

4. The Whiston Hall Golf Course is an 18-hole course which extends to the east and south of the village (currently operating as a 9-hole golf course). The course is divided into two sections by the embankment / former 1804 route of the Caudon Low Tramway (recognised as a non-designated heritage asset by Staffordshire Historic Environment Record) which linked the Caudon Low limestone quarry (approximately 3km to the east of the site) and the Caudon Branch of the Trent and Mersey Canal at Froghall (approximately 1.7km west of the site). The Caudon Low tramway is outside of the application area.



Location of area to be remodelled shown in red and the land within control of the applicant in blue (included in the Planning and Waste Development Statement (Figure 1)).

5. The northern section of the golf course is bounded 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.
6. The southern part of the golf course 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.
7. 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 and cover the northern part of the course. 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 (see Committee Report Plan 1: Site Location).

8. The access to the Hall and Golf Club buildings and car park is from Black Lane to the west. Access to the proposed application site would be from a temporary access off the A52 (Ashbourne Road) (see photograph below). The A52 comprises a straight two-way single carriageway road, approximately 6.5 metres wide which is straight with grass verges along both sides and is subject to the national speed limit. From approximately 190 metres 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 (Topiary House and Wayside).
9. A 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.
10. 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 approximately 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 approximately 220 metres) and the Garston Villa (west of) Biodiversity Alert Site (BAS) (a distance of approximately 308 metres).
11. Part of the southern section of the golf course, immediately to the south of the Hall, is the [Whiston Hall Site of Biological Importance \(SBI\)](#), and to the south of this is the [Whiston Eaves SSSI](#). The application site is however approximately 260 metres northeast of this SBI and approximately 1.1 km northeast of Whiston Eaves SSSI.



Photograph on the left shows the route from the southern section of the golf course to the northern section of the golf course and the bridge relating the Cauldon Low Tramway. Photograph on the right shows the view to the north across the northern section of the golf course.



Photograph on the left showing the view across the northern section of the golf course towards the south. Photograph on the right shows the A52 the '15th Tee' of the golf course.



The photograph on the left shows the view across southern section of the golf course. Photograph on the right shows the ponds located to the north of the site (taken in 2019).



Photograph showing the approximate location of the proposed access from the A52 (taken from "Googlemaps").

Summary of Proposals

12. The application seeks to remodel the existing golf course (northern part of the course) providing 'significant improvements to site drainage, access and long-term management'. The southern part of the course would remain open during the remodelling.
13. The revised landform would be created with the importation of "engineering materials" (approximately 150,000 tonnes / 100,000 cubic metres of material). The application form indicates that the engineering materials would be from 'construction, demolition and excavation' (75,000 tonnes) and 'commercial and industrial' (75,000 tonnes) waste streams.
14. The waste materials would be spread across the site to an average depth of 1.3 metres up to a maximum of 4.9 metres towards the centre.
15. The proposal includes the regrading and reprofiling of the golf course, the construction of new attenuation and irrigation ponds and landscaping and tree planting. The existing and proposed golf course (and see Committee Report Plan 2: Masterplan) are shown below:

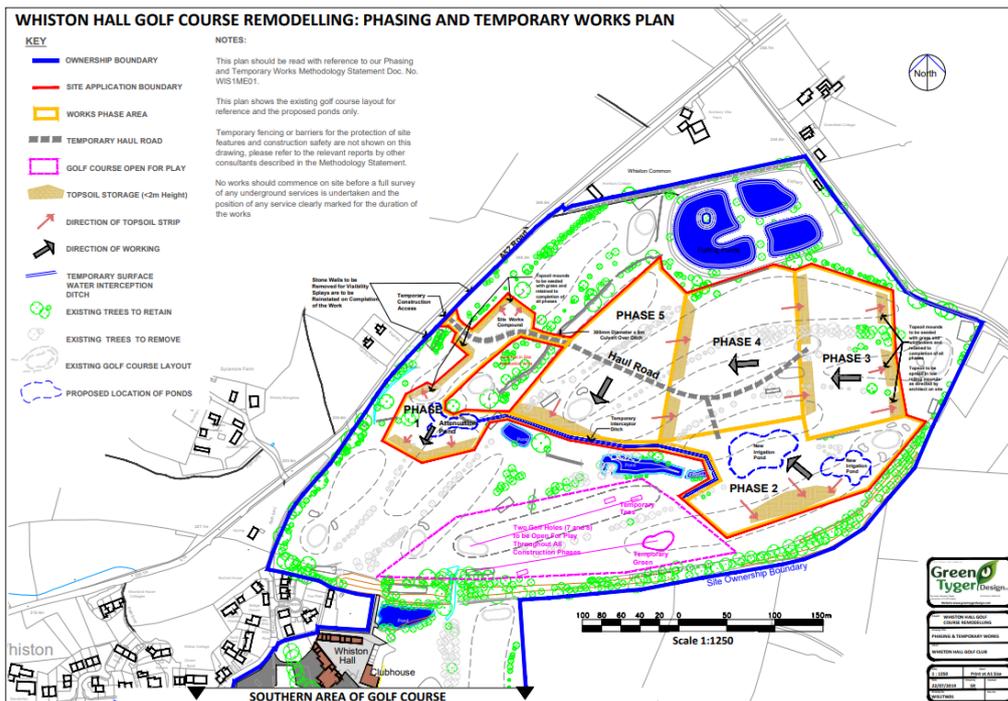


RSE REDESIGN: MASTERPLAN PROPOSAL



Proposed layout of the Golf course

- The proposal would take place in five phases over 24 months (104 weeks) (see plan below and Committee Report Plan 3: Phasing & Temporary Works). A Phasing and Temporary Works Methodology Statement has been submitted which details the phased works; including the equipment and machinery to be used on site (Phase 1 - 1 to 4 months; Phase 2 - 5 to 8 months; Phase 3 - 9 to 13 months; Phase 4 - 13 to 18 months and Phase 5 - 18 to 24 months). The importation of the waste material would take place in Phases 2 to 5.



Plan showing the phasing and temporary works

17. All waste carrying vehicles would report to a weighbridge located in the site compound where the load would be assessed in accordance with the waste acceptance criteria set out in the 'Draft Waste Acceptance Procedures' document. A 'Draft Waste Recovery Plan' has also been submitted (following pre-application discussions with the Environment Agency).
18. A temporary access would be created on the A52, approximately 400 metres to the west of the junction with Blakeley Lane on the northern boundary of the site. The existing access to the golf course (Black Lane) would not be used by construction vehicles. The Transport Statement indicates that construction vehicles would enter the site from the east and exit to the east. Construction vehicles would therefore not travel west into Whiston (note: the route of vehicles would need to be secured as part of a Section 106 Legal Agreement along with driver behaviour).
19. A pump house (faced in stone and slate) would be erected in the eastern part of the application area to the north of the irrigation pond. The building would measure approximately 4 metres by 4.9 metres and would be 2.3 metres to the eaves and 4 metres to the ridge. The equipment in the pump house would operate the drainage irrigation system. Trees would be planted around the pump house to contain its setting.
20. The proposed construction operating hours would be five days per week Monday to Friday between 07:30 to 17:30 hours (10-hour period). No working would take place on Saturday, Sundays and Bank Holidays.
21. It is estimated there would be 20 deliveries (40 movements) per day, approximately 2 laden lorries going in / 2 empty lorries going out per hour; 100 vehicle deliveries per week (200 movements per week), to import the waste material (150,000 tonnes) required to create the proposed landform (using an average truck load of 22.5 tonnes). It is also estimated there would be a total of 6,667 deliveries to the site / 13,334 movements (note: the figures above, included in the Highways Statement have been calculated based on 40 full working weeks per annum).
22. A minimum of three people would be employed (including a weighbridge operative, dozer driver and digger driver), although this may increase to a maximum of 4 employees on site during busy times. Four car parking spaces would be provided within the site compound located adjacent to the access from the A52.
23. The Planning and Waste Development Statement indicates that the application does not seek planning permission for "on-site processing of any waste materials, the establishment of a permanent waste management facility or any change of use of the wider hotel and golf course site".
24. The application is accompanied by a number of documents and plans,

many of which were submitted with the previous application, including:

- Waste Development Statement (new document)
- Planning and Waste Development Statement (new document)
- Draft Waste Recovery Plan*
- Draft Waste Acceptance Procedures*
- Landscape and Visual Impact Assessment
- Highways Statement
- Heritage Desk Based Assessment
- Flood Risk Assessment
- Arboricultural Statement
- Phasing and Temporary Works Methodology Statement
- Justification report for the use of inert materials to resolve drainage problems on part of Whiston Hall Golf Course (updated document)
- Site Location Plan
- Planning Application and Ownership Boundary
- Outline Planting Plan
- Golf Course Masterplan
- Phasing and Temporary Works Plan

* to be developed with the Environment Agency during the application process for an Environmental Permit.

