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Merlin Attractions Operations Limited
C/O Agent

Application no: SMD/2022/0556

Determined on: 22nd June 2023

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015
(as Amended)**

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Location of Development:

Alton Towers Farley Lane Farley Staffordshire ST10 4DB

Description of Development:

Removal of existing structures and construction of new building to house indoor attraction, associated ground works, infrastructure and landscaping.

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

General matters:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Site Plan (ATPH-SA-XX-XX-DR-A-0103 rev P05)

- Proposed elevations (ATPH-SA-XX-XX-DR-A-0401 rev P02)
- Entrance Portal Elevations (ATPH-SA-XX-XX-DR-A-0402)
- Demolition Plan (ATPH-SA-XX-XX-DR-A-0105 rev P02)
- Ground Floor Plan (ATPH-SA-XX-XX-DR-A-0201 rev P01)
- Roof Plan (ATPH-SA-XX-XX-DR-A-0202 rev P01)
- Building Sections as Proposed (ATPH-SA-XX-XX-DR-A-0301 rev P04)
- Landscape Plan as Proposed (373/104/4 Rev A)
- Planting Plan East (373/104/7)
- Planting Plan North (373/104/8)
- Planting Plan South (373/104/9)
- Planting Plan West (373/104/10)
- Woodland Planting Outside Red Line (373/104/11 rev A)

Reason:- For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding any details shown on the approved plans, no above ground works (excluding demolition and site preparation) are to be carried out until full details and samples of all external materials and finishes and hard surfacing to be used in the construction of the development, including the attraction building, theming envelopes, entrance portal, fencing, acoustic screens, boardwalks and plaza surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:- To ensure a high quality external appearance of the development and to protect the character and appearance of the Conservation Area, the setting of listed buildings and the wider landscape character.

4. When the application site ceases to be in the use approved by this permission, the use shall cease and the attraction building erected on the land shall be removed within six calendar months of that date.

Reason:- To limit the long term landscape visual impact and long term impact on the setting of nearby heritage assets.

Heritage and archaeology conditions:

5. A) The archaeological site work shall be implemented in full in accordance with the Written Scheme of Investigation (prepared by Archaeological Research Services Ltd, February 2023), unless otherwise agreed in writing by the local planning authority.

B) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:- In the interest of protecting below ground archaeology during the construction phase in line with local and national policy

6. Prior to first use of the attraction hereby permitted, a Management Plan for the Orangery (Quarry Greenhouse), located within the Alton Towers house garden, shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include a description of plans for continued management, schedule of urgent works and initial phase of repair to the orangery (known as the First Phase works), proposals for the management of vegetation close to the structure, and a timetable for the implementation of the First Phase works. The First Phase works shall also include interpretation techniques to better reveal the significance of heritage assets including the conservation area, in line with paragraph 206 of the NPPF. The First Phase works and on-going management shall thereafter be implemented in accordance with the agreed Management Plan, details and timetable.

Reason:- To ensure conservation of these heritage assets and to provide public benefit from the development.

Highways and drainage conditions:

7. The proposed construction works shall be carried out in accordance with the submitted Construction Environmental Management Plan (CEMP) (as updated on 13th February 2023, reference: 03224/09/NT/Sbi V9.0), unless otherwise agreed in writing with the local planning authority.

Reason:- In order to minimise the impact of construction activity on the surrounding environment; in the interests of highway safety.

8. No part of the development hereby approved shall be occupied or operational until the Alton Towers Employee Travel Plan has been extended and updated to include the development hereby approved and submitted to and approved in writing by the Local Planning Authority. The Travel Plan (or any subsequent replacement document) shall remain in force for the life of the development hereby approved.

Reason:- To ensure that the impact of private vehicle travel to and from the site is managed effectively in the interest of minimising traffic flows, especially during peak hours.

9. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the reports below have been implemented:-
- Drainage Strategy Report (9834-HBL-XX-XX-RP-D-0001 REV P03), as appended by Drainage Strategy Plan located in Appendix E (9834-HBL-XX-XX-DRD- 0503 REV P03)

Thereafter, the drainage scheme shall be retained and maintained in accordance with the Drainage Maintenance Schedule (9834-HBL-XX-XXRP- D-0002 REV P03).

