applicant to satisfy the criteria set out in WLP Policy 1.4. The origin and availability of the waste is an important consideration as the prolonged duration of the proposal and in particular prolonged daily vehicle movements may not be supported. The applicant has not demonstrated alternative drainage solutions, or how less imported material or an alternative cut and fill proposal using onsite material could achieve rearranged tees and fairways and achieve a suitable landform claimed by the applicant to be necessary. The success of the development is reliant on the amount of imported material applied for (100,000 cubic metres) and the Environment Agency have relayed concerns from their National Permitting team in relation to the source and availability of inert non-hazardous waste. It is therefore considered that contrary to WLP Policy 1.4 the applicant has not demonstrated that the proposal is achievable within the proposed 2-year timescale.

## Right Place

66. The NPPW provides criteria and guidance for determining whether proposals are in the right place. In this case the relevant national criteria relate to the likely impact on the local environment and on amenity set out in Appendix B to the NPPW namely:
- the protection of water quality and resources and flood risk management; land instability; landscape and visual impact; nature conservation; conserving the historic environment; traffic and access; air emissions, including dust; odours; noise, light and vibration; litter and potential land use conflict; and,
  - the locational implications of any advice on health from the relevant health bodies
67. The golf course consists of 18 holes and previous screening opinions (refer to Planning History) have focused on the importation of inert material to improve all 18 holes and then the northern 12 holes. The applicant has now focused on only 9 holes where the ground is waterlogged.
68. WLP Policy 2.3 seeks to encourage a network of sustainable waste management facilities which enable the movement of waste to be minimised, ensure that waste is being dealt with as close as possible to where it arises, and aims to reduce the need to transport waste great distances. The applicant has indicated that the source of the waste materials would possibly be from the Derby and Stoke-on-Trent areas, a distance of 24 and 13 miles.
69. The application site is within the Churnet Valley and the protection and enhancement of its natural beauty is the overriding requirement for any development (refer to [Churnet Valley Masterplan Supplementary Planning Document \(SPD\)](#)). Whilst businesses and communities are encouraged to work together to benefit their local area by improving the tourism offer, proposals and associated infrastructure should not be detrimental to the sensitive ecology and geology of the area. High quality design will be promoted, and the area's designated heritage and non-designated heritage assets should be protected, maintained and enhanced wherever possible.
70. Having regard to WLP Policy 4, Members of Planning Committee must be satisfied that:
- the proposals would not give rise to materially harmful impacts, except where the material planning benefits of the proposals outweigh the material planning objections; and
  - where proposals have an unavoidable adverse effect on these natural and cultural assets, impacts should be minimised by design and layout. Residual impacts should be mitigated or compensated for, either on or off site.
71. Whilst technical consultees, including the Environment Agency, Highway Authority, Natural England, have all independently considered the assessments which support the application and have raised no objections in principle to the proposals, if minded to approve there are however a large number of conditions, many of which would be pre-commencement conditions which would need to be satisfied before any

development could take place. For example a construction method statement is required which contains details on the temporary entrance and compound off the A52 including wheel cleaning facilities and routing of vehicles to ensure that the development could be constructed without undue inconvenience to road users and in the interest of highway safety. A soil handling and management plan and a habitat establishment and maintenance plan would also need to be approved before any development could commence to protect and achieve habitats (note: Natural England recommend an experienced soil specialist be employed). The Ecological Impact Assessment accompanying the application also contains recommendation for protected species. A licence would need to be secured from Natural England before commencing development.

72. The [NPPF](#) (paragraph 55) and the [Planning Practice Guidance](#) states that the number of conditions should be kept to a minimum, and should satisfy 6 tests including being enforceable. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. In this case the only justification for not providing the required information before the application is determined is financial given the costs involved in supplying the information and it is not guaranteed that planning permission would be approved. Therefore, the applicant would be agreeable to conditions including pre-commencement conditions.
73. Whilst the NPPF (paragraph 54) also states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, representations are concerned that if the success of the development is reliant on adhering to conditions there are limited resources at both the County Council and Environment Agency to monitor and enforce compliance with conditions. Given the nature of the conditions (set out above in section 'Findings of Consultations'), the concern is that non-compliance would have irreversible damage given protected species and habitats on the application site.
74. Conclusion: It is reasonable to conclude that the waste management facility is only in the right place if it is accepted that the importation of waste is necessary to carry out the improvements to the golf course. Whether the improvements could be achieved without the scale of the proposed development is the key consideration. No objections have been received from statutory consultees however if minded to approve a large number of conditions would need to be adhered to in order to achieve the development and National Policy makes it clear that planning conditions should be kept to a minimum and should be enforceable. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. It would be preferable to have all the information before a decision is made rather than condition the information required [note there would be a cost implication to the applicant as a planning permission still would not be guaranteed, however there would be a greater understanding of any impacts by statutory consultees and the determining authority].