The Applicant's Case

25. The application has been submitted to improve on-site water management, accessibility and player safety. The applicant's agent states that the proposal "would form part of a larger package of measures, aimed at improving the golf course, to secure its long-term viability and ongoing contribution to both the local economy and the mix of tourist attractions available within the Churnet Valley".
26. The applicant's agent has explained that the golf course owner has identified specific problems with the operation / layout of the golf course (see the Justification report below) and this application forms a small part of a larger reconfiguration of the course and that the importation of inert materials is:

'likely to comprise a recovery activity, utilising materials that would not otherwise be recycled and would be likely to be disposed of to landfill. Utilising these materials as proposed treats them as a resource and would have the effect of moving their management up the waste hierarchy. The application demonstrates that the minimum amount of material required is being utilised and would not, in its own right, lead to the generation of wastes'.
27. A justification report prepared by Tyger Green Design Ltd (a specialist landscape architects for new and improved golf courses) has been submitted. The report identifies the main problems within the existing golf

course; describes the design proposals to resolve the problems and improve and upgrade the golf course; presents a review the options and methods available to rectify these problems; and seeks to demonstrate that only the minimum amount of imported material would be used, for their part in resolving these problems.

28. The main problems identified in the justification report are summarised below:
- Safety margins are not adequate.
 - Steep slopes are causing access and maintenance issues.
 - The greens throughout the course are extremely poor.
 - The landscape planting on the course is dominated by exotic conifers which are out of keeping with the surrounding landscape.
 - There are waterlogged areas in the northern half of the course.
 - There is no irrigation system for the golf course.
29. The golf course architect has recommended the re-design of the golf course layout to resolve the issues, however the waterlogging and irrigation system would involve an engineering solution, partly including the importation of inert waste materials.
30. The applicant contends that the proposed development would not give rise to significant impacts upon amenity, or the environment yet would result in significant environmental and economic benefits.

Relevant Planning History

31. No planning permissions have been granted by Staffordshire County Council at the site.
32. As explained earlier, the same planning application was refused by the [Planning Committee on 1 October 2020](#) (ref. [SM.19/07/1141 W](#)). The application was refused and the grounds for refusal are detailed in [Appendix 2](#).
33. "Screening Opinions" to determine whether the proposal is likely to have significant effects on the environment and should therefore be accompanied by an Environmental Statement have been issued:
- [SCE.300](#) dated 6 April 2017 - Request for Screening Opinion - Proposed remodelling of existing golf course to facilitate use by disabled golfers.
 - [SCE.301/Whiston Hall Golf](#) [SHORT_REF_00261] dated 27 June 2017

- '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'.

34. Applications have been submitted to Staffordshire Moorlands District Council ('SMDC') at the Whiston Hall Hotel and Golf Club including:
- [SMD/2021/0653](#) - Proposed new Agricultural Storage Shed – refused (located next to the tramway).
 - [SMD/2020/0739](#) - Agricultural Storage Shed (Application for a Lawful Development Certificate for an Existing use or development) (located next to the main Hotel building/complex) – status: 'awaiting decision' (status correct as of 24 May 2022).
 - [SMD/2020/0007](#) - Outline permission with all matters reserved for a new detached bungalow dwelling (located to the south opposite New Row) - status: 'awaiting decision' (status correct as of 24 May 2022).
 - [SMD/2019/0527](#) - Completion of existing structures to form two holiday lets (located next to the main Hotel building/complex) – status - granted 21 February 2022.
35. As indicated earlier in the 'Site and Surroundings' section of the report, the former Moneystone Quarry is to the south of Whiston Hall Golf Club (ref. [SM.96/935](#) dated 22 May 1998). Laver Leisure obtained outline planning permission in 2016 from SMDC for a Centre Parks style leisure development at the former quarry ("Moneystone Park") (ref. [SMD/2016/0378](#) dated 26 October 2016). A reserved matter application has been submitted to SMDC (ref. [SMD/2019/0646](#)) - status: 'awaiting decision' (status correct as of 24 May 2022).

Environmental Impact Assessment (EIA)

36. As the proposed development (falls within / could fall within) the applicable thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has issued a "Screening Opinion" which concluded that the proposed development is not EIA development and therefore the planning application need not be accompanied by an Environmental Statement (ref: [SCC/21/0049/EIA-SCR](#) dated 22 November 2021).

Findings of Consultations

Internal

37. **Environmental Advice Team** (EAT) – recommended a number of

conditions and commented as follows:

- a) **Landscape** – Landscape impacts appear to be all fairly assessed in the report and both the construction phase and operational phase are considered.
 - i. Photographs taken in April 2019 are representative of the local views and have the benefit of considering the impact of vegetation screening without leaf cover when the situation is worst throughout the winter months. The impression obtained from the photographs emphasises the point that the Leyland cypress trees planted in the original golf course stand out as alien features in the upland fringe landscape of Staffordshire Moorlands. The removal of the Leyland cypress trees would help to assimilate the golf course into this upland fringe landscape. The impact of the increase in levels up to 5m 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.
 - ii. The proposal to plant native species as advance planting outside the working areas, as well as an Outline Planting Plan (Dwg No WIS1PP01 Rev A) demonstrates a commitment to assimilating the modified golf course into the surrounding landscape. A fully detailed landscape plan should be submitted together with the anticipated phasing of planting operations.
 - iii. There is reference to species guidelines for the Landscape Character type and future resilience of any planting plans should be considered and take account of the presence of potential plant pathogens for native species such as Ash die-back. All planting should be suitable for the re-used topsoil stockpiles and evidence of adequate soil testing and soil handling to good practice should be provided.
 - iv. The wall on the boundary along the A52 is a good example of a Moorlands style drystone wall with single skin construction and capping stones and should be re-instated to the same style without use of mortar, and a condition is required concerning this (replacement tree planting is generally welcomed but should not be planted close to the wall). Stripped soils are to be used for bunding during the works and soil handling and ongoing maintenance of topsoil bunds should be explicitly described and monitored.
 - v. There should be a commitment to the phasing plan proposed as part of the application as the construction stage brings about the most adverse impacts of the project. EAT consider that should the construction phase stray beyond the two-year window these impacts

would be exacerbated and may give rise to local opposition of the project.

- vi. Details of the temporary lighting positions, heights and orientation should be fully detailed as part of a conditional approval, and this plan should be made available to neighbours and properties which may be affected.
 - vii. The nearby Moneystone holiday lodges application is mentioned briefly in the document, and although there may be as yet no direct effects on this proposal, the cumulative impact of traffic movements and wider economic impacts should be considered.
 - viii. EAT concur with the information and assessments submitted with the application. The success or otherwise of the proposal in terms of the landscape would depend on the rigorous attention to the construction phase sequence, the advance planting, and the implementation and ongoing maintenance of the planting strategy. EAT have stated that consideration should be given to the resilience of the proposals to climate change including the options for future land uses in this highly modified landscape should a golf course prove unsustainable in this rural location.
- b) **Ecology and Tree Protection** - the Ecological Impact Assessment has been carried out satisfactorily and likely effects on species and habitats identified and the County Ecologist is in general agreement with the findings of this report, however there are several points for clarification:
- i. Meadow creation areas should achieve P status of index 1 or lower to have any chance of being successful.
 - ii. The placement of special low nutrient topsoil (to BS 3882 (2015)) in these areas would be needed, or inversion of current topsoil and subsoil over the imported subsoil.
 - iii. The depth of soil with low phosphate status also needs to be deep enough to prevent weed species from accessing nutrients in the richer soil below, around 200mm.
 - iv. In wetland areas, simply stripping soil down to subsoil may be adequate, especially if this is a clay subsoil, this should not be allowed to dry out before seeding.
 - v. The placement of soils should be regularly monitored by an experienced ecologist to ensure that conditions are suitable before seeding.

- vi. An Ecological Management Plan (EMP) is required which should incorporate a strategy for the regular monitoring of the site (with the ability to take remedial measures if results are not acceptable).
- vii. The location of an area of additional (0.45 hectare) of species rich grassland and wildflower meadow (0.45 hectare) is not shown on the plans. This should not be the heathland site (Whiston Hall SBI) in another part of the golf course.
- viii. The Ecological Impact Assessment contains recommendations for protected species for example the submission of a Construction Environmental Management Plan and an Ecological Management Plan.
- ix. The Planting schedules on the Outline Planting Plan include species that are not suitable, and it should be revised to remove non-native and invasive species.

It is accepted that the replacement of Leylandii and other non-native species is desirable; it is also apparent that the applicant has made efforts to avoid the best specimens of mature native trees and EAT are satisfied with the Tree Protection Plans in the Arboricultural Planning Statement.

