

Local Members' Interest	
Mr. M. Worthington	Churnet Valley

PLANNING COMMITTEE – 6 MARCH 2014

MINERAL COUNTY MATTER

District: Application No. STAFFORDSHIRE MOORLANDS: SM.96/935/122 M D4

Date Received: 14 NOVEMBER 2012

Date Revised/Further Details Received: 7-8 MARCH 2013 - amended Restoration Plan and Ecology Report; 15 MARCH 2013 – response to further consultation comments; 15 JANUARY 2014 – withdrawal of earlier submissions and replacement with a revised Restoration Plan (December 2013); 20 FEBRUARY 2014 – response to further consultation comments.

Laver Leisure - submission of details in compliance with Condition 35 of planning permission SM.96/935 relating to a Revised Restoration Plan at Moneystone Quarry, between Whiston and Oakamoor

Background/Introduction

1. Moneystone quarry was previously owned by Sibelco UK [Sibelco] and has been quarried for silica sand since 1948. In August 2007 the company was refused planning permission to extend the site and the applicant contends that mineral working ceased on 31 March 2012.
2. Sibelco sold the site to Laver Leisure (Oakamoor) Ltd [Laver Leisure] in July 2010 except for a laboratory which they continue to use (see Relevant Planning History below and Appendix 5 for more details). Laver Leisure is therefore now responsible for implementing the scheme for the final restoration and aftercare of the site in accordance with the requirements of the planning permission.
3. At the time that the submission was first made in November 2012 Laver Leisure were in discussions with Staffordshire Moorlands District Council about afteruse plans for the site involving the development of a hotel and holiday lodges. It is understood that these discussions are now on hold pending the outcome of the Churnet Valley Masterplan (see 'Relevant Development Plan Policy and other material considerations' below).
4. It is relevant to note that afteruse proposals are a 'district matter' for the determination of the District Council. The County Council's role, as the Mineral Planning Authority, is set out in the National Planning Policy Framework (NPPF) as follows:

'to secure restoration and aftercare, at the earliest opportunity, to high environmental standards' (ref. the NPPF, paragraph 144, 6th bullet point);

5. The NPPF defines restoration as the:

'operations associated with the winning and working of minerals and which are designed to return the area to an acceptable environmental condition, whether for the resumption of former land use or a new use' (ref. NPPF Technical Guidance paragraph 33, 1st bullet point).

6. The extant planning permission requires the 168 hectare site to be restored to agriculture and nature conservation. The details were approved in 2001 and amendments were approved in 2009 to take account of subsequent changes to the quarry permission (see Appendix 4). An updated Restoration Plan to take account of the approved amendments was received in February 2010 (see Appendix 2).
7. Laver Leisure initially proposed to revise the approved Restoration Plan to address concerns that their own geotechnical engineers had identified related to the potential long term instability of slopes within the former quarry. To rectify this concern proposals were submitted involving the removal of parts of 'Moneystone Tip' (Tip 3) and 'Black Plantation (Tip 4) in Quarry 3 and depositing the material against slopes in Quarry 2.
8. The risk of instability was disputed by a number of representees and the former quarry geotechnical engineers. To try to resolve the dispute your officers appointed independent geotechnical engineers to evaluate the submitted geotechnical report. On 15 January 2014 Laver Leisure's agents HOW Planning wrote to advise that their client had now considered additional information provided by the former quarry geotechnical engineers and wished to withdraw their earlier submission and replace it with a 'Revised Restoration Plan (December 2013)' to fully comply with the requirements of the Delegated Letter which approved the Restoration Plan in 2009 (see Plan 2). The latest proposals no longer include any site stabilisation works or disturbance to 'Moneystone Tip' (Tip 3) and 'Black Plantation' (Tip 4).

Summary of Proposals

9. This is a submission of details (not a planning application) to amend and update the Restoration Plan for Moneystone Quarry previously submitted following approval of the details in accordance with the requirements of condition 35 of planning permission SM.96/935 (ref. SM.96/935/122 M D3 dated 9 October 2009) (see Appendix 4). The approval in 2009 was subject to the provision of an updated Restoration Plan to reflect the agreed revisions at that time. An updated Restoration Plan was submitted by Sibelco in February 2010 to fulfil this requirement (see Appendix 2).
10. The amendments and updates to the approved Restoration Plan include the following:
- An amendment to retain the hardstandings within the former production area which would be capped off with 300 mm depth of tailings from Lagoon 4 in Quarry 1. The production area would then be treated and subject to aftercare to establish a grassland area in line with the previously approved details.
 - Updates to increase biodiversity by:
 - Increasing the amount of bare ground, heath and acid grassland areas to improve invertebrate habitats;

- Increasing the areas to be left to naturally recolonize;
- Repeating the hay strew / seed spread, scarifying and re-seeding as necessary;
- Seeding Lagoon 4 with wet grassland donor species;
- Creating a naturally fed wetland feature (seasonal pond);
- Creating more bare open faces around the lake in Quarry 3 for the benefit of sand martins and invertebrates;
- Further hydraseeding of slopes around Quarry 3;
- Thinning of pine and birch to allow heather regeneration;
- Managing and monitoring the grassland areas for 5 years after establishment; and,
- Introducing grazing as ground conditions allow.