#### Right Time

75. Sustainable waste management facilities must be delivered at the right time to support a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; and to provide an environmental role in minimising waste. The proposals would allow the use of inert waste (non-hazardous) in the creation of

a landform which the applicant says is to improve on-site water management, accessibility and player safety on the northern part of the golf course.

76. The applicant is the new owner and states that Whiston Hall Golf Club has been financially struggling for several years to remain open and the course is expensive to manage and maintain. Without improvements being made to the quality of the course, it is likely to close and be lost as a leisure facility. The strategic aim of the proposed development is to create an improved golf course destination, and to reinvest in Whiston Hall to create a high-class golf resort and boutique hotel and wedding and restaurant venue which would increase visitor numbers and local employment contributing towards leisure and tourism within the Churnet Valley.
77. The Churnet Valley is identified as an area for sustainable tourism and rural regeneration. Support is given to the expansion of existing tourist attractions and facilities in accordance with the Churnet Valley Masterplan. Any development should be of a scale and nature and of a high standard of design which conserves and enhances the heritage, landscape and biodiversity of the area ([Staffordshire Moorlands Local Plan \(2016 to 2031\) Submission Version February 2018](#) Policy SS11, which carries forward adopted Policy SS7).
78. Conclusion: It is reasonable to conclude that the waste management facility is only the right time as land ownership has changed and the new owner is now seeking ways to generate income to reinvest in Whiston Hall to create a high-class golf resort and boutique hotel and wedding and restaurant venue.
79. Overall conclusion: Having regard to the general development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that local planning policy would only support the proposals to enhance the golf course as being the 'right type, in the right place, at the right time' if it could be demonstrated that the criteria of WLP Policy 1.4 has been met. It is considered that insufficient information has been supplied by the applicant to satisfy the criteria set out in WLP Policy 1.4. Whilst the application states that the import and infilling / remodelling works would have a temporary impact (24 months), it is not considered that enough information has been provided to be confident that the works could be completed in this timeframe. Despite submission of a phasing plan and timetable, the success of the development within 24 months is reliant on the ready availability of suitable waste material (100,000 cubic metres) and the Environment Agency have relayed concerns from their National Permitting team in relation to the source and availability of inert non-hazardous waste. Alternative drainage solutions or schemes involving less imported material or using onsite material have not been demonstrated and therefore the applicant has not adequately demonstrated that the proposal is achievable within the proposed 2 year timeframe and that the improvements could be achieved without the amount of the proposed imported material applied for, should suitable imported material not be available. Given the nature of the proposal, the existing landscape and the proximity to Whiston village and also the Churnet Valley SSSI, Whiston Eaves SSSI, and Whiston Hall SBI, the duration and impact of the remodelling works and the associated vehicle movements are key issues when considering the acceptability of the proposal. The success of the proposal would be reliant on the discharge of a large number of planning conditions which would make acceptable an otherwise unacceptable development. In accordance with National Policy it is considered that conditions should be kept to a minimum and conditions that are required to be discharged before development commences should be avoided. It is concluded that the

information requested by statutory consultees should form part of the application so any impacts can be considered and mitigated prior to a decision being made.

80. The site-specific considerations in relation to local waste locational and environmental protection policy criteria are discussed below.

**The site-specific development plan policy considerations and the matters raised by consultees and in representations**

81. In determining the impact of the proposed development, WLP Policy 4.2 requires consideration to be given to the effect of the proposals on in particular:
- i. people and local communities, including the potential health effects
  - ii. the highway network and other public rights of way
  - iv. Natural environment features and landscape networks important for wildlife and amenity;
  - v. Sites, habitats and species of importance for biodiversity or geodiversity;
  - vi. The landscape;
  - ix. The countryside
  - xiii. Protection of air, soil and water and reduction of flood risk.
82. WLP Policy 4.1 requires waste development to be designed and operated to high environmental standards and WLP Policy 4.2 seek to ensure that such development does not to give rise to any materially harmful impacts
83. [The Staffordshire Moorlands District Local Plan \(up to 2026\)](#) (SMDLP) requires consideration of design, landscape and visual impacts, ecological impacts and residential amenity (Policies SD1 Sustainable use of resources; Policy SS7 Churnet Valley Area Strategy; DC1 Design consideration; and DC3 Landscape and settlement setting); public amenity including noise, dust and emissions (Policy SD4 Pollution and flood risk); ecological impacts (Policy NE1 Biodiversity and geological resources) and highway safety (Policy T1 Development and sustainable transport).
84. Commentary: The submitted justification report accompanying the application states due to the current design and gradient of the golf course the grounds management is intensive and expensive which is why the course has been left to fall into its current poor condition. To address the poor drainage issues on site significant drainage improvements have been outlined. Representations consider that lack of maintenance is the reason behind why the business /golf membership is failing rather than drainage.
85. The submitted Flood Risk Assessment (FRA) states that it is assumed that drainage serving the existing golf course exists in situ and consists of a measure of field drains serving the tees, fairways and greens. It is believed the site currently drains via these features and overland flow, through a series of existing ponds to the south of the site boundary before outfalling to a short section of ditch within / exiting the south western corner of the site. It is believed that this section of ditch is then culverted prior to exiting the wider land ownership boundary beneath the A52 to the

west. The justification report comments that there are a number of 'spring points' within the 10th and 12th fairways. The FRA states this is typical of the situation where an impermeable layer meet a permeable layer and springs can be very difficult to drain effectively, especially if ground water is rising to the surface. It is noted that the fishing ponds within the golf course are natural spring-fed ponds which have then been remodelled.