- c) **Archaeology / Historic Environment** – there are no archaeological concerns with the proposals, and archaeological mitigation would not be necessary.
 - i. The proposal has been assessed in light of the information held in the Staffordshire Historic Environment Record (HER) and associated datasets, and the Heritage Desk-based Assessment (HDBA) provided in support of the application. The HDBA shows that there are no heritage assets, designated or otherwise located within the proposal site or in the wider vicinity of the site (although the HDBA does note the possible site of a deserted medieval settlement c.400m to the north northeast of the proposal site). The HDBA identifies a number of post medieval/early modern agricultural and industry-related sites in the vicinity of the proposal site, however none of these appear to extend into the proposal site. The remains of the 1804 Caldon Low Tramway are located immediately adjacent to part of the proposal site and it is suggested that the potential for significant remains dating to this period within the site is low.
 - ii. In terms of the potential impact of the proposals on the setting of heritage assets in the vicinity of the proposal site, the conclusions of the HDBA on the indirect impact on these is supported. The HDBA shows that there is some potential for the setting of three Grade II listed buildings (i.e., designated heritage assets- a milestone, and a

farmhouse and a barn at Locker Farm) and the 1804 Caldon Low Tramway, a non-designated heritage, to be impacted by the proposals. The potential impact has been assessed using Historic England's guidance on this type of assessment (GPA 3: 'The Setting of Heritage Assets') and the HDBA concludes that the proposals will not impact upon the significance of these heritage assets. Taking this assessment into account, I do not wish to raise any concerns regarding the potential for the proposals to impact on the setting of these heritage assets. It is 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 [a response from SMDC has not been received].

- d) **Public Rights of Way** - The public footpath known as no. 58 Kingsley Parish runs within the ownership of the applicant but does not appear to be affected by the proposals.

38. The conditions recommended by EAT are as follows:

- i. The submission of a landscape plan including phasing of planting operations.
- ii. The submission of a soil handling / management plan that includes soil handling to good practice and ongoing maintenance of topsoil bunds.
- iii. The applicant to demonstrate the 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.
- iv. A programme for topsoil operations as part of the approved phasing plan.
- v. The reinstatement of the drystone wall along the A52 boundary, in matching style to the remaining wall, without the use of mortar.
- vi. The 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.
- vii. The submission of details of seed sources, establishment and maintenance for wildflower meadows and other habitats.

- viii. The submission of monitoring plans for the establishment of meadow and wetland habitats.
- ix. No vegetation to be removed during the bird nesting season (1 March to 31 August inclusive).
- x. No night-time working or lighting.
- xi. The submission of any temporary lighting if required) including details of type, positions, heights and orientation of units.

39. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections subject to conditions and an informative:

- i. To require the provision of the visibility splays shown on plan 44858/5502/001 before the import of material has commenced.
- ii. To ensure the visibility splays are kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
- iii. To require the submission before the import of material has commenced, of details of the access drive rear of the public highway surfacing.
- iv. To ensure the access drive is maintained in a bound material for a minimum distance of 15m back from the carriageway edge
- v. To ensure that no material is imported or exported until the construction access to the site has been completed.
- vi. To require the submission prior to the commencement of the development, of highways works for the piping of the existing ditch under the proposed access.
- vii. To require the submission within one month of the completion of the import of materials, of details of the reinstatement of the construction access to verge with full height kerb, which shall include the removal of the drainage pipe (see above), made redundant because of the completion of the works.
- viii. To require the submission prior to the commencement of the development of a Construction Method Statement.
- ix. The conditions requiring highway works (construction of bellmouth; piping of ditch; reinstatement of access on completion) shall require a Highway Works Agreement with Staffordshire County Council

(Informative).

40. **Planning Regulation Team** – no response.
41. **Flood Risk Management Team** – no objections, subject to conditions to ensure that the development is carried out in accordance with the Flood Risk Assessment/Drainage Strategy and the following mitigation measures detailed within the FRA:
- i. Limiting the surface water run-off generated by the 100-year critical storm so that it will not exceed 52.2 l/s and not increase the risk of flooding off-site.
 - ii. Provision of adequate attenuation flood storage on the site to 100-year standard.
42. The **County Council's Noise Engineer** – no response, however, in relation to application ref. [SM.19/07/1141 W](#), the County Council's Noise Engineer recommended that conditions set a noise limit of 55 dB LAeq, 1hr and that the works should be completed within 2 years.

External

43. **Staffordshire Moorlands District Council** - no response.
44. **Staffordshire Moorlands District Council Environmental Health Team (EHT)**- no objections subject to conditions. The EHT Reviewed the information and identified potential areas of environmental concern: noise during the construction phase and noise during the operational phase (pump house); construction impacts and the importation of unknown material. The EHT also provided the following comments:
- a) the main concern is the source of material. It is assumed that the project would not be embarked upon without a fairly clear understanding of where the material would be coming from, yet no firm source found in the submission. It is also fairly clear that the material would be sourced from the east (given the proposed vehicle routes).
 - b) the applicant has started engaging with the Environment Agency regarding the need for waste permit and some provisional acceptance criteria is proposed. This is welcomed but we would also recommend that all the material is tested prior to bringing it on to the site.
 - c) the Dust and Air Quality report is the same as the previous application and is slightly outdated & incorrect. However, it is considered but unlikely that increase in movement is of significant magnitude and if they are only entering site via A52 from Caudon it is unlikely this would affect receptors.

- d) the Transport Statement states "HGVs will travel west along the A52 and turn left into the site. HGVs will then turn right out of the site and travel east along the A52. Track out has been assumed to occur along the A52 northeast from site". The route would be acceptable but should be conditioned to prevent movement through the less suitable roads.
- e) the Dust and Air Quality Management Plan is considered appropriate to mitigate any issues. A separate more focused site-specific construction management plan should be produced outlining only the mitigation / measures that must be adopted by the site workers (essentially sections 7 to 9 of the RSK report).
- f) Construction Noise: the work times should be restricted to daytime only Monday to Friday, a condition is set out below which is set to the standard Staffordshire Moorlands construction times.
- g) Operational Noise – the pump house is located in a relatively remote area of the site, so noise disturbance caused by plant noise is not predicted. However, no acoustic specifications have submitted, and these should be approved prior to installation and use.

45. The following conditions are recommended by the EHT:

- i. All noisy activities and vehicle movements onto and off site shall be restricted to the following times of operations (unless agreed with the Waste Planning Authority:
 - 08:00 to 18:00 hours (Monday to Friday);
 - No working is permitted on Saturday, Sundays or Bank Holidays.

[In this case, a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary].

- ii. To require the submission of a Construction and Environmental Management Plan for that phase of the site prior to commencement except for works of site clearance and demolition.
- iii. The machinery, plant or equipment including site generators installed or operated in connection with the carrying out of this permission should be enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise

sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014+A1 2019.

- iv. The details and location of any plant, machinery or generator to be installed under this permission should be submitted for approval.
- v. No Material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development (note: this would be a matter for the Environment Agency as part of the Environmental Permitting regime).
- vi. A methodology should be submitted for testing the material including the sampling frequency, testing schedules, criteria against which the analytical results would be assessed (as determined by the risk assessment) and source material information. The analysis should be carried out and validity evidence submitted to the Waste Planning Authority (note: as above, this would be a matter for the Environment Agency).
- vii. No waste material should be burnt on the site.

46. **Kingsley Parish Council** - objects. The Parish Council reviewed the application and has commented as follows:

- a) The application is deceptive in that it is a heavily disguised waste management operation masquerading as a golf course remodelling exercise (as was the case with the previous planning application [SM.19/07/1141 W](#) and remains so in the present application).
- b) The volume of waste material involved is very substantial and is far in excess of what would be required for any necessary remodelling of the golf course.
- c) The nature of the material dumped on the site may well be hazardous and the material accepted onto the site would be at the discretion of employees working on the site. There would be no independent verification of the material.
- d) The daily volume of HGV traffic travelling to and from the site would have a negative impact on Whiston and the surrounding area. The Planning and Waste Development Statement (paragraph 8.37) states that no vehicles bringing waste material to the site would travel through Whiston. The access to the site is the A52 Main Road which goes through the village so it is difficult to believe that no vehicles would go through Whiston, or that that such a condition could be enforced on multiple transport contractors.