Screening Opinion: NO Environmental Statement: NO

11. The “Screening Opinion” on the initial revisions to the approved Restoration Plan concluded that the development was not EIA development and therefore need not be supported by an Environmental Statement. The latest revisions are well within the scope of the earlier Screening Opinion and therefore, although a second ‘screening opinion’ has not been issued, it is reasonable to conclude that the development would not be EIA development and therefore would not need to be supported by an Environmental Statement.

Site and Surroundings

12. Moneystone Quarry lies between Whiston to the north west and Oakamoor to the south east, near Cheadle.
13. The site is bound by Blakeley Lane to the east, open farm land to the north, the Churnet Valley railway track to the south, forestry and open farm land to the west. Whiston Eaves Lane, which becomes Eaves Lane, divides the site into two areas and an underpass connects the two.
14. The hamlet of Moneystone lies to the north and east of the site, along Blakely Lane.
15. The plant within the former ‘Production Area’ has now been dismantled and removed from the site. The laboratories are still being used by Sibelco. The former offices are vacant but currently remain as does a large electricity substation.
16. The Whiston Eaves Site of Special Scientific Interest (SSSI) lies to the west and south of Quarry 3. There are also a number of Sites of Biological Interest (SBIs) adjacent to the site.

Relevant Planning History

17. The relevant planning decisions are listed below. For more details refer to Appendix 5.
- SM.2035 dated 22 July 1976 to permit the Clay Body Plant.
 - SM.94/852 dated 12 December 1994 to permit the erection of new buildings and demolition of redundant buildings.
 - SM.96/935 dated 22 May 1998 to permit an extension to Moneystone Quarry.
 - Section 106 Legal Agreement dated 15 May 1998.
 - SM.96/935/122 M D3 dated 9 October 2009 – revised restoration concept and revised restoration plan received on 25 February 2010.
18. The Restoration Plan indicates the route of a 'proposed path (subject to creation order)' around the eastern boundary of the site. It is understood that a Creation Order was submitted to Staffordshire Moorland District Council in May 2011 and endorsed by the County Council's Countryside and Rights of Way Panel in July 2012 (see comments from the Public Rights of Way Team below).

The Development Plan policies and proposals and other material considerations relevant to this decision

19. The development plan consists of:
- The Staffordshire and Stoke-on-Trent Minerals Local Plan.
 - The Staffordshire Moorlands Local Plan.
20. For details of the relevant saved policies refer to Appendix 6.
21. The other material considerations include:
- The National Planning Policy Framework (NPPF)(27 March 2012).
 - The National Planning Policy Framework Technical Guidance (27 March 2012).
 - The emerging 'Local Plan for the future of the Staffordshire Moorlands' which supports the preparation of a Churnet Valley Masterplan.
 - The emerging Churnet Valley Masterplan – identifies a key action being the *'Restoration of quarry to a level which improves and enhances quality of the landscape and biodiversity of the area'*.
22. For more details of the other material considerations refer to Appendix 6.

Findings of Consultations

Internal

23. The Environmental Advice Team commented as follows on the latest revised submission:
- *Landscape:* the revised Restoration Plan retains existing habitat undisturbed on the northern edge of the quarry which minimises landscape and visual impact and otherwise reflects the previously approved plan.
 - *Ecology:* The revised Restoration Plan reflects the previously approved plan and discussions that have subsequently taken place.
 - *Forestry:* Ecological connectivity would be improved if the new woodland planting were to be linked with existing woodland habitats, especially as most are ancient semi natural woodland.
 - *Rights of Way:* The proposed new public footpath is shown on the revised Restoration Plan although the alignment differs slightly from the route previously agreed with Laver Leisure and endorsed by the County Council's Countryside and Rights of Way Panel on 13 July 2012. The Rights of Way team remain hopeful that future discussions will enable this route to be upgraded to a public bridleway before the Creation Agreement is formalised. The Rights of Way team have now contacted the agents to discuss this matter.
24. The Staffordshire County Council's Noise Engineer – no objections.
25. Transport Development Control (on behalf of the Highway Authority) – no objections.
26. The Planning Regulation Team – no objections but commented as follows:
- Sibelco had notified them that mineral extraction had ceased on 31 March 2011 and sales from stockpiles had ceased in September 2011. This would suggest that the site should have been restored by 31 March 2013 to comply with the planning permission. [Laver Leisure contends that the restoration date is 31 March 2014].
 - Having regard to the County Council's 'Local Monitoring and Enforcement Plan – July 2012', it had not been expedient up to now, pending a decision on the submitted details, for them to take any action to remedy the breach of planning condition(s).
 - Following a decision on the submission, they will write to the owners to establish what restoration works remain to be carried out and then determine the most appropriate action to secure the timely restoration of the site, whether that be through an informal agreement, formal enforcement action or an application for non-compliance with the existing permission.
 - Following a decision on the submission, they will also write to the owners of any of the buildings or structures still remaining on the site (including Sibelco and Laver Leisure) to advise them that it is the County Council's view that they are

unauthorised and if they wish to regularise them then they should apply for planning permission or remove them and restore the land in accordance with relevant permissions.