86. In respect of hydrogeological information, whilst the site is not within a groundwater source protection zone, the FRA states that the site is underlain with bedrock geology and is designated as a Secondary A aquifer. This is described as permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers. Where the site is underlain with Till superficial geology the site is designated as a Secondary Undifferentiated aquifer. It is not understood what changes to the landform and drainage will have on the secondary aquifer and it is noted that representations state that the local springs are relied upon as a source of drinking water for local livestock. It is also not understood what the impact may be on the Whiston Eaves SSSI.
87. The impact of the development on the environment (ecology, landscape, and visual impact), health and local amenity and highway impact are key concerns raised in representations. It is commented that the application site is a highly sensitive location with risk of damage to the environment and impact on wildlife by the proposals. Impact on health and amenity and tourism in the Churnet Valley is also raised as a concern. It is also commented that given previous uses of the site, the land may be contaminated, and effective maintenance, management and enforcement of the proposal would be required if minded to approve the development.
88. Given the submitted ecological surveys it is recognised that protection measures are required for identified habitats, trees and protected species. There is also potential for flood risk given the remodelled landform and proximity to the A52 and Whiston village. A Sections Plan is provided with the application which shows existing and proposed levels, and in places the ground levels would be increased by 4 - 5 metres. Sensitive consideration would need to be given to ecology and water resources. Protection would also be needed to the former 1804 route of the Cauldon Low Tramway (recognised as non-designated heritage assets by Staffordshire Historic Environment Record) which is immediately adjacent to the eastern boundary of the application site.
89. Local amenity and highway safety are also key considerations given the vehicle movements proposed and the duration of the operations on site. The temporary access point would be off the A52 which is in a 60 mile per hour national speed limit zone and concerns have been raised of potential slow moving and queuing HGV traffic as the proposal would involve a lorry accessing or egressing the site every 15 minutes over a 10 hour period Monday to Friday for a period of 2 years. Mitigation measures would be required to prevent unacceptable noise impacts and to prevent dirt, dust or other deleterious material being deposited outside of the site on the public highway. Measures to monitor and control noise and air pollution would also be necessary given the close proximity to dwellings, and the potential impact of traffic movements. Should the construction phase stray beyond the two-year window applied for, any impacts would be exacerbated.
90. Concerns are also raised on the impact of the proposal on users of the Public Right

of Way to the north of the application site. Public Right of Way Kingsley 58 provides a short section of footpath which connects Blakeley Lane to the A52. To achieve the required visibility splays for the proposed temporary access off the A52 it is queried if land that forms the footpath would be required and as a consequence would the footpath need to be diverted.

91. As stated above, success of the development would be reliant on additional supporting information being approved to satisfy the conditions recommended by statutory consultees, and the monitoring and enforcement of the conditions by the Waste Planning Authority and the Environment Agency. Success or otherwise of the proposal in terms of the landscape and environment therefore would depend on the rigorous attention to the construction phase sequence being adhered to and also for example an approved soil handling and management plan and an approved habitat establishment and maintenance plan being adhered to.
92. It is relevant to note the government guidance on waste which explains that:
- ‘There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively (emphasis added). The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.’ (ref. Guidance – Waste - [Regulatory regimes](#)).
93. The day-to-day operations would be controlled by an Environmental Permit regulated by the Environment Agency. As stated above the Environment Agency have however queried the origin of waste to be imported and as no pre-application discussions have taken place with the National Permitting Team there is no guarantee the applicant will get a permit.
94. The representations include concerns that Councils and the Environment Agency do not have the staff, resources and money to monitor and enforce conditions. Members of the Planning Committee will however be aware that action can be taken by the Planning Regulation Team if necessary in accordance with the [Staffordshire County Council Local Monitoring and Enforcement Plan](#) (July 2012).
95. As the development is considered by local residents to be a landfill proposal in disguise and a fully functional golf course is not guaranteed after works have commenced (unless a restoration guarantee bond is put forward by the applicant), concerns are raised about the impact on local house prices or land for grazing and livestock. The Planning Committee will however know that the courts have ruled that in general:
- ‘planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.’ (emphasis added)(ref. Planning Practice Guidance - [How must decisions on applications for planning permission be made?](#) paragraph 008 - ‘What is a material planning consideration?’).