- e) The noise levels of created by ongoing HGV traffic continually entering and leaving the site, together with the ongoing noise from plant and equipment on site would have a negative impact on Whiston, and in particular on residents living near the proposed site.
 - f) The Planning and Waste Development Statement and Arboricultural Statement indicate that the proposed development would involve the removal of 281 trees for the site. The removal of these trees is directly opposed to Climate Change policies presently being pursued by the Government, Staffordshire County Council and Staffordshire Moorlands District Council. It would be very regrettable if this was allowed to happen at a time when councils and communities are being encouraged to undertake wide ranging tree planting to support initiatives to combat climate change.
 - g) The Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026 (2013) (Policy 1.6) states that proposals for new landfills or landraise would generally not be permitted and then only as a last resort. The proposal is undoubtedly a landfill and is in direct breach of Policy 1.6 (despite the applicant claiming the contrary).
 - h) Kingsley Parish Council have requested that if planning permission is granted then conditions should require:
 - i. Regular monitoring by the County Council Planning Regulation of waste being dumped at the site.
 - ii. A 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 [See section concerning Restoration Guarantee Bond].
47. The applicant submitted a [letter in response to the comments from Kingsley Parish Council](#). The Parish responded to the letter as follows:
- a) Nothing in the letter has changed our view of the proposal.
 - b) Any reasonable person would conclude that this is a landfill operation falsely purporting to be a golf club remodelling exercise.
 - c) Despite the assurances, the material accepted onto the site will be at the discretion of an employee(s) of the applicant and there is a very real risk of inappropriate / hazardous material being dumped the site.
 - d) It is nonsense to suggest the site operators will be able to enforce a transport regime whereby all HGVs from multiple transport companies attending the site do so from the north and therefore the original objection is still entirely valid.

- e) It is nonsense to suggest that the proposed operation will only have a 'negligible impact' on those local residents unfortunate enough to live nearby (specifically in relation to noise pollution).
- f) We should be preserving the natural environment, not destroying it (the removal of existing tree from the site).
- g) Kingsley Parish Council believe this should not be permitted in accordance with Policy 1.6 in the Waste Local Plan.

48. The adjoining **Cotton Parish Council** also objects. The Parish Council reviewed the application and raised the following concerns / questions:

- a) Is it really necessary to import 150,000 tons of 'subsoil' to make the golf course safer?
- b) The application includes references to the import of 'subsoil' but it seems that general building waste could legitimately be tipped at the site (up to 4 metres in depth).
- c) Would those bringing materials be paid for them, or would they be paying to deposit them?
- d) Would there be independent monitoring to ensure materials are safe?
- e) This proposal would generate thousands of lorry journeys. The A52 is a very busy and fast road. Numerous accidents have happened. If the 'landfill' requires a new access road onto the A52, concerns about safety have to be paramount.
- f) Cotton Parish Council have noted that the traffic survey (included in the Transport Statement) was undertaken in mid-winter. This is totally unrepresentative of the usual situation when Alton Towers / other tourism is in full swing.
- g) The proposals have been made available via County Council's web portal, rather than via Staffordshire Moorlands District Council's web site. Are local people aware of it, and are they able to make an informed response?
- h) Cotton Parish Council have stated that according to 'Companies House' the current Whiston Hall Golf Ltd. was only incorporated in July 2021 and there seems to be a recurring history of incorporation / dissolution / incorporation / dissolution etc. What would happen if there were yet another dissolution, midway through the operation? The director of the company is listed as a resident of Spain. Will he be in a position to oversee such a large development from so far away?

49. The adjoining **Ipstones Parish Council** have concerns that:

- a) The roads are not suitable for the number of lorries that would be going into the site on a daily basis.
- b) The proposal would be unneighbourly due to the number of lorries.
- c) The type of waste to be imported to the Golf Course is not suitable
- d) No one will monitor what type of waste is being tipped.
- e) Whiston Golf Club is in open countryside.

50. The adjoining **Oakmoor Parish Council** - no response.

51. **Environment Agency (EA)** - no objections. The EA reviewed the submitted information and noted that the proposal would require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016. Any pollution prevention measures in relation to the proposed activity will be enforced via this permit. The applicant should be aware that there is no guarantee that a permit will be granted and should therefore contact the EA.

52. **Natural England (NE)** - no objections. NE reviewed the application and do not consider that the proposal would have significant adverse impacts on designated sites. Based on the plans submitted, NE considers that the proposed development would not damage or destroy the features for which the Whiston Eaves SSSI site has been notified. NE also provided general advice on other natural environment issues. This guidance covered:

- a) Landscape – there is a need to protect and enhance valued landscapes through the planning system (Paragraph 174 of the [National Planning Policy Framework \(NPPF\)](#)). This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. Local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. The [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment provides further guidance.
- b) Best and most versatile agricultural land and soils – sufficient detailed agricultural land classification (ALC) information should be provided to apply NPPF policies (Paragraphs 174 and 175). Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Should the development proceed, NE advise 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.

- c) Protected Species – NE [standing advice](#) designed to help planning authorities understand the impact of developments on protected species.
- d) Local sites and priority habitats and species - The impacts of the proposed development on any local wildlife or geodiversity sites in line with paragraphs 175 and 179 of the NPPF should be considered. There may also be opportunities to enhance local site and improve their connectivity.
- e) Ancient woodlands, ancient and veteran trees – the impacts on ancient woodland and ancient and veteran trees should be considered.
- f) Environment Gains – developments provide opportunities to secure net gains for biodiversity as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). NE advise that the mitigation hierarchy (NPPF paragraph 180) 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. The NE [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project and the [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts.
- g) Access and Recreation – NE encourages any proposal to incorporate measures to help improve people’s access to the natural environment.
- h) Rights of Way, Access land, Coastal access and National Trails – developments should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development and any nearby National Trails.
- i) 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.

53. **Cadent Gas Limited** provided information about apparatus in the vicinity of the proposed works.

54. **Western Power Distribution (WPD)** provided information about apparatus in the vicinity of the proposed works.

Publicity and Representations

55. Site notice: YES Press notice: YES
56. 82 neighbour notification letters/emails (including to objectors to the previous application) were sent out and 31 representations have been received. 29 representations were received raising concerns (similar concerns to those raised in relation to the previous application (ref. [SM.19/07/1141 W](#))). The representations raising concerns are summarised below and a fuller summary is provided in [Appendix 4](#):
- a) Landfill in disguise – the importation is for financial benefit.
 - b) Timescale for completion of works.
 - c) Management /monitoring of the site
 - d) HGV traffic - access direct onto A52. Concerns on highway safety grounds and the impact on local amenity.
 - e) Human Rights
 - f) Climate Change
 - g) Risk of contaminated land.
 - h) Cauldon tramway/historic assets
 - i) Adverse impact on health and local amenity by the proposals.
 - j) Highly sensitive location with risk of irreversible damage to environment and Impact on wildlife by the proposals.
 - k) Visual impact.
 - l) Land ownership and validity of application.
 - m) Other options to the import of waste.
 - n) The previous application.
 - o) Operation of the golf course
 - p) Other matters

[Note: A number of the representees also asked that comments previously made in relation to the earlier application ref. [SM.19/07/1141 W](#) should be considered.]

57. Two letters of representation in support of the application were received including one from the Disabled Golf Association. The Disabled Golf Association which seeks to get more disabled players playing golf for sociability, rehabilitation, and therapy, fully supports the efforts of the golf architect's proposal to upgrade and re-route (to avoid some steep areas) the existing golf course with a view of opening the course to a wider variety of both able and disabled golfers. The other letter of support highlights that there has always been excessive water on fairways on the back part of the course despite numerous attempted to drain them and that the proposal will bring back valuable jobs and a leisure facility.
58. A petition submitted by the agent with 281 names supports the reinstatement of Whiston Hall as an 18-hole Golf course.

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

59. 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.'

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

Observations

61. Having given careful consideration to the application and supporting information, including the information subsequently received, the consultee comments, the representations, the relevant development plan policies, and the other material considerations, referred to above, the key issues are considered to be:
- An Assessment of the new application against the reasons for refusal

- Other matters raised in representations.

An Assessment of the new application against the reasons for refusal

62. Even though the same proposals were refused by the [Planning Committee on 1 October 2020](#) and each application must be considered on their individual merits, it is considered appropriate to have regard to the reasons for refusal and how the applicant has sought to address / resolve these matters.
63. The starting point in re-considering the proposals is once again the [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#) (WLP (Policies 1.1, 2,3, 3.1) which 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, the policies require the protection of human health and the environment; and, that the overall (economic, social and environmental) benefits outweigh any material planning objections.
64. Members will be aware that the Waste Local Plan does not support new sites for landfill. The [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#) (Policy 1.6 (Landfill or landraise)) states that:
- ‘Proposals for new sites for landfill or landraise will generally not be permitted and waste disposal should be considered as the last resort’ and that ‘Proposals for new landfill or landraise, or for the treatment of new forms or categories of waste at existing sites, will be only considered where they are supported by:
- i. Robust evidence that there is an overriding need for the landfill capacity or capacity to treat a specific form of waste;
 - ii. Proposals, where relevant, to capture the landfill gas, and recover energy, where practicable;
 - iii. A detailed restoration and aftercare scheme providing for an acceptable afteruse; iv. Evidence that there are sufficient materials available to complete the infilling in a reasonable timescale and to agreed levels’.
65. Policy 1.3 in the Waste Local Plan also promotes the recycling of construction, demolition and excavation waste and the diversion of inert waste to quarries requiring backfill for restoration purposes over new inert landfill / landraising proposals.