External

27. Natural England – no objections to the original submission and commented that the changes were unlikely to have an adverse effect on the Whiston Eaves Site of Special Scientific Interest (SSSI).
28. Forestry Commission – no comments.

Views of District/Parish Council

29. Kingsley Parish Council –raised concerns about the original submission and were re-consulted on the Revised Restoration Plan. In response, the Parish Council maintained their objection and raised a new concern about the potential polluting effects on the River Churnet of tailings used to cover the hard standing areas due to the thixotropic nature of the material.
30. Oakamoor Parish Council – questioned the validity of the geotechnical report that accompanied the original submission; questioned the date when the quarry operations ceased; and, were critical of the failure of the County Council’s failure to enforce the requirements of the relevant planning permissions related to:
 - the submission of a revised restoration plan;
 - the submission of a landscape – ecological management report;
 - the application to create a new footpath around Quarry 2;
 - the failure to enforce the removal of buildings within the quarry. The Parish have no objection to the continued use of the buildings but give this as another example of a general apathy to enforce the restoration requirements.
31. The Parish Council were re-consulted on the Revised Restoration Plan and in addition to their earlier comments on the management report and footpath, commented that the revised plan broadly reflected the previously approved plan, and like Kingsley Parish, raised a new concern about the potential polluting effects on the River Churnet of tailings used to cover the hard standing areas due to the thixotropic nature of the material. The Parish asked that the decision be delayed until these matters have been resolved.
32. Nearby Cotton Parish Council originally commented that this matter should be considered by the Planning Committee. In response to the re-consultation on the Revised Restoration Plan the Parish also commented that the revised plan was not dissimilar to the previously approved plan and like the other Parishes expressed a new concern about the treatment of the hard standing area.

Publicity and Representations Received

Site notice: YES Press notice: NO

33. A copy of the original submission was placed in Cheadle Library and further targeted publicity occurred when revised details were submitted.
34. 44 neighbour notification letters were sent out / delivered by hand and sent by email. Representations were received on behalf of 14 local residents. The majority of the representations raised concerns about the works to address instability in the quarry which have now been withdrawn. The representees were re-notified to see if they wished to revise their comments following this change. The comments that remain relevant to the current submission are summarised below:
- Scepticism that the revisions are a delaying tactic and a precursor to facilitate plans to develop the site for a hotel and lodges.
 - The new owners have failed to manage the adjacent SSSI.
 - The site should be restored by 31/3/13 not 31/3/14 as suggested by the new owners. One representation accepts that the later date of 31/3/14 would be acceptable given that most of the works would need to be completed by the end of October 2013.
 - There is a need to safeguard the remaining 6.5 million tonnes of silica sand (a nationally important asset) for possible future working. The new owners should give an undertaking that the restoration would not prejudice future working and railheads. A strategic management plan is required which takes account of the mineral, buffer zones and access to the railhead. Staffordshire Moorlands District Council should take this into account as part of their preparation of the emerging Local Plan and the Churnet Valley Masterplan.
 - The retention of the hardstanding in the Production Area is inconsistent with returning the area to agriculture and wildlife. .
 - The effects on existing and proposed public rights of way (including the opportunity to create a bridal path).
 - The private roadway to Little Eaves Farm should be reinstated.
 - Compliance with Article 7 of the Aarhus Convention
35. In addition, comments were also received from the following groups / organisations:
- The Whiston Action Group (WAG) initially commented that there is a requirement to remove the laboratories within 6 months of the cessation of quarrying (ref. permission SM.94/852); the quarry operations ceased on 31 March 2011 and there was then two years to restore the site i.e. by the end of March 2013; and also reiterated a number of points made by individuals summarised above including the lack of justification for the changes to the approved Restoration Plan; the need to safeguard the remaining silica sand; and, the need to adopt a strategic management plan. In response to the latest Revised Restoration Plan, WAG

commented that the County Council should use its enforcement procedures without further delay and impose conditions to require a 5 to 10 year management plan, a 10 to 20 year aftercare scheme, the hardstandings to be covered with earth and the original footpath to be reinstated.

- Campaign to Protect Rural England (Staffordshire) – no objection. The CPRE commented that ‘the variations proposed are not of a nature to prejudice the approved restoration scheme which we hope would be commenced with a degree of urgency in view of the deadline for completion.’
- Churnet Valley Conservation Society questioned the date when the site should be restored.
- Ramblers Association (Staffordshire Area) revised their earlier comments by welcoming the removal of the instability works but pointed out the need to establish the new right of way agreed by the Rights of Way Panel in 2012.