96. The representations also raise concerns that the application was not accompanied by an Environmental Statement (ES). A screening opinion was however carried out that concluded an ES was not required.
97. Finally, land ownership, and validity of the application have been queried. On submission of the application, as the applicant was not the sole owner of the application area / land edged red, Certificate B instead of Certificate A should have been completed. Determination of the application was held in abeyance until Certificate B was completed and submitted certifying that notice had been given to the owner(s). The applicant's agent has since stated that as of the end of July 2020, the civil matters relating to the prospective agreement in place for the purchase of Whiston Hall Golf Club are being brought to a close and the applicant is now entitled to register the land in his name. Representations however query who the landowner now is and why this information is not public.
98. All requirements for the planning application to be valid have been satisfied (i.e. the correct notice has been served and the application is deemed valid) such that the application can be determined in accordance with our normal procedures. Members should also be aware that matters of ownership and access rights are private matters and not material to the determination of the planning application.
99. Conclusion: Having regard to the site-specific development plan policies and the matters raised by consultees and representations referred to above, it is reasonable to conclude that the proposed development could give rise to materially harmful impacts. The success of the proposal would be reliant on the discharge of conditions and conditions being adhered to and the development being completed within the 24-month time period applied for. Also, this would be reliant on the relevant Environmental Permitting being in place and the relevant licence(s) from Natural England. Also, if a restoration guarantee bond was considered necessary by Members to achieve the development, the applicant and all other persons with an interest in the land would be required to sign a Section 106 Legal Agreement to secure the bond.

## Overall Conclusion

100. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to the application, the supporting information, including the information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposed development does not accord with the development plan and as such does not represent sustainable development, and there are clear and convincing reasons to indicate that the application for planning permission should not be permitted. It is also considered that the material planning objections outweigh the material planning benefits associated with the development.

## Recommendation

101. **REFUSE** the application for remodelling of existing golf course to improve on-site water management, accessibility and player safety through the importation of engineering materials to regrade and reprofile part of the existing golf course, with the construction of new attenuation and irrigation ponds, erection of an associated pump house and proposed landscaping and tree planting at Whiston Hall Golf Club,

Black Lane, Whiston for the reasons set out below.

## Reasons for Refusal

Having given careful consideration to the relevant development plan policies as a whole and having given careful consideration to the application and supporting information, including the additional/amended information subsequently received, the consultation responses, the representations received, and the other material considerations, all referred to in the committee report, the application should be **REFUSED** for the following reasons:

- The applicant failed to demonstrate that the proposal is:
  - reasonable and necessary;
  - comprehensive, detailed, practicable and achievable within the proposed timescale.

(ref. Staffordshire and Stoke on Trent Joint Waste Local Plan (Policies 1.1, 1.3, 1.4 and 1.6, National Planning Policy for Waste (paragraph 1, 7, Appendix A and B, and The National Planning Policy Framework (section 12)).

- The applicant also failed to demonstrate that the unacceptable adverse impacts of the operations on local amenity and the environment resulting from noise, dust, water pollution, traffic impact and the visual impact could be satisfactorily mitigated such that the site was capable of being operated to high environmental standards within the Churnet Valley, close to Whiston village, Churnet Valley SSSI, Whiston Eaves SSSI, and Whiston Hall SBI, and adjacent to former 1804 route of the Cauldon Low Tramway . Therefore, the development was not considered to be compatible with nearby uses, or appropriate in scale and character to the surroundings.

(ref. The Staffordshire and Stoke on Trent Joint Waste Local Plan (Policies 1.1, 4.1 and 4.2), the Staffordshire Moorlands District Local Plan (up to 2026) adopted 2014 (Policies SS7, SD4, DC1, DC2, DC3, NE1), the Staffordshire Moorlands Local Plan (2016 to 2031), Submission Version February 2018 (Policies SS11, SD4, SD5, DC1, DC2, DC3, NE1) the Churnet Valley Masterplan Supplementary Planning Document (Development and Management Principles: 8.1 Natural Environment, 8.2 Heritage, 8.3 Sustainable Tourism); The National Planning Policy Framework (sections 12 and 15); and, the National Planning Policy for Waste (Appendix B)).

- Overall, it was considered that the material planning objections outweighed any material planning benefits associated with the development and as such the proposals did not represent sustainable development.

Case Officer: Julie Castree-Denton      - Tel: (01785) 277293 email: <a href="mailto:planning@staffordshire.gov.uk">planning@staffordshire.gov.uk</a>
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<i>Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to <a href="mailto:planning@staffordshire.gov.uk">planning@staffordshire.gov.uk</a> and can only be provided by email.</i>
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# Appendix 1 The development plan policies (and proposals) and the other material planning considerations, relevant to this decision

## The development plan policies and proposals

### [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#)

(adopted 22 March 2013):