66. In relation to the use of waste for landscaping, screening, engineering purposes or for the improvement of agricultural or forestry land, Policy 1.4 in the Waste Local Plan) 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.
67. Members will also care to note the conclusion reached previously in the Committee report was as follows:
- ‘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’.
68. The reasons for refusal, set out in full in the [decision notice](#), are summarised below:
- a) The applicant failed to demonstrate the proposal was reasonable and necessary, comprehensive, detailed, practicable and achievable within the proposed timescale.

- b) The applicant also failed to demonstrate that the unacceptable adverse impacts (e.g., noise, dust, water pollution, traffic impact and the visual impact of the operations could be satisfactorily mitigated to ensure that the site could operate to high environmental standards.
- c) The development was not considered to be compatible with nearby uses, or appropriate in scale and character to the surroundings.
- d) The material planning objections outweighed any material planning benefits associated with the development and as such the proposals did not represent sustainable development.

69. The full text of the reasons for refusal are also included in [Appendix 2](#).

70. As discussed earlier in the report, the same plans and documents have been submitted with the application, except for a small number of documents including a Planning and Waste Development Statement and A Justification report for the use of inert materials to resolve drainage problems on part of Whiston Hall Golf Course. The Planning and Waste Development Statement (P&WDS) includes a Planning Policy Assessment (Section 9) and one of the aims of the Justification report is to demonstrate that only the minimum amount of imported material would be used. Taking the reasons for refusal in turn, your officer's observations are set out below.

The applicant failed to demonstrate the proposal was reasonable and necessary, comprehensive, detailed, practicable and achievable within the proposed timescale.

71. As with the previous application, concerns have been raised in relation to the justification provided by the applicant and concerning the deliverability / achievability of the importation of waste within the proposed timescale and there is no guarantee that the golf course will be promptly and properly reinstated afterwards. There are also fears that the importation of waste would not cease at the stated levels and would continue indefinitely with the golf course never reinstated (the situation at Stafford Castle Golf Club has been referred to in one of the representations).

72. Kingsley Parish Council, Cotton Parish Council and the representations have raised doubts that the proposals are to facilitate the improvement of the golf course and questioned whether the importation of 150,000 tonnes of material is necessary to improve the golf course (to make it safer). Kingsley Parish Council consider the proposal is a heavily disguised waste management operation masquerading as a golf course remodelling exercise.

73. A [Golf course Masterplan](#) showing the remodelling of the golf course has been submitted, along with a [Phasing and Temporary Works Plan](#),

showing the 5 phases and a [Phasing & Temporary Works Methodology](#) setting out the works associated with each of the phases.

74. The P&WDS states that the application:

‘...sets out in great detail the proposed development. It provides certainty in respect of the proposed method of construction, the materials to be used during construction, the timescales for construction and a progressive programme of phased working and “restoration”’.

75. The applicant contends that the proposal could be delivered within the proposed timescale and that the volume of material is a very small part of the total inert wastes managed by deposit for recovery or landfill in the Development Plan Area (Staffordshire and Stoke-on-Trent) and would not jeopardise the restoration of any quarries (ref. paragraphs 9.76 and 9.77 of the P&WDS). This view has been determined using figures from the Environment Agency’s Waste Data Interrogator for 2019 and the figures provided in the Supporting Statement are line with those quoted in the Waste Data Interrogator. The applicant has also provided correspondence from the Environment Agency in relation to the Environmental Permit which would be required. The Environment Agency (National Permitting Service team) have confirmed that they have not received an Environmental Permit application.

76. The Justification report discusses the options (solutions) considered to remove the waterlogging on the golf course (installation sub-surface field drainage within fairways; the creation of a series of deep ditches between fairways and the raising and remodelling the ground to shed water from the centre of the area). The “Recommended Drainage Solution” combines the solutions. This report also seeks to demonstrate that the design of the proposed development is appropriate and would result in the use of the minimum amount of waste possible (as part of a package of measures to secure the long-term future of the golf course including some cut and fill). It is considered that a reduction in the amount of material would reduce gradients and decrease the effectiveness of surface water drainage or require the introduction of steeper slopes which would be likely to cause problems with access and playability and would be less likely to integrate with the surrounding landform, both effectively rendering the exercise pointless.

77. The development would take place in 5 Phases (shown on the [Phasing and Temporary Works Plan](#)) with the importation of waste taking 20 months (of a 24-month period of works; see [Summary of Proposals](#) section earlier for more details concerning the importation of waste and the phasing).

78. The origin and availability of the waste was and is an important consideration and concerns remain about the deliverability of the

proposal, particularly given the rural location of the site (this matter is discussed later). The applicant has briefly described alternative drainage solutions. However, without details of the alternative solutions, for example, using less imported waste material (the proposal amount of waste has not changed for the previous application), using more on-site material (cut and fill), or using non waste material to create a suitable landform / layout, it is unknown if a successful scheme to remove the barriers to the long-term viability the course could be achieved with less material.

79. The success of the development relies on the importation of approximately 150,000 tonnes / 100,000 cubic metres of material. It is considered that the applicant has not been able to demonstrate to the satisfaction of the Waste Planning Authority that the amount of imported material proposed is the minimum necessary for the remodelling works to achieve the intended purpose. In any event, there remain doubts whether proposed landform could be delivered within the 20/24-month timescale.
80. Members should also be aware that the Stafford Castle Golf Club example mentioned above, relates to the import of waste to extend the golf course to 18 holes, which has no end date and landfilling has ceased without the delivery of the golf course extension (Stafford Borough Council planning permission (ref. [14/20789/FUL](#))). The County Council has also had to permit extensions of time for operators to complete similar works at golf courses elsewhere (e.g. the Swindon Driving Range near Wombourne, and at the Wood Farm golf course near Essington (where an application to extend the timescale has been submitted but not yet determined, pending additional information)).
81. Based on the above, it is reasonable to conclude that insufficient information has been submitted to demonstrate that the proposed importation of waste to allow the remodeling of the golf course is reasonable, necessary, comprehensive, detailed, practicable and would be achievable within the 20/24-month timescale.

The applicant also failed to demonstrate that the unacceptable adverse impacts (e.g., noise, dust, water pollution, traffic impact and the visual impact) of the operations could be satisfactorily mitigated to ensure that the site could operate to high environmental standards.

82. As indicated earlier in the report, the same information was submitted with previous application accompanies this application (e.g., a Noise Impact Assessment, Air Quality Management Plan, Flood Risk Assessment, Highways Statement and a Landscape and Visual Impact Assessment). Paragraph 9.61 of the P&WDS states that:

'The technical assessments accompanying this application clearly demonstrate that the proposed development could be undertaken

without giving rise to unacceptable adverse impacts and any impacts could be minimised through the imposition of appropriate planning conditions. The previous submission of this application led to no objections from any statutory or non-statutory technical consultees and it is clear that there are no material objections to this proposed development. The economic benefits to the ongoing operation of the golf course and hotel therefore far outweigh the non-material objections that have previously been considered’.

These matters are discussed below.

Noise and Dust Pollution

83. The impact of the development on residents (health and local amenity) are concerns raised in the representations.
84. The Dust and Air Quality Management Plan identifies potential sensitive receptors; assesses the risk of dust and emissions affecting sensitive receptors; provides mitigation measures; and details the monitoring and who would be responsible for implementation of the plan.
85. The Noise Impact Assessment concludes that the noise impact due to the proposed construction is likely to be negligible such that the proposals should be considered acceptable in terms of noise.
86. The County Council’s Noise Engineer and Staffordshire Moorlands District Council has no objections and recommended the inclusion of conditions to set a noise limit of 55 dB LAeq, 1hr for the works; to complete the works within 2 years; to require the submission of a site-specific construction management plan; to restrict the operating hours; and to provide no acoustic specifications for the proposed equipment in the pump house.
87. As indicated in the [October 2020 Planning Committee report](#), measures to monitor and control noise and air pollution would also be necessary given the close proximity to dwellings. Should the construction phase not be completed within the two-year period applied for, any temporary impacts would be exacerbated.

Highways

88. A temporary access would be created on the A52 (Ashbourne Road) which has a 60 mile per hour speed limit and concerns have been raised about the number of vehicles associated with the proposal; the cumulative impact on the local highway network; the visibility from the temporary junction, the traffic survey (not representative); the suitability of the roads and highway safety (damage caused to the roads / debris on the road).
89. The Highways Development Control Team have no objections subject to a

number of conditions (including pre-commencement conditions) and an informative, for example to require visibility splays to be provided before the import of material; and require the submission of a Construction Method Statement prior to the commencement (see paragraph 39 for more details of the conditions).

90. As indicated in the [October 2020 Planning Committee report](#), measures to monitor and control the potential impact of traffic movements would also be necessary given the nature of the local highway network.