Observations

36. This is a submission to amend and update the Restoration Plan for Moneystone Quarry previously submitted following approval of the details in accordance with the requirements of condition 35 of planning permission SM.96/935 (ref. SM.96/935/122 M D3 dated 9 October 2009).
37. Having given careful consideration to the submitted details, the relevant development plan policies, the other material considerations, the consultation responses and the relevant representations received, referred to above; the key issues are considered to be:
 - Approval of the Revised Restoration Plan (December 2013)
 - The other matters raised by representees

Approval of the Revised Restoration Plan (December 2013)

38. As explained earlier, the detailed requirements of Condition 35 were previously approved in 2001 and 2009 (see Appendix 4). A plan submitted in 2010 in accordance with the approval in 2009, supported the approved details (see Appendix 2). The latest submission seeks to amend and update that Plan (see Appendix 3).
39. The amendments and updates to the Restoration Plan listed in paragraph 10 above followed discussions with the County Council’s environmental specialists who were seeking to improve the biodiversity benefits of the Plan in accordance with the policies and guidance in the Staffordshire and Stoke-on-Trent Minerals Local Plan, the Staffordshire Moorlands Local Plan, National Planning Policy Framework, the emerging ‘Local Plan for the future of the Staffordshire Moorlands’ and the emerging Churnet Valley Masterplan (referred to in Appendix 6). The Masterplan identifies a key action being the...

Restoration of quarry to a level which improves and enhances quality of the landscape and biodiversity of the area’ (ref. paragraph 7.6.3 4th bullet point)

40. Although objections have been made to a number of matters related to the restoration of the site (discussed below), only two objections were made to the specific amendments or updates to the Restoration Plan listed in paragraph 10.

Treatment of the hard standings within the Production Area

41. The first objection relates to the treatment of the hard standings in the Production Area. The original submission in November 2012 proposed that the hard standings would be retained and covered with 300mm (30 centimetres) of tailings from Lagoon L4. The agents for Laver Leisure confirmed in March 2013 that the majority of the building superstructures had been dismantled and removed from the site. Your officers questioned whether the retention of the hard standings would restore the site to 'high environmental standards'. Laver Leisure responded by explaining that substantial break out of the hard standing areas would generate a significant amount of waste material that would then have to be taken off site; the cover material would provide a sufficient growing medium for the proposed grassland; and, this would be sufficient to meet the ecology and habitat objectives for the scheme. The latest Restoration Plan indicates that the 'Production Area has now been restored'. On checking it has been confirmed that this should have read 'Production area to be restored to grassland' and that it would be restored as stated above. The County Council's Principal Ecologist has confirmed that this method of restoration would be acceptable.
42. Following recent comments made by the Parish Council's about the thixotropic nature of the restoration material derived from the former tailings lagoon, HOW Planning have advised that the geotechnical consultants acting for Laver Leisure have reviewed the comments and responded as follows:
- The tailings have consolidated following the cessation of quarrying and are now part dried out, although following the recent exceptionally wet weather they will need to be sufficiently dried out before these works are carried out;
 - Provided that the tailings are not wetted before they are grassed over they will not become fluid;
 - The tailings will need to be applied to slopes during dry weather and will dry out further during the summer months;
 - Any erosion would be no more significant than existing materials currently on the slopes;
 - Silt lagoons used when the quarry was operating will remain to capture silt in surface run-off until the grass sward has established;
 - A limited amount of tailings would be used and it would be mixed with other materials stockpiled in the Production Area; and,
 - The tailings are inert and monitoring results show that previous acidity has neutralised since the cessation of quarrying.

Public Rights of Way

43. The second objection relates to the failure to reinstate existing rights of way and the provision of the new rights of way on the Revised Restoration Plan. The latest Plan shows Footpath No.49 around Quarry 3 and a proposed new public right of way around the eastern side of Quarry 2 to replace one that once ran through the middle of the site. The agents had previously confirmed that an application to create a public right of way around the eastern boundary of the site had been submitted to Staffordshire Moorland District Council in May 2011. Staffordshire County Council's Countryside and Rights of Way Panel endorsed the route for the new path in October 2012. The Rights of Way Team has confirmed that Laver Leisure have agreed to dedicate land for use as a footpath and agreed, in principle, that this route could be upgraded to a public bridleway. The Rights of Way Team have recently contacted the agents for Laver Leisure in order to progress this matter. The occupiers of Little Eaves Farm commented that the diverted private roadway leading to the farm should be reinstated on its original route. The agents have confirmed that this would be impracticable as the original route ran across what is now the water filled Quarry 3. A route around Quarry 3 is shown on the Plan.

Conclusion

44. Having regard to the development plan policies, other material considerations including the NPPF and the emerging Local Plan and Masterplan, comments and representations referred to above, it is reasonable to conclude that the amendments would improve and enhance the quality of the landscape and biodiversity and in so doing help to restore the site to a high environmental standard as the basis for the future use of the land. The Revised Restoration Plan (December 2013) should therefore be approved.
45. In approving the revised plan, Laver Leisure should be reminded to fully implement the approved Restoration and Aftercare Scheme in accordance with the 2009 approval, as amended by the Revised Restoration Plan (December 2013), within 2 months of this approval, provide a Landscape- Ecological Management Report covering the whole quarry area, describing actions and progress during the previous 12 months and planned actions for the next 12 months. Reporting should then continue throughout the 5 year aftercare period in accordance with good practice.