- Policy 1: Waste as a resource
  - Policy 1.1 General principles
  - Policy 1.3 Construction, demolition and excavation waste
  - Policy 1.4 Use of waste for landscaping, screening, engineering purposes or for the improvement of agricultural or forestry land
  - Policy 1.6 Landfill or landraise
- Policy 2: Targets and broad locations for waste management facilities
  - Policy 2.1 Landfill diversion targets
  - Policy 2.2 Targets for new waste management facilities required by 2026 to manage municipal, commercial & industrial, and construction, demolition & excavation waste streams
  - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
  - Policy 3.1 General requirements for new and enhanced facilities
  - Policy 3.4 Temporary planning permissions for open air facilities
- Policy 4: Sustainable design and protection and improvement of environmental quality
  - Policy 4.1 Sustainable design
  - Policy 4.2 Protection of environmental quality

A [5-year review of the Waste Local Plan](#), completed in December 2018, concluded that there is no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

### [The Staffordshire Moorlands District Local Plan \(up to 2026\) \(adopted 26 March 2014\)](#)

- Policy SS1 Development principles
- Policy SS1a Presumption in favour of sustainable development
- Policy SS6a Larger villages area strategy
- Policy SS6c Other rural areas area strategy
- Policy SS7 Churnet Valley Area Strategy
- Policy SD1 Sustainable use of resources
- Policy SD2 Renewable /low-carbon energy
- Policy SD3 Carbon-saving measures in development
- Policy SD4 Pollution and flood risk

- Policy E1 New employment development
- Policy DC1 Design considerations
- Policy DC2 Historic environment
- Policy DC3 Landscape and settlement setting
- Policy C2 Sport, recreation and open space
- Policy C3 Green infrastructure
- Policy R1 Rural diversification
- Policy NE1 Biodiversity and geological resources
- Policy T1 Development and sustainable transport

### **The other material planning considerations**

[Churnet Valley Masterplan Supplementary Planning Document \(SPD\)](#) (adopted 26 March 2014)

[Planning for Landscape Change](#) (formerly Supplementary Planning Guidance to the Structure Plan referenced as a material consideration in Appendix 3 of the Joint Waste Local Plan)

[Staffordshire Moorlands Local Plan \(2016 to 2031\) Submission Version February 2018](#)

- Policy SS1 Development principles
- Policy 1a Presumption in favour of sustainable development
- Policy SS 9 Smaller villages area strategy (incl Whiston)
- Policy SS 10 Other rural areas area strategy
- Policy SS 11 Churnet Valley Strategy
- Policy SD 1 Sustainable use of resources
- Policy SD 2 Renewable /low-carbon energy
- Policy SD 3 Sustainability measures in development
- Policy SD 4 Pollution and water quality
- Policy SD 5 Flood Risk
- Policy E 1 New employment development
- Policy E 4 Tourism and cultural development
- Policy DC 1 Design considerations
- Policy DC 2 Historic environment
- Policy DC 3 Landscape and settlement setting
- Policy C 2 Sport, recreation and open space
- Policy NE 1 Biodiversity and geological resources
- Policy NE 2 Trees, woodland and hedgerows
- Policy T 1 Development and sustainable transport

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

- [Section 1](#): Introduction
- [Section 2](#): Achieving sustainable development
- [Section 4](#): Decision-making
- [Section 6](#): Building a strong, competitive economy
- [Section 8](#): Promoting healthy communities
- [Section 9](#): Promoting sustainable transport
- [Section 11](#): Making effective use of land

- [Section 12](#): Achieving well-designed places
- [Section 14](#): Meeting the challenge of climate change, flooding and coastal change;
- [Section 15](#): Conserving and enhancing the natural environment;
- [Section 16](#): Conserving and enhancing the historic environment

### [Planning Practice Guidance](#)

- [Conserving and enhancing the historic environment](#)
- [Design](#)
- [Environmental Impact Assessment](#)
- [Flood risk and coastal change](#)
- [Health and wellbeing](#)
- [Light pollution](#)
- [Natural environment](#)
- [Noise](#)
- [Open space, sports and recreation facilities, public rights of way and local green space](#)
- [Planning obligations](#)
- [Transport evidence bases in plan making and decision taking](#)
- [Travel Plans, Transport Assessments and Statements](#)
- [Use of planning conditions](#)
- [Waste](#)
  - [Determining planning applications](#)
  - [Regulatory regimes](#)
- [Water supply, wastewater and water quality](#)

### [National Planning Policy for Waste](#) (published on 16 October 2014)

- Waste ambitions (paragraph 1)
- Determining planning applications (paragraph 7)
- Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
- Appendix B – locational criteria:
  - a) protection of water quality and resources and flood risk management
  - b) land instability
  - c) landscape and visual impacts
  - d) nature conservation
  - e) conserving the historic environment
  - f) traffic and access
  - g) air emissions
  - h) odours
  - i) vermin and birds
  - j) noise, light and vibration
  - k) litter
  - l) potential land use conflict

The new waste strategy [‘Our Waste, Our Resources: A Strategy for England’](#) published in December 2018

[Return to Observation section of the report.](#)