Drainage/ Flood Risk / Hydrogeology

91. The representations refer to the lack of maintenance as the reason why the business /golf membership is failing rather than drainage. The submitted Flood Risk Assessment and Surface Water Drainage Strategy (FRA & DS) identifies the "Pre-development situation" (paragraph 6.2):

'....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 in particular. 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'.

92. The Justification report includes an investigation into the underlying geology of the area in 2016-17 and field trial investigations. The report concludes that the combination of the underlying boulder clay, together with the shallow surface gradients has led to the drainage problems in the area.

93. The FRA & DS states that:

'The proposals will follow best practice regarding site drainage to ensure that any surface water runoff from the development is managed, ensuring flood risk is not increased elsewhere'.

94. The FRA & DS also indicates that 'it has been advised that subsurface drainage alone would not provide a cost-effective long-term solution to the waterlogging'. However, the source of this advice has not been identified.

95. The County Council's Flood Risk Management Team has no objections, subject to conditions to ensure that the development is carried out in accordance with the Flood Risk Assessment and Drainage Strategy and the measures detailed within the FRA.

96. Residents have expressed a concern that a natural spring water supply would be put at risk of pollution as it is relied upon as a source of drinking water for local livestock.
97. The FRA & DS indicates that the site is not within a groundwater source protection zone, the site is underlain with bedrock geology 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. These are generally aquifers formerly classified as minor aquifers. The Strategy is not clear on what changes to the landform and drainage will have on the secondary aquifer.

Environment including ecology, landscape, and visual impact

98. The impact of the development on the environment (ecology, landscape, and visual impact) have been raised in the representations.
99. 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. An Ecological Impact Assessment has been submitted which considers the biodiversity of the site, details the assessments undertaken and identifies mitigation measures (e.g., creation of new ponds). The County Councils' Environmental Advice Team (EAT) has no objection subject to conditions (including pre-commencement conditions) for example, to ensure that no vegetation is removed during the bird nesting season; no night working should take place and no lighting should be used, unless details of type, positions, heights, and orientation of lighting units are submitted (see paragraph 38 for more details of the conditions).
100. Local residents have stated that the visual impact on the entire area and approach to Whiston village would be devastating and the current golf course seamlessly blends very well with the surrounding area. A Landscape and Visual Impact Assessment concludes 'there will be inevitable effect on landscape character of the Site itself during the construction stage of the project' (paragraph 8.4) and that 'during the construction stage of the project there would be effects on road users on the A52 created by the temporary access road for delivery vehicles to and from the Site. This activity will also be discernible to nearby residents and lighting used during winter months will constitute a new element within a landscape which is presently unlit. During the (golf course) operational stage these effects will no longer exist' (paragraph 8.8).
101. Technical consultees including the County Councils' Environmental Advice Team (EAT) and the Environment Agency have raised no objection to the proposals. However, EAT have recommended a large number of conditions (including pre-commencement conditions) which would need to be addressed (and in the case of the pre-commencement conditions before any development could take place). For example, conditions to require the

development to be carried out in accordance with the proposed phases and submission of a fully detailed landscape plan. EAT commented that the success or otherwise of the proposal in terms of the landscape would depend on the rigorous attention to the phasing, the advance planting, and the implementation and ongoing maintenance of the planting strategy.

102. The agent has confirmed that 'Where consultees have requested the imposition of conditions, the applicant would be happy to accept suitably worded conditions'.
103. Guidance is included in the [NPPF](#) (Section 4 - Decision-making) and in the Planning Practice Guidance concerning the use of planning conditions. Conditions can be included on planning permission, when used these can:
- 'enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects'.
- [[Planning Practice Guidance](#); [Use of planning conditions](#); [Why and how are conditions imposed?](#); Why are conditions imposed on a planning permission?].
104. The guidance also states that the number of conditions should be kept to a minimum, and should satisfy 6 tests (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects) [[Planning Practice Guidance](#); [Use of planning conditions](#); [Why and how are conditions imposed?](#); How can the local planning authority and the applicant reduce the need for conditions?]
105. Paragraph 56 of the [NPPF](#) states that 'Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification'. The [Planning Practice Guidance](#) also states
- 'Such pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission'.
- [[Planning Practice Guidance](#); [Use of planning conditions](#); [Why and how are conditions imposed?](#); How can the local planning authority and the applicant reduce the need for conditions?]
106. Paragraph 55 of the [NPPF](#) states that 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations'.
107. Representations have raised concerns (as with the previous application)

about the adherence to conditions and the monitoring of the site (see Site monitoring /enforcement section below).

108. The requirement for conditions was also set out in the [October 2020 Planning Committee report](#) (see 'Findings of Consultations' section). Information could have been submitted with this application to address these matters which would have provided greater clarity and understanding about any potential impacts and mitigation measures. This would also have reduced the need for pre-commencement conditions. It should be acknowledged however that there are cost implications associated the provision of detailed information prior to the grant of planning permission, which is of course not be guaranteed.
109. Based on the above, it is reasonable to conclude that the applicant has failed to demonstrate that the unacceptable adverse impacts of the operations could be satisfactorily mitigated to ensure that the site could operate to high environmental standards.

The development was not considered to be compatible with nearby uses, or appropriate in scale and character to the surroundings.

110. The P&WDS states that the proposal 'would be compatible with nearby uses and appropriate in scale and character to its surroundings, complement the planned improvements to the whole of the golf course and provides details of the total throughput and anticipated waste streams'.
111. Whiston Hall Hotel and Golf Club is in a rural part of the Staffordshire Moorlands, on the eastern edge of Whiston Village, 5 kilometres to the north-east of Cheadle, about 18 kilometres to the east of Stoke-on-Trent (the largest urban area), about 17 kilometres to the west of Ashbourne and about 33 kilometres to the northwest of Derby.
112. The nearest residential properties (Topiary House and Wayside) are opposite the proposed access onto the A52.
113. WLP Policy 2.3 seeks to encourage a network of sustainable waste management facilities which enable the movement of waste to be minimised, to 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.
114. The applicant has indicated that the source of the waste materials would within the Plan area (i.e., Staffordshire and Stoke-on-Trent). Information concerning the EA Waste Data Interrogator and correspondence from site operators to demonstrate that sufficient material was available were submitted with the previous application. However, given the evidence that other similar developments have struggled to source suitable restoration /

engineering material (inert waste) then there remain doubts about the deliverability of the proposal (see above).

115. The application site is within the Churnet Valley and [Churnet Valley Masterplan Supplementary Planning Document \(SPD\)](#). The SPD sets out the key principles and guidance for the development and management of the whole of the Churnet Valley Masterplan area to ensure that future development proposals reflect the aims of the Masterplan and delivers the Strategy and supplements the policies in the SMDC Core Strategy. Principle 8.1 (Natural Environment) states that:

‘The protection and enhancement of the natural beauty of the Churnet Valley is the overriding requirement for any development. Land uses and the siting and scale of development should respect and enhance the valued characteristics of the Churnet Valley and the local landscape character informed by the Churnet Valley Landscape Character Assessment.....’.

‘Proposals and associated infrastructure measures should not be detrimental to the sensitive ecology and geology of the area...’.

116. The SPD also includes key principles and guidance concerning Heritage, Sustainable Tourism, and Design Principles.
117. The proposals involve the import of approximately 150,000 tonnes / 100,000 cubic metres of material (involving 6,667 deliveries to the site / 13,334 movements) in a rural environment (with the closest major urban area approximately 18 kilometres away), on an area of land approximately 8.8 hectares in size, over a 20/24-month timescale. It is considered that the location, the nature and scale of the proposals would not be compatible with nearby uses, or appropriate in scale and character to the surroundings.
118. Based on the above, it is reasonable to conclude that the development remains incompatible with nearby uses, or appropriate in scale and character to the surroundings.

The material planning objections outweighed any material planning benefits associated with the development and as such the proposals did not represent sustainable development

119. The applicant contends that:

‘...the benefits of the application proposals in environmental, social and economic terms are significant. There are no material considerations which indicate permission should be refused; on the contrary, the key guidance in the Development Plan and NPPF dictates that permission should be granted without delay’.

120. The applicant also contends that:

‘The proposed development would achieve the economic, social and environmental objectives of the NPPF and, in doing so, comprises sustainable development’.

121. Based on the submitted information and the above assessment of the new application against the reasons for refusal, it remains reasonable to conclude that the material planning objections still outweighed any material planning benefits associated with the development and as such proposals do not represent sustainable development.

122. Overall Conclusion: Having regard to the reasons for refusal of the previous application, the assessment of the new application against the reasons for refusal, it is reasonable to conclude that the applicant has failed to demonstrate the proposed importation of waste is reasonable, necessary, comprehensive, detailed, practicable and would be achievable within the 20/24-month timescale; failed to demonstrate the unacceptable adverse impacts of the operations could be satisfactorily mitigated to ensure that the site could operate to high environmental standards; and failed to demonstrate that the material planning objections outweighed any material planning benefits associated with the development; and failed to demonstrate that the proposals represent sustainable development.