Other matters raised by representees

The Restoration Date

46. Staffordshire County Council's Planning Regulation team consider that the quarry operations ceased on 31 March 2011 so as a consequence of condition 4 of planning permission SM.96/935 the site should have been restored by 31 March last year. Laver Leisure on the other hand contends that mineral working ceased on 31 March 2012 and so the site should be restored by 31 March 2014.
47. A number of representees have been critical of the new owners for failing to carry out the restoration and of the County Council for failing to carry out enforcement action to secure the restoration of the site. Much of the production area has been demolished but a number of buildings remain, including a laboratory operated by Sibelco. One representee has acknowledged that given the need to carry out works before the on-set of winter to achieve an end date of 31 March 2014, the revised date is acceptable.

48. In finalising this report your officers asked Laver Leisure to comment on the implications of the delay in determining the submission. Laver Leisure confirmed that the majority of the restoration works at the site have now been carried out and that the restoration date should be taken to be 31 March 2014. Following recent comments about their failure to carry out the restoration of the site, Laver Leisure have responded by pointing out that they have / are:
- Removed all superstructures from the Production Area;
 - Processing the remaining concrete;
 - Disposed of demolition material from the site;
 - Cleaned out and maintained in operation surface water land drainage;
 - Secured the site and maintained Health and Safety Inspections by an Independent Assessor;
 - Implemented groundwater monitoring; and
 - Maintained hedgerows and footpaths.
49. The Planning Regulation Team explained in their response that it has not been expedient until now to take enforcement action so far in this case. However, following a decision on this submission, they would write to Laver Leisure to establish what restoration works remain to be carried out and then determine the most appropriate action to secure the timely restoration of the site, whether that be through an informal agreement, formal enforcement action or an application for non-compliance with the existing permission. It is recommended later that the Planning Committee support this action.

Removal of the remaining buildings

50. The planning permission for the buildings requires their removal, including foundations, 6 months after the cessation of the winning and working of mineral (ref. condition 5 - SM.94/852 dated 12 December 1994).
51. A small part of the site remains in Sibelco's ownership in connection with a laboratory that they continue to use. Other office buildings and a large electricity sub-station remain nearby on land owned by Laver Leisure. The previously approved Restoration Plan shows the laboratory and clay body plant remaining. However the relevant permissions expressly require their removal and it is considered that the approval of details in 2009 did not have the effect of giving permission to retain the buildings. It may have been then, and may still remain Sibelco's intention to retain the laboratory (the clay body plant has now gone) and Laver Leisure to retain the electricity sub-station and office buildings but they will need to regularise their use. The Planning Regulation Team advised that they intend to write to Sibelco and Laver Leisure following a decision to require them to regularise the situation by applying for planning permission or by removing the buildings/ structures and restoring the land in accordance with relevant permissions. It is recommended later that the Planning Committee support this action.
- #### Safeguarding the remaining mineral resource

52. An area to the north-west of the quarry was allocated as an 'area of search' to fully exploit the mineral resource in the adopted Minerals Local Plan. In 2007 an application to extend the quarry into this area was refused planning permission.
53. This area of land remains as an 'area of search' and a Mineral Consultation Area (MCA) and this matter was brought to the attention of the Inspector during the examination of the Local Plan for Staffordshire Moorlands earlier this year. The County Council's position is that the adopted Minerals Local Plan is now under review and so it is not possible at this point in time to give a firm view about the likelihood that this area will remain as an 'area of search', 'Mineral Consultation Area' (MCA) or become a 'Mineral Safeguarding Area' (MSA). The land is nevertheless within an MCA and as such the County Council would expect the District Council to take this matter into account when considering proposals in the area and to consult the County Council. The latest modifications to the Churnet Valley Masterplan acknowledge this designation imposes a 'constraint' on development of the site (see Appendix 6).
54. In this case it is reasonable to conclude that these restoration proposals within the former quarry would have no direct impact on the remaining mineral resource. Furthermore, the identification of the site as being suitable for future development in the emerging Local Plan for Staffordshire Moorlands and the Churnet Valley Masterplan has gone forward in the knowledge that an area of land near to the former quarry is currently identified as an 'area of search' and 'Mineral Consultation Area' in the adopted Minerals Local Plan.

Imposition of New Conditions

55. The Whiston Action Group commented that new conditions should be imposed to require Laver Leisure to manage the aftercare of the site for 20 years; to require the hardstanding to be covered with earth; and, to require the original footpath to be reinstated. However, this is an amendment and updates to approved details, not an application to vary the permission or for a new permission. New conditions cannot be imposed. Nonetheless, there is an approved restoration plan and statutory 5 year aftercare period, a Section 106 Legal Agreement that requires 10 year aftercare of the SSSI, an endorsed route for a new public right of way around the eastern side of the site, a re-routed path around Quarry 3, and the approved restoration scheme includes details of the treatment of the hard standing area.