## Appendix 2: European Protected Species record

<b>To:</b>	Julie Castree-Denton, Waste Planning Policy and Development Control Team Leader
<b>From:</b>	Sue Lawley, County Ecologist
<b>Ref:</b>	SM.19/07/1141 W
<b>Location</b>	Whiston Hall Golf Club, Black Lane, Whiston
<b>Details:</b>	Application for remodelling of existing golf course to improve on-site water management, accessibility and player safety through the importation of engineering materials to regrade and reprofile part of the existing golf course, with the construction of new attenuation and irrigation ponds, erection of an associated pump house and proposed landscaping and tree planting.
<b>Date:</b>	30 August 2019

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS.
2. Deliberate taking or destroying of EPS eggs.
3. Deliberate disturbance of an EPS including in particular any disturbance which is likely:
  - a. to impair their ability:
    - i. to survive, to breed or reproduce, or to rear or nurture their young; or,
    - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or,
  - b. to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

### Great Crested Newt

Our records, the habitat on and around the proposed development site and ecological survey results indicate that a European Protected Species is likely to be present.

The proposed development is likely to result in an offence under the Conservation of Species & Habitats Regulations 2017.

Officers therefore have a duty to consider whether the proposal would be likely to secure a licence. To do so the proposals must meet with the three derogation tests which are:

1. There are imperative reasons of overriding public interest (e.g. health and safety, economic or social)
2. There is no satisfactory alternative
3. The action will have no detrimental impact upon population of the species concerned e.g. because adequate compensation is being provided.

This information is provided on pages 57-58 of the Ecological Impact Assessment (Wright Environment Ltd., July 2019)

Your officers are of the opinion that the submitted evidence satisfies the three derogation tests because:

1. Reason for overriding public interest – the applicant has demonstrated that the golf course needs to improve its playing quality in order to remain viable. Improved viability will bring economic and social benefits.
2. No satisfactory alternative – alternative layouts and drainage were explored but were not viable. The pond will naturally dry out and the species is likely to be lost from the site if measures are not taken.
3. The submitted ecological report demonstrates that adequate mitigation can be provided for the species concerned

### **Recommendation**

The evidence submitted clearly demonstrates that the three derogation tests are likely to be met and given this, your officers are of the opinion that Natural England are likely to grant a licence. As such the LPA do not need to consider this matter further. It is however recommended that a note be appended to the decision advising the applicant as to the need to secure a licence before commencing development

### **Bat species**

Our records, the habitat on and around the proposed development site and ecological survey results indicate that European Protected Species (bat species) are likely to be present. However only foraging behaviour and one tree with a high potential for roosting have been identified. Short term disturbance of foraging is expected but adequate alternative foraging areas are available close by.

The survey submitted with the application details the following mitigation measures – retain tree with high roosting potential, replacement planting for foraging areas.

### **Recommendation**

Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species (bats) provided that the stated mitigation measures are implemented.

## **Appendix 3: Representations Received**

33 representations have been received. The concerns raised in representations are

summarised below:

**a) Landfill in disguise. Importation is for financial benefit and a fully functional golf course is not guaranteed.**

- i. Type and origin of waste is queried. No guarantees that the waste will not be contaminated which could lead to serious environmental and health issues in the locality. Conditions on a planning permission are no safeguard unless properly enforced and there are resources to monitor the development.
- ii. The application documents do not include letters of support (which would be expected with this type of application) from the National and County's bodies that promote the game, namely England Golf and the Staffordshire Union both of which bodies are at the forefront in improving club facilities and offering marketing advice to overcome the problems being highlighted as reasons necessitating the nature of this application.
- iii. As Whiston Hall has no money, what guarantees are there that the project will be completed to a fully functional golf course with new trees and environmental areas? Planning conditions are only effective if there is a hefty fine in case they are not adhered to. If approved a restoration guarantee bond should be required and the amount returned only after all conditions are met at the end of the project. Note Golden Hill Golf Course, Stoke-on-Trent had waste imported and then the golf club was closed. It is an easy way of making money without consideration of people who live in the area.
- iv. The application supporting information that states "My client tells me that there have been 6 tenants of the Golf Club in the last 10 years" are misleading, the truth is that the reason why the Whiston Golf Club is in financial troubles is because of mismanagement for years. There is obviously a simpler way to make money than turn the north part into a landfill and the south part a 9-hole golf course as it now is.
- v. The importation is purely for financial benefit at the expense of the environment and local residents. The proposal has changed several times since the screening opinion requests in 2017 when the proposal related to the whole golf course and improving access for the disabled. The proposal and importation is purely for financial benefit and to make money from the receiving of waste at the expense of the environment and local residents. If this was a genuine application, then the whole area of the golf club would be included, however the applicant would have had additional costs then as the development would have been an Environmental Impact Assessment development and an Environmental Statement would have been required.
- vi. Rather than the minimum amount necessary for the intended/agreed purpose (in line with Waste Local Plan Policy 1.4), the amount of waste proposed is the amount that the applicant needs to make money, and this has been kept to a minimum. This statement implies that there is no upper limit and enables the applicant to apply for further applications on the grounds that the waste imported (minimum) is insufficient for the purposes and groundworks have revealed ongoing problems and therefore a need for more imported waste to fulfil an improved golf course.
- vii. The proposed importing of 'inert engineering material' from unknown sources is not the main purpose of solving drainage issue which could be solved through alternative proven land drain solutions. Instead it is an unorthodox underhand highly profiteering method of landfill which has the potential of being uncontrolled hazardous waste with irreversible consequences for the local