Reason:- To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

Environmental health conditions:

10. Construction & Demolition Works: Time of operations - Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.
- 08:00 - 18:00 hours (Monday to Friday);
 - 08:00 - 13:00 hours (Saturday)
 - No working is permitted on Sundays or Bank Holidays

In this instance 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.

Reason:- To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

11. Construction & Demolition: Pollution Control

- a) Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records shall be retained for inspection by officers of the Local Planning Authority;

b) No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These shall be made available for inspection when required by officers of the Local Planning Authority.

Reason:- To protect the amenities of the area during construction, specifically nearby residential properties

12. Lighting - Details of all external artificial lighting to be installed in connection with this approved development shall be submitted to and approved in writing by the Local Planning Authority prior to installation on site. The external artificial lighting incorporated into this development shall be designed to not increase the pre-existing illuminance at the adjoining light sensitive locations when the lighting is in operation.

Reason:- To protect the local amenities of the residents by reason of excess of illuminance and the interest of protecting the character and appearance of the landscape and setting of the heritage assets

13. The development hereby approved shall not commence (excepting works necessitated to comply with this condition) until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
- a) A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - b) The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved prior to the first operation of the attraction.

Reason:- To ensure that the development does not contribute to or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

14. In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not continue further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not recommence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be carried out prior to the attraction being brought into use.

Reason:- In the interest of protecting the health and wellbeing of construction workers, visitors, and local residents

15. No top soil or fill material, including for the hard standing, is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

16. Before first use of the approved development, a scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions that will be implemented for the control, and where necessary any mitigation, of amplified music and sound noise emanating from the development hereby permitted. Where a noise mitigation scheme is required and specified, it shall be implemented prior to the

development being brought into use and maintained for the life of the approved development and shall not be altered without the prior written approval of the local planning authority.

Reason:- To protect the amenity of the locality, especially for people living and/or working nearby.

Landscape, trees and ecology

17. The development hereby approved shall be carried out and constructed only in full accordance with the Tree Heritage Ltd Arboricultural Method Statement reference THL-R22-86-AMS dated 10th February 2023 and the PCA Safety Ltd Construction Environmental Management Plan reference 03224/09/NT/SBi Version 9.0 dated 13th February 2023, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interest of protecting the trees and other landscape on the site during the construction and operational phases of the development

18. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, or as otherwise detailed on the plans hereby approved, unless otherwise approved in writing by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed in writing by the LPA and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

Reason:- In order to retain the landscape of the site and in the interest of protecting local ecology and biodiversity.

19. Prior to any ground works or excavation associated with the development hereby approved, a Soils Management Plan shall be submitted to and approved in writing by the LPA that has due regard to stripping and reserving existing soils or other material from the existing areas prior to spreading at agreed locations on the wider resort. The submitted soils plan shall include information regarding the reservation and storage of the existing soils on the proposed spreading areas. Spreading areas will require their existing topsoil cover to be stripped, reserved, temporarily stored and re-laid in accordance with the DEFRA Construction Code of Practice for Sustainable Use of Soils on Construction Sites. Development shall be carried out in accordance with the approved plan.

Reason:- In order to control the spreading of soils throughout the wider Alton Towers Resort an to ensure that planted areas are effectively protected from inappropriately located spreading of spoil and to further protect against any impacts on the registered garden or other heritage asset.

20. Any mature tree to be removed or to have substantial crown pruning operations carried out shall first be carefully inspected for the potential to provide bat roosting opportunities. Any tree which has such potential (which could include cavities, splits, decay pockets, hollow stems or branches, areas of loose bark, dense ivy cover or dense epicormic shoots) shall be subject to a further detailed and if necessary climbing inspection by a licensed bat worker immediately prior to felling or pruning, and all felling or pruning of such trees assessed as having moderate or greater potential for roosting shall take place in the presence of the bat worker who can then immediately advise on appropriate measures if bats are encountered during dismantling, felling or pruning operations.