Other matters raised in representations

123. Residents raised a number of other matters in relation to this application and these are discussed in more detail below. The applicant has not provided any additional information in response to the matters raised.

Heritage

124. Concerns have been raised in relation to the protection of the former 1804 route of Caudon Low Tramway (recognised as non-designated heritage assets by Staffordshire Historic Environment Record) which is immediately adjacent to the eastern boundary of the site.

125. A Heritage desk-based assessment was submitted with the application. The assessment concluded that ...‘Despite the close proximity of the tramway to the site, there does not appear to be any historic functional link between the site and the tramway. The proposed works will not raise ground levels above the remaining tramway earthworks so will not impact upon visibility to the asset. The proposed development will not have any impact upon the heritage significance of the 1804 route of the Caudon Low Tramway’.

126. Technical consultees including the County Councils’ Environmental Advice Team (EAT) raised no objection to the proposals.

Rights of Ways/footpath

127. Concerns have been raised that the proposal will impact a Public Right of Way located to the north of the application site. 'Public Right of Way Kingsley 58' connects Blakeley Lane to the A52. The County Council's Environmental Advice Team (Public Rights of Way) has confirmed that the public footpath runs within the land owned by the applicant, but it does not appear to be affected by the proposals.

Climate Change

128. A local resident has stated that climate change should be considered.
129. The County Council declared a [climate change emergency](#) in 2019 and have made a commitment to achieve net zero carbon emissions by 2050. Staffordshire Moorlands District Council also declared a climate change emergency in 2019 (making the [Staffordshire Moorlands carbon neutral by 2030](#)).
130. National Planning Policy Framework and the Planning Practice Guidance include sections concerning Climate change ([Section 14](#) (Meeting the challenge of climate change, flooding and coastal change) and the Planning Practice Guidance ([Climate change](#) section)). The Planning Practice Guidance states that "Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking".
131. The Waste Local Plan predates the declaration of a climate change emergency; however, it includes policies which are used to assess the suitability of planning applications in the relate to climate change (e.g., Policies 4.1 (Sustainable design) and 4.2 (Protection of environmental quality)). The [Staffordshire Moorlands District Council Local Plan](#) was adopted September 2020 and include policies which are relevant to climate change (e.g. policies SS1 (Development principles); SS11 (Churnet Valley Strategy); SD5 (Flood Risk); NE1 (Biodiversity and Geological Resources)).
132. Climate Change has therefore been considered as part of the overall assessment of the application against National and Local Planning Policies.

Impact on human rights

133. A local resident has stated that the proposal would contravene the Human Rights Act. Article 8 relates to the right to respect for private and family life stating that 'you have the right to respect for your private and family life, your home and your correspondence. This right can only be restricted in specified circumstances'. The proposals will have impacts from the visual and physical condition of the land, duration of the operations, traffic, noise, impact on the highway. In this case, it is not considered

that these impacts affect the rights under Article 8.

Land ownership and validity of the application

134. Local residents have queried land ownership and validity of the application. The submission explains that
- ‘the applicant is the legal owner of the land, having acquired the site from administrators. Whilst the previous site owner has contested this acquisition, it is understood that this matter has been settled by the courts. However, Land Registry records currently identify a third party as the landowner. To ensure compliance with the requirements of the Town and Country Planning (Development Management Procedure) Order, Certificate B of the application form has been completed and appropriate notice has been served on the Registered Title Owner, at their Registered Address, as well as the site owner’.
135. The Planning Practice Guidance indicated that the planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. An applicant is required to notify owners of the land or buildings to which the application relates [[Planning Practice Guidance](#); [Making an application](#); [Validation requirements](#); Can a planning application be made on someone else’s land?]
136. The agent has indicated that the procedures set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 - [Notice of applications for planning permission](#) have been followed.
137. It is considered that all reasonable steps have been taken to ensure the validation process is correct (i.e. the correct notice has been served and the application is deemed valid) and therefore 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.
- Site monitoring /enforcement
138. The representations include concerns that the County Council do not have the staff, resources and money to monitor and enforce conditions, the material imported will not be in accordance with the description, and no monitoring of the type of material will take place and there are concerns that non-compliance would have irreversible damage given protected species and habitats on the application site.
139. Members of the Planning Committee will be aware that the County Council has a Planning Regulation Team who check compliance with the planning permissions for minerals and waste developments, investigate complaints about minerals and waste sites and any unauthorised mineral and waste

activity. 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). [Paragraph 59](#) of the NPPF is also relevant along with the '[Enforcement and post-permission matters](#)' section of the Planning Practice Guidance.

140. The day-to-day operations would be controlled by an Environmental Permit issued by the Environment Agency ('the EA'). A letter from the EA in response for Pre-Application Advice was submitted with the application. The letter details the information that is required as part an application for a permit. A Draft Waste Acceptance Procedures document which sets out the type and quantity of waste material to be accepted and the measures to ensure that material accepted onto the site is in accordance with the requirements of the Environmental Permit has been submitted along with a Draft Waste Recovery Plan to demonstrate the proposed development would comply with published guidance and to show that the proposed development comprises a Deposit for Recovery Activity.
141. The EA has no objection but has commented that the proposal would require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016. The EA have confirmed that a permit application has not yet been submitted to them. The applicant has confirmed they would continue to engage with the Environment Agency regarding an Environmental Permit.
142. It is also important 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](#)).

Restoration Guarantee Bond

143. Kingsley Parish Council have requested that if planning permission is granted then a 'financially binding contractual obligation' in the form of a bond should be in place to ensure that all work is properly completed, and all environmental conditions fully complied with.
144. Paragraph 55 in the National Planning Policy Framework explains that planning obligations may be used to make otherwise unacceptable

development acceptable. Paragraph 57 states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and,
- fairly and reasonably related in scale and kind to the development.

145. If Members consider that planning permission should be granted and that restoration guarantee bond was considered necessary, 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.

Determining Authority

146. Residents contend that the application has been submitted to the County Council rather than Staffordshire Moorlands Council to 'avoid local residents having a voice'. The applicant has been submitted to the correct authority, as the County Council is the Waste Planning Authority in two tier areas of local government. [The Town and Country Planning \(Prescription of County Matters\) \(England\) Regulations 2003](#) prescribe classes of waste operations and uses of land that should be dealt with as "county matters" ([Planning Practice Guidance, Waste, Waste - overview](#), Who is the planning authority for waste developments?).

147. A resident has indicated that the County Council as the Mineral Planning Authority has a duty to ensure that the Restoration and Aftercare Plan attached to the former Moneystone Quarry planning permission is enforced and that no plans have been submitted related to the occupation or siting of 'Fisheries caravans'. The County Council has delegated planning decisions related to the afteruse of Moneystone Quarry to Staffordshire Moorlands District Council (see Report to the [October 2020 Planning Committee](#)). The occupation or siting of the 'Fisheries caravans' is therefore a matter for Staffordshire Moorlands Council to consider. These matters are therefore not material planning considerations in relation to this application.

House Prices

148. Local residents have raised concerns about house prices. Members will be aware 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.' (ref. [Planning Practice Guidance - How must decisions on applications for planning permission be made?](#) paragraph 008 - 'What is a material

planning consideration?').

149. Conclusion: Having regard to the other matters raised in the representations referred to above, it is reasonable to conclude that the proposed development could give rise to materially harmful impacts. As with the previous application, the success of the proposal would be reliant on the discharge of a large number of conditions (including pre-commencement conditions); the conditions being adhered to, and the development being completed within the 24-month time period.

Overall Conclusion

150. 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, 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

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: David Bray - Tel: (01785) 277273
email: david.bray@staffordshire.gov.uk

The list of background papers for this report is available on request by email sent to planning@staffordshire.gov.uk

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.

[Staffordshire Moorlands District Council Local Plan](#) (2014 to 2033) (adopted September 2020)

- Policy SS1 - Development principles
- Policy SS11 - Churnet Valley Strategy
- Policy SD 4 - Pollution and water quality

- Policy SD 5 - Flood Risk
- Policy DC 1 - Design considerations
- Policy DC 2 - The Historic Environment
- Policy DC 3 - Landscape and Settlement Setting
- Policy NE 1 - Biodiversity and Geological Resources
- Policy T 1 - 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).

- [National Planning Policy Framework](#) (updated 20 July 2021):
 - [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: process and tools](#)
 - [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)
 - 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

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

Appendix 2 Reasons for refusal of planning application **[SM.19/07/1141 W](#)**

- 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 Caudon 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’.

[Return to Relevant Planning History section of the report.](#)

[Return to Observations section of the report](#)

Appendix 3 European Protected Species record

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 a 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.

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

Appendix 4: Representations Received

The concerns raised in representations are summarised below:

a) Landfill in disguise – the importation is for financial benefit.