ecosystems, local population and wildlife. Alternative, easier and less costly methods for land drainage include remodelling 'site won' material rather than importing large quantities of material thus creating an artificial landscape. More suitable proposals /conservation methods adopted in / near many SSSI locations around the local area include gravel in soak-away style trenches / French drains to allow a natural approach to vacating the natural spring water and other surface water run-off. This type of water management is also common practice with the Staffordshire Highways Department for effective management of land water.

- viii. Concerns that once waste is imported the golf course will be levelled and a housing application will be submitted.

**b) Timescale for completion of works not guaranteed. Bond required to ensure development is finished within the period of time.**

- i. The Green Tyger Design video of the remodelled golf course is a very impressive marketing tool, but no link to reality. There is doubt with the project actual timeframe, "as and when waste material becomes available". There is therefore a risk of protracted site disturbance. There is no consideration to project completion mitigation. Should funding cease, the site will be unfinished and present a visual/ ecological risk for a significant amount of time. Phasing is only effective if enforced. The applicant should put up a considerable bond to ensure that the course development is finished within the period of time.

**c) Effective maintenance, management and enforcement of proposal would be required. Resources are queried to ensure compliance and resources are required to ensure necessary management one facility is completed.**

- i. How will the amount of waste imported be controlled and measured? Control assumes a weighbridge on site at the point of access to check loads. Plans do not show facilities on site or kiosk /housing for staff during the operations, in order to carry out effective inspections. The remote locality of Whiston and the lack of proper monitoring makes sites very vulnerable to illegal waste dumping activities and seemingly legitimate operations easy to abuse. There have already been incidences of alleged 'inert' waste being dumped in Moneystone Quarry that was supposedly self-certificated and bona fide but thankfully due to immediate action by local villagers the waste was proved to be full of toxic materials and a stopping order imposed. Should it be the case that a weighbridge and control provision at the access were available, in turn how temporary would the facilities be and once again how much harder would it be to counter a longer usage once established?
- ii. It is a legitimate consideration that the determining planning authority should consider the possible costs implication of granting planning permission for waste tipping when it has been drawn to their attention that such permission has the possibility of drastic environmental and health effects on residents at a time when Staffordshire County Council neither has the staff, the resources, or the money to ensure compliance. An SCC Enforcement Officer has repeatedly said in respect of the nearby Moneystone Quarry that "Enforcement is not expedient". SMDC and SCC have a duty of care to enforce.
- iii. Assurance is queried on the necessary management / competent staff to maintain the facility once completed. The application states that the course has become unplayable and it is unable to maintain due to the ground conditions.

The condition of the course is due to the lack of day to day maintenance /management to reflect the magnitude of the course. The number of users dwindled due to the management removing memberships. Neglect of the golf course at present would indicate lack of any real commitment which would equate to no guarantee that the land would be put back to a golf course. The golf course has been left to grow wild over the past few years so much that a tractor cut and baled the grass this summer and these bales are still abandoned around the course. The unkempt state of the course has led to the collapse of membership numbers as it is virtually unplayable. If access improvement is the reason behind proposals, query how disabled players will cope.

**d) HGV traffic for a period of 2 years or longer. Access direct onto A52. Concerns of highway safety and impact on local amenity.**

- i. The proposed temporary access point off the A52 is in a 60 mile per hour national speed limit zone. A lorry entering or leaving this access is proposed every 15 mins over a 10-hour period Monday to Friday for a period of 2 years. This will add significant disruption and create a hazard on this already dangerous stretch of road. Note large quantities of HGVs associated with local quarries already use this road. It is observed, on a daily basis, a high frequency of overtaking traffic using the entire width of the highway to pass (in both directions), this is also marred with turning vehicles entering and exiting Blakeley Lane.
- ii. The levels of traffic in combination with proposals at Moneystone Quarry (SMDC – Laver Leisure) will place unacceptable levels of heavy traffic upon unsuitable roads. It is queried how the local roads will cope with the increased traffic? By the nature of the deliveries to the site, there will be a backing up of wagons trying to enter the site, which have nowhere to park other than on the highway itself, impeding driver visibility. The proposed entrance will be in very close proximity to properties on both sides of the A52 and on either-side of the proposed site entrance way. It has very poor visibility for vehicles approaching the site and/or exiting. Clearly a recipe for a high-speed incident.
- iii. The new access point off A52 is in breach of the SMDC Local Core Strategy (T1 and T2) proposal to maintain a peaceful and tranquil village.
- iv. Access issues have been reasons for recent refusals of several applications immediately adjacent to the golf course also emerging on the A52, according to SMDC file records, and including a refusal ruling upheld by the HM planning inspectorate.
- v. It is queried how temporary the proposed access to the site would be given concerns about the quantity and quality of the waste to be imported and the duration of the operations and the precedent this sets. Once granted, that access could continue to be used and the haulage road extended to other areas of interest including Quarry 2 of Moneystone Quarry.
- vi. The widening of the visibility splays to achieve the proposed access would inevitably trespass upon an extant public footpath leading from Blakeley Lane onto and across the golf course. If the application is approved this would necessitate a separate application to partly reroute the public footpath. Approval should not be presumed.