Compliance with Articles 6 and 7 of the Aarhus Convention

56. The Aarhus Convention came into force in 2001 and the UK is a party to it. The Convention seeks to ensure 'rights of access to environmental information', 'public participation in environmental decision-making' and 'access to justice'. Article 6 relates specifically to public participation in decisions on specific activities. Article 7 relates to public participation concerning plans, programmes and policies relating to the environment. A local resident has raised that the UK Government was found in September 2013 to have failed to comply with Article 7 in respect of its National Renewable Energy Plan in that the Plan was not subjected to public participation. The local resident believes this decision and alleged non-compliance with Article 6 by the County Council prevent the County Council from determining this submission.
57. Your officers believe that this case has been correctly publicised in accordance with our

Statement of Community Involvement. The submission, received in November 2012, was advertised by site notice; a copy was placed in the Cheadle Library; local residents were informed by letter and anyone who made representations was kept informed of changes made later by letter or by regular emails. Our web site was also kept up to date.

The representations have been summarised in this report and there is an opportunity for public speaking at the Committee meeting. If a member of the public has concerns about the way the case has been handled they can complain to the County Council and if they are not satisfied by the response they can pursue their complaint with the Local Government Ombudsman. Also interested third parties can challenge planning decisions by way of Judicial Review. An applicant can appeal the decision via the Planning Inspectorate and that decision can be challenged in the High Court. Having taken legal advice, your officers are therefore satisfied that the requirements of the Aarhus Convention have been met in dealing with this submission of details.

Overall Conclusion

58. Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given careful consideration to the submitted details, the consultation responses, the representations and the other material considerations referred to above, it is reasonable to conclude that the Revised Restoration Plan (December 2013) should be approved as an amendment to the previously approved Restoration and Aftercare Scheme.

DIRECTOR OF PLACE AND DEPUTY CHIEF EXECUTIVE'S RECOMMENDATION

To APPROVE the Revised Restoration Plan (December 2013) as an amendment to the Restoration and Aftercare Scheme previously approved in compliance with Condition 35 of planning permission SM.96/935 at Moneystone Quarry.

To REMIND Laver Leisure to fully implement the approved Restoration and Aftercare Scheme and in accordance with the relevant parts of the 2001 and 2009 approvals, and within 2 months of the approval, to submit an annual Landscape- Ecological Management Report covering the whole quarry area, describing actions and progress during the previous 12 months and planned actions for the next 12 months. Annual reports should then continue to be submitted throughout the 5 year aftercare period in accordance with good practice.

To SUPPORT the actions to be taken by the Planning Regulation Team to write to those persons with an interest in the land to:

- a) Confirm the extent to which the site has been restored in accordance with the latest approved Revised Restoration Plan to establish what restoration works remain to be carried out and to determine the most appropriate action to secure the timely restoration of the site, whether that be through an informal agreement, formal enforcement action or an application for non-compliance with the existing permission; and,
- b) Require them to regularise the situation regarding the Laboratory, Offices and other buildings or structures currently remaining on the site by applying for planning permission to retain them or by removing the buildings/ structures and restoring the land in accordance with relevant permissions.

Case Officer: Mike Grundy - Tel: (01785) 277297
email: mike.grundy@staffordshire.gov.uk

A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, No. 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).

Appendix 1: The Location Plan

Appendix 2: 'The approved Restoration Plan' (2010)

Appendix 3: 'The Revised Restoration Plan (December 2013)'

Appendix 4: Relevant extracts from the Delegated Letters approving details previously submitted to discharge Condition 35 of planning permission SM.96/935

[See Appendix 5 for the wording of Condition 35]

1. Delegated Letter dated 26 January 2001 (ref. SM.96/00935 D1) (relevant extracts)

Sibelco Minerals and Chemicals Ltd.,
Brookside Hall,
Sandbach,
Cheshire.
CW11 4TF

HoCA/MCW/SM.96/935 D1

GS/DJ/001/P02

26 January 2001

Dear Sirs,

DELEGATION SCHEME: SM96.935 D1 SUBMISSION OF DETAILS IN ACCORDANCE WITH CONDITIONS 6, 11, 16, 19, 25, 29, 30-31, AND 33-35 OF PLANNING PERMISSION SM.96/935 EXTENSION AND PROGRESSIVE RESTORATION OF MONEYSTONE QUARRY

Thank you for the submission of details as set out above. The Council's consideration of the proposal is set out below.

Planning permission SM.96/935 for the extension and progressive restoration of Moneystone Quarry and associated matters at Moneystone Quarry, Whiston Eaves Lane, Whiston, Stoke on Trent was permitted on 22 May 1998.

Condition 35 of SM.96/935 requires the submission of a detailed restoration and aftercare scheme for the whole site to bring the site into agriculture and nature conservation

The scheme of restoration and aftercare provides for soils to be replaced when only in a suitable dry condition to provide a mosaic of afteruses including woodlands, grazing/hay cropping areas, hedgerows, wetlands and heathlands and to improve the existing local footpath network by creating new footpath routes. During the first year of establishment the areas to agriculture will be kept free from weeds and the grass sward cut to an average height of 8 – 10 cm. No artificial fertiliser to be used – only FYM in the winter months. An annual report will be prepared during November/December of each year during the five year aftercare period, outlining the management actions required for the following year. Aftercare can be summarised as:

Year 1: all new planting including hedgerows to be the subject of 3 month maintenance visits and to include where necessary pruning, removal and replacement of dead or dying planting, checking and repairing all fencing, and applications of slow release fertiliser (except on agricultural land).