- i. The proposal is a lucrative money-making landfill masquerading as a needed re profiling.
- ii. Lack of maintenance is the cause of its current situation/demise.
- iii. The applicant has failed to document the infill is necessary or is indeed reasonable in its volume.
- iv. The application is a cover for the real plan to turn that part of the golf course into a dump.
- v. This will be a far more financially advantageous proposition compared to properly running an 18-hole golf course.
- vi. The enormous amount of "inert" engineering materials required seems over the top to make the golf course more workable or playable.
- vii. Unnecessary since the character of a golf course is typically a varied landscape of 'ups and downs'.

b) Timescale for completion of works.

- i. The achievability of the importation of waste within the proposed timescale is doubtful, making village life more unbearable and hazardous.
- ii. There is no guarantee that the golf course will be promptly and properly reinstated afterwards.
- iii. The landfill it would not cease at the stated level and indeed might continue indefinitely with the golf course never reinstated (e.g., Stafford Castle Golf Club).

c) Management / monitoring of the site

- i. The material imported will not be in accordance with the description, possible toxic waste could be imported.
- ii. No one will monitor the type of material that is being imported to the site.
- iii. What checks and balances will be required to ensure there are no contaminants and no inappropriate materials such as brick, masonry, timber, plaster, electrical cable, plastic and metal piping and rainwater goods, plastic waste which will enter and threaten the eco system etc introduced to this area of countryside.
- iv. Other similar projects have taken place in the U.K. and toxic materials have been bought in rendering courses unusable afterwards.
- v. The County Council lacks the resources to properly police and enforce.
- vi. Can the County Council guarantee that the transport company/companies have the necessary documentation (e.g. EWC codes for waste transference and acceptance criteria; Waste carriers licence; Waste transfer note, Operator's licence and Public liability insurance).
- vii. The waste should be inspected and tested before it dispatched to the site and random checks should be made throughout the operation).

d) HGV traffic - access direct onto A52. Concerns of highway safety and impact on local amenity.

- i. The A52 is already congested with a large number of HGVs from various companies including local quarries (e.g. Tarmac) passing through the village daily. Cumulative impact of other transport using the roads.
- ii. There would be a considerable increase in HGVs along an already busy A52.
- iii. The visibility from the proposed temporary junction is not adequate.
- iv. The traffic survey submitted is not representative of the speeds used on the A52 (carried out in January, lower speeds due to poor weather and a survey should be carried out at the height of summer).
- v. The roads/lanes unsuitable and would be damaged
- vi. Debris (mud / stone etc) would be deposited on the highway surface, which would increase the danger created by this temporary access.

e) Human Rights

- i. The County Council has a legal obligation to protect the human rights of residents likely to be affected by the terms of any
- ii. Reference is made to the "Wednesbury Principle" ("Wednesbury unreasonableness") which sets out the standard of unreasonableness of public-body decisions.

f) Climate Change

- i. The proposal would amount to a breach of commitments made by the UK Government the October 2021 COP 26 Climate Change Treaty Agreement.
- ii. The unnecessary and excessive road journeys would cause an increase in CO2 and Greenhouse gases.
- iii. Reference is made to the 'Urgenda' case ('Urgenda' case) which relates to climate change targets.
- iv. Cause an increase in carbon dioxide, nitrogen oxide and Particulate Matter emissions which are highly damaging to both the climate, and human health.

g) Risk of contaminated land.

- i. Risk of contaminated waste material leaching into the surface ground and then into streams and other sources of water.
- ii. The runoff from the infill could leach into the nearby former irrigation pond and contaminate it.
- iii. Runoff from the site would go into Black Plantation and "Quicksand of Quarry 2" at the former Moneystone Quarry.
- iv. The occupants of Cottage Farm and the Whiston Old Barn with its natural spring water supply would be put at health risk and the springs are relied upon as a source of drinking water for local livestock.

h) Cauldon tramway/historic assets

- i. The tramway should not be shown on plans as within the land ownership of the applicant.
- ii. Detrimental impact on the section of historic Cauldon tramway.
- iii. The tramway requires protection.
- iv. The application does not deal with the details of important heritage asset its protection or for future preservation (possible flooding).
- v. The owners of the dismantled tramway do not support this application.

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

- i. The HGV movements to and from site would be heavily polluting.
- ii. The HGV movements would cause a gross inconvenience to the residents of Whiston over a period of about 2 years.
- iii. Noise from plant and equipment (bulldozer / excavator etc) and HGVs over an unacceptable period.
- iv. Odour pollution from landfill materials (reference was made to odour issues associated with Walleys Quarry land fill site at Silverdale, Newcastle under Lyme).
- v. Water pollution.

j) Highly sensitive location with risk of irreversible damage to environment and Impact on wildlife by the proposals.

- i. The site is close to the Churnet Valley SSSI, Whiston Eaves SSSI, Whiston Hall SBI.
- ii. The site is within the consultation zone / less than 500 metres from the Whiston Eaves SSSI. This is a highly sensitive location whereby air quality will be detrimentally affected for a considerable time and water quality potentially infinitely.
- iii. The effects could be detrimental on the immediate and surrounding wildlife and nature.
- iv. The golf course was closed approximately 3 years ago and as such has been taken over by fauna and flora. There has been a significant increase in native species and this proposed landfill would have a significant impact on this eco system.
- v. Damage to the natural environment through the large number of trees / shrubs that are planned to be removed.
- vi. Presence of great crested newts. Two small ponds within the curtilage of the land forming the application have been drained and Great Crested Newts that were resident in those ponds can no longer be found.
- vii. The water runoff from the site has a high risk of contaminating downstream tributaries which feed the nearby Churnet Valley.
- viii. This proposed development will completely disrupt the natural flow of water and runs the risk of carrying contaminants without any consideration of what the consequences will be further downstream.
- ix. The proposal would impact wildlife including hedgehogs, badgers, buzzards, frogs, toads, grass snakes Peregrine Falcons, Red Kite, Little and Barn Owls, Sparrow hawks, sand martins and various species of roosting bats.
- x. There are also wild orchids all over the land.
- xi. The proposed plans also cross over public footpaths which are already not looked after and kept in a state where they can be used, they are completely overgrown.

k) 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.
- iii. The proposal would have a devastating impact upon a scenic and beautiful village.
- iv. inappropriate in the countryside and flies in the face of the ethos of the Churnet Valley Masterplan.

l) Land ownership and validity of application.

- i. The validity of the application is queried.
- ii. Is the applicant the rightful owner of the golf course?
- iii. There are ongoing legal proceeding concerning landownership and a decision should be deferred until these have been completed.
- iv. The incorrect formal notices have been served /served on the incorrect address.
- v. The application document contains factual untruths and deceitful information.
- vi. Legal status of the operator/owner/leasehold of the Golf Course

m) Other options to the import of waste.

- i. There appears to have been no consideration of alternative non-pollutant options to resolve the alleged problem with the land regarding drainage.
- ii. The cause of the alleged increased water retention has not been adequately determined to rule out the option for less intrusive measures which brings into question the intentions of the proposal.
- iii. No need for imported material; should use on-site material.
- iv. Installing land drains and other minor groundworks would be an easier, cheaper and be less damaging to the whole environment.

n) The previous application.

- i. The previous application was rejected, and nothing has changed in this application, this application should be rejected.
- ii. All or virtually all the documents submitted are identical to the earlier refused application.
- iii. The applicant had the opportunity to Appeal the earlier refusal but failed to avail himself of that facility.
- iv. No addressed the reasons for refusal / the applicant has not addressed the criticisms of the previous application.

o) Operation of the golf course

- i. The golf club was well run and maintained under different owners and was a popular destination for golfers from all over the region.
- ii. The profitably of the golf course is has nothing to do with the state of the course or lack of drainage, but rather an unwillingness on the current owners to invest in the place, market it properly or maintain it.
- iii. The unkept state of the golf course has led to a collapse of the membership numbers as it is virtually unplayable.

p) Other matters

- i. An application submitted to Staffordshire Moorlands District Council for an agricultural shed (ref. (SMD/2021/0653) on this part of the golf course which is totally at odds with this application. This is proposed to be built on part of the historic tramway that traverses the site.
- ii. The proposal will impact house prices.
- iii. The proposed plans also cross over public footpaths which are already not looked after and kept in a state where they can be used, they are completely overgrown.
- iv. The application has been submitted to Staffordshire County Council rather than Staffordshire Moorlands. This feels like this is a back handed route to avoid local residents who it will impact the most having a voice.
- v. The County Council as a duty to MPA has a duty to ensure that the Restoration and After Care Plan attaching to the Moneystone Quarry planning permission is enforced [this is not a material planning consideration in relation to this application].
- vi. 'Fisheries caravans' are still occupied (to the east of the site), and no plans have been submitted for occupation or siting of these [this is not a material planning consideration in relation to this application].

[Return to Publicity and Representations section of the report.](#)