Reason:- To ensure effective protection for protective species (bats).

21. The planting scheme shown on Nichols Brown Webber Landscape and Planting Scheme Drgs. Nos.373/104/4 Rev A, 373/104/5, 373/104/7, 373/104/8, 373/104/9, 373/104/10, 373/104/11 rev A and 373/104/12 rev A shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs etc planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- To ensure an appropriate landscape solution is delivered and that the replacement trees and planting are delivered and maintained.

22. Within 6 months of the date of this permission, the existing Alton Towers Long Term Plan Technical Report D: Woodland Management Plan, dated 2011 and covering the period 2011 – 2019, shall be fully reviewed and updated to cover the period 2023 – 2033, including objectives and actions which reflect the evolution and development of Alton Towers since the Woodland Management Plan was first drawn up, and shall be submitted to the local planning authority and approved in writing. The reviewed Woodland Management Plan shall include consideration and proposals for the Abbey Woods 1 and Abbey Woods 3 zones (as set out in the 2011 report) specifically to take account of the landscape, visual and heritage impacts of the development hereby approved. Any replacement or reinforcement planting proposed for the Abbey Woods 1 and Abbey Woods 3 zones set out in the updated Woodland Management Plan so approved shall be fully implemented before the end of the first available dormant season

(November to February inclusive) following completion of the development hereby approved. The trees, shrubs etc. planted in accordance with this condition shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- To ensure an appropriate landscape solution is delivered to protect the landscape and visual screening of the development provided by Abbey Wood and to ensure that the long term health of the adjacent Abbey Wood SBI is maintained.

23. Prior to the commencement of development (including any demolition, site clearance, stripping or site establishment) the disused portable retail unit at TN3 is to be moved approximately 25m to the north west, outside of the proposed development area. This is to be undertaken in accordance with the recommendations set out within the Ecological Appraisal (September 2022) prepared by Baker Consultants and undertaken in winter 2022-2023. This is to be supervised by an experienced ecologist following inspection of the structure to ensure no bats are present.

Reason:- To ensure the existing bat roost is appropriately relocated with no harm to the protected species.

24. Prior to occupation, a Landscape and Ecology Management Plan (LEMP) is to be submitted to and agreed in writing by the local planning authority that establishes the long term management of the site and off site compensation areas. This document shall work in conjunction with the approved CEMP and consider the 'mitigation hierarchy' avoid, reduce, compensate and enhance, in line with the recommendations of the Ecological Appraisal (September 2022) prepared by Baker Consultants. The development shall be carried out and subsequently managed in accordance with the approved LEMP

Reason:- To secure the long term management of ecological features and habitats on the site and within off site compensation areas.

25. The proposed construction works shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) Alton Towers Horizon V9.0 submitted on the 13th February 2023, unless otherwise agreed in writing with the local planning authority.

Reason:- In order to minimise the impact of construction activity on the surrounding environment; in the interests of highway safety.

Informatives:

General

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Woodland Management Plan:

When undertaking works to the Abbey Wood Tree Canopy within the immediate setting of the Grade II Listed Flag Tower, it is requested that views of the Flag Tower are maintained and enhanced through sensitive reduction in the height of the canopy and in line with the maintenance and proposed planting as set out within the Abbey Wood Woodland Management Plan.

Environmental Health:

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- During any demolition and construction activities (including landscaping) the contractor should take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils
<http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
- If required, Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an “appropriate person”. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
- Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel: 0333 880 2000.
1. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Staffordshire County Council.
2. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
 - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
3. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
4. The permission is granted in strict accordance with the approved plans. It should be noted however that:
 - (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
 - (b) Variation to the approved plans will require the submission of a new planning application.
5. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
6. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority’s decision then you must do so within 12 weeks

of the date of this notice.

7. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
8. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
9. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
10. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
11. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
12. Domestic sprinklers
Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building. The chance of an accidental discharge is 16,000,000:1
If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)
13. Working smoke alarms correctly positioned in your home can save your life.

The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month. Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.