Year 2: A similar regime to year 1. A slow release fertiliser to be applied to the base of each tree/shrub.

Years 3, 4, and 5: Some species to be coppiced to allow greater room for canopy species such as oak. A further application of slow release fertiliser to be applied in year 4. Hedges to be flailed to produce hedges of 1.5 metres high and 2 metres high. Existing trees to be retained will receive arboricultural treatment as necessary to promote healthy growth.

The submitted details have been considered in the context of general planning guidance and policy including MPG11 (The Control of Noise at Surface Mineral Workings), Structure Plan Policy 101 (Special Landscape Areas), the Staffordshire and Stoke on Trent Minerals Local Plan Policies 57 (progressive restoration at Moneystone Quarry), Policy 9 (general restoration), Policy 21 (landscape character), Policy 22 (tree planting) and Policy 32 (water environment).

The following consultation responses have been received on the proposals:

The Ramblers Association has stated that the permissive footpath has been checked and walked and that it meets their entire approval.

Oakamoor Parish Council has confirmed that there are no objections.

Kingsley Parish Council has stated that no objections to the submissions have been raised.

The Environmental Planning Unit of the County Council, English Nature, The Farming and Rural Conservation Agency, and the Environment Agency made comments on the submissions, some of the comments overlapping or being repeated by the various Agencies/Unit. Following discussion and meetings between the applicant and the above Agencies/Units additional details have been submitted to answer any concerns raised. These are included in letters from Environmental Simulations International dated 15 March 2000 (reference 6131MW001.doc), Environmental Simulations International dated 18 May 2000 (reference 6131MW002.doc) together with plan 6131/Fig1, and Bright and Associates (Landscape and Environmental Consultants) dated 2 May 2000 (reference OA284L1) together with revised plan reference OA284-D1.

The details as submitted together with revised submitted details are extensive and detailed relating to the requirements of the Conditions. Concerns raised over the initial submission relating to the Water Management Plan, landscaping proposals, ecology relating the SSSI, and forestry have been re-addressed by the applicant's consultants in consultation and discussion with the relative parties and the details have been modified to address the initial comments and concerns. The FRCA have confirmed that the revised details in relation to soils are appropriate subject to all top and sub soils being stripped, handled, stored and replaced separately. The Environmental Planning Unit of the County Council has considered the additional submissions and has confirmed that they are satisfactory in terms of size of planting stock, spacing, method of planting, protection, and aftercare. In addition they have recommended the following alterations to the scheme: overburden on the tree planting areas should be loose tipped rather than ripped, the dry woodland species and remnant bench planting percentages do not equate to 100% (105% and 90% respectively) and need to be corrected, the percentage of holly (*Ilex aquifolium*) in the dry woodland mix should be reduced from 25% to 5% the to be made up mainly by oak (*Quercus petraea*), and that guelder rose (*Viburnum opulus*) should be deleted from the dry woodland mix and included in the wet woodland mix (memorandum dated 10 January 2001 reference HoEP/PVWK/SLC/EC3010/SM). The Environment Agency are not currently in a position to confirm that the amended details of the Water Management Plan and site drainage (Conditions 29 and 30). They have confirmed that they will be able to address the issues in mid to end of February. As a matter of expediency, and considering the sensitive area within which the site it is located it is proposed not to discharge these 2 Conditions until confirmation has been received from the Environment Agency. Therefore, the submissions relating to Conditions 29 and 30 will be dealt with separately at a later date. In addition, the Environment Agency has confirmed that under the Water Resources Act 1991 the prior agreement of the Agency is required for discharging dewatering water from any excavation or development to a surface watercourse.

In respect of the comments of the Head of Travel Management and Safety relating to no excavation or storage within 14 metres of the highway boundary, he has confirmed that this relates to the screening bund adjacent to Whiston Eaves Lane. However, he has no objection to the location of this bund adjacent to the highway subject to calculations/cross sections being made available showing the stability of the bund, and that an interceptor drain should be installed at the toe of the bund to prevent water run off damaging the highway. The Head of Travel Management and Safety has now been provided with a cross section of the bund showing the outer gradients and it is proposed to deal with the drainage issue as part of the submission of details required by Conditions 29 and 30.

In addition, the occupant of Little Heath House Farm, Mr Harrison, has submitted a letter dated 9 March 2000 requesting that the tree planting scheme on the western boundary of the site and adjacent to his farm be deleted from the landscaping scheme because he does not want to lose any

grazing land. This request has been made in consultation and agreement with Sibelco. The Head of the Environmental Planning Unit has confirmed that there is no objection to the removal of this tree planting from the scheme, and therefore it is proposed to delete this requirement from the site landscaping details, specifically, the area of planting marked in green on the plan attached to the letter dated 9 March 2000.