**e) Risk of contaminated land.**

- i. Part of the application site was occupied by the former Whiston Copper Smelter

and contains contaminated material. Due to concerns to health residents request a survey of the area to detect if contaminants are present before movement of earth.

- ii. Risk of contaminated waste material to water pools already on site and to the proposed pools and ponds.
- iii. There is a statement within the proposal that encompasses the need for an area designated for contaminated waste. By its inclusion, there is a high probability of the waste being hazardous/ contaminated and a clear indicative factor of doubt with the material quality.

**f) Historic protection required. The tramway should not be shown on plans as within the land ownership of the applicant.**

- i. The site is bound by the 1804 John Rennie Tramway – protection is required.
- ii. Plans submitted with the application showing land ownership suggest that the tramway is within the ownership of the applicant. This is not the case and a cursory review of the Land Registry entry for this area of land will confirm this. The owners of the dismantled tramway do not support this application and the land forming the dismantled tramway should be excluded from the application.

**g) Adverse impact on health and local amenity by the proposals.**

- i. The Churnet Valley is one of the of the pure gems of the Staffordshire Moorlands. The natural watercourses currently have excellent quality standards, which a lot of nearby livestock rely upon for drinking water. All the local residents (many elderly) in the area have chosen to live in this quiet conservation orientated area for very similar reasons – peace and tranquillity. The proposed development and import of waste for at least 2 years will have a negative impact and detrimental effect on the Churnet Valley for residents, visitors and the wildlife. These ‘improvements’ to the golf course in combination with the development at Moneystone Quarry put the Churnet Valley at severe risk of being over commercialised and the increased footfall, traffic along the A52, and imported material will put nature at risk and affect resident’s health through associated air pollution (dust and noise), leachate into the water
- ii. The area attracts many visitors which support the local economy. Many people walk, cycle, horse ride and fly in and around the Valley and proposed development is not in keeping with the area and would be a danger to everybody whilst the material is being dumped and for many years after if the site is not restored.

**h) Highly sensitive location with risk of irreversible damage to environment and impact on wildlife by the proposals.**

- i. The surface water that is mentioned to be a drainage problem within the proposal is a natural flow of water, essentially local springs and other natural sources of runoff water, which have been naturally flowing in principle forever. This proposed development would grossly disrupt the natural waterflow without consideration of the downstream consequences. Note Whiston Eaves SSSI is to the southwest of the proposal / the application site is within the SSSI consultation zone and no Hydrological and Hydrogeological Assessment support the proposal. The water runoff from the site has a high risk of contaminating downstream tributaries which feed the nearby SSSI and Churnet Valley. The

proposal document attempts to wrongly suggest otherwise.

- ii. There are two SSSIs in the vicinity in addition to a SBI and local wildlife sites. This is a highly sensitive location whereby air quality will be detrimentally affected for a considerable time and water quality potentially infinitely. Danger of pollution from 'engineered' material which residents suspect will be contaminated material and the applicant will gain financial benefit from.
- iii. Sensitive natural habitat with Protected species reported on the application site. Flora and fauna must be protected.

**i) Visual impact.**

- i. The visual impact on the entire area and approach to Whiston will be devastating and significantly detract from the barren and typically 'wild' Peak District/ Staffordshire Moorlands landscape.
- ii. The current golf course seamlessly blends very well with the surrounding area due to the lack of artificial modelling of the land. The proposed remodelling will look fake and not in keeping with the area. It contravenes the local Landscape scheme.

**j) Impact on house prices by disguised landfill.**

- i. With the prospect of a disguised landfill site on the doorstep, this will ultimately impact on the real estate values of neighbouring properties and land for livestock and grazing rights.

**k) Full Environmental Impact Assessment required before a decision on the application is made.**

- i. It is considered a full and proper Environmental Impact Assessment including Hydrological and Hydrogeological Assessment should be undertaken before a decision is taken given concern of potential indirect environmental effects on Whiston Eaves SSSI. The application site is also contaminated given the previous Whiston Copper Smelter works.

**l) Land ownership and validity of application is queried.**

- i. The validity of the application is queried. Is the applicant the rightful owner of the golf course? The ownership of the Whiston Hall Golf Course should be made public.