2. Delegated Letter dated 9 October 2009 (ref. SM.96/935/122 M D3) (relevant extracts)

Mr. N. Horsley
Environmental Planning Manager
Sibelco UK
Brookside Hall
Sandbach, Cheshire
CW11 4TF

Our Ref: SM.96/935/122 M D3

Your Ref: O01/P01 pnh4309-SCC 9 October 2009

Dear Mr. Horsley,

DELEGATION SCHEME: SM.96/935/122 M D3

Thank you for your letter of 17 June 2009 and its attachment of a document in both paper and CD-ROM form showing and explaining Sibelco UK's proposals for a revised restoration concept at Moneystone Quarry. This is a submission of revised detail under Condition 35 of planning permission SM.96/935 granted in 1998 for extension and progressive restoration of the quarry. A previous approval of details under Condition 35 and discharge of its requirements was issued in January 2001.

Condition 35 of SM.96/935 requires the submission of a detailed restoration and aftercare scheme for the whole site to bring the site into agriculture and nature conservation

You are not re-submitting all [the above-listed] elements of Condition 35, and it is not necessary for you to do so. In your letter of 17 June you state that the information that you have now supplied supplements the approved restoration details and takes into consideration certain issues and subsequent permitted operations that have been carried out at the site, but does not represent any significant change to the approved restoration. You supply, for comparison purposes, the currently-approved restoration scheme plans and a plan of your present proposals. You comment that it has been possible to prepare the latter in the light of geotechnical etc. information gleaned from the working of the quarry since the preparation in the late 1990s of the currently-approved scheme.

You draw attention to the following proposed changes:

- A peripheral permissive footpath (around the eastern edge of quarry No.2) instead of one running through the middle of that part of the site on or similar to the former alignment of Blakeley Lane. You have stated that the section of Blakeley Lane affected by the quarry was the subject of a stopping-up order in 1966.
- In quarry No.1, due to a permitted development reworking of the tailings lagoon L4 (confirmed as such in February 2007), you were proposing a wetland habitat just west of Crowtree Farm in the short-term, though it would gradually dry out leading to a scrub and woodland succession. However, following your and Mr. Green's site meeting with the County Council's ecology and landscape officers, you now propose (your e-mail of 6 October 2009) to encourage the establishment of a grassland similar to the original restoration concept submitted in 1999 which has open grassland here, bounded by tree-belts and hedgerow. This would be progressed using a similar technique to the Hay Meadow grassland on Lagoon L6 although the source would be

from a wet grassland. You proposed additional planting to soften the appearance of the graded banks, and have now stated (your e-mail of 6 October 2009) that *a north-south aligned belt of broadleaved planting will be provided to the east of Lagoon 4 by supplementing the existing birch and willow with more long-lived broad-leaf planting* (this italic wording was added by ECU's officers to your original note of your meeting with them; it appears you have accepted it. All italic below in this letter also distinguishes ECU's similar additions, which I believe you have accepted to form part of your proposals). You now also propose to control the self-seeded birch scrub – *if possible this coming winter* – and that the area is released for grazing to provide better control of self-seeded species.

- Quarry 2 can be considered in two parts, the eastern, roughly corresponding to lagoon 6, and the western, roughly corresponding to lagoon 7. In the original restoration concept plan, the eastern part was shown largely as grazing / hay cropping, with a north-south hedgerow subdividing it. That hedgerow is absent from your latest plan but otherwise the proposals you submitted on 17 June 2009 are little different, with an 'area of open grassland' shown in the north, and areas to be either 'strewn with green hay (initial sowing 2006)' or 'left for natural re-colonisation (2006 onwards)' more towards Eaves Lane. In a subsequent e-mail you have withdrawn the Betts Estates report from your submission. However, following the site meeting with the County Council's ecology and landscape officers, you have expanded upon your proposals for this area: you "will again source green hay from the MG5 grassland in the adjacent Whiston Eaves SSSI to supplement the areas adjacent to those where green hay has already been strewn. These areas are then to be fenced to allow grazing to take place on those areas of the site where this technique was used back in 2007 which have proved extremely successful. It was noted that a pair of lapwings had nested on this area for the past two seasons." You "anticipate grazing of the established area commencing over winter 2009. *Grazing levels should be recorded, for future assessment of the levels needed.* The additional seeding will take place in the second half of 2010."
- In addition, in the eastern half of Quarry 2, your e-mail of 6 October 2009 states that "the western end of the e/w trending drain will be sculptured to allow a larger wetland feature to develop than is currently becoming established. At present there is a track to the west of L6 which provides access to the soil bund remaining in the south of this area. Once the soil has been removed this area will be planted with a strip of broadleaved woodland planting, whilst to the west of this on the adjacent slope down to L7, the birch willow and pine, will be removed to allow the heather which is showing through to develop over a larger area of this central spine. The woodland planting will be *continuous to the west of Lagoon 6, extending* in isolated blocks along the route of the north/south drain shown on the plan. This drain will be encouraged along a more sinuous route than that currently shown *by slope engineering when shale is spread.*"

A small area NW of lagoon 6 is awaiting replacement of 2-300mm shale to fully meet the specification in the voluntary management plan which Sibelco have been implementing in the Quarry 2 area.

The natural regeneration along the existing NE/SW drain which takes water from the foot of the northern slope will be thinned (circa 30%). Along the southern slope of this drain, oak and alder will be planted *to form a belt of structure planting between the main north south drain and the site boundary.*

To the east of L6 some of woodland has already been removed to allow heathland generation. Further felling will continue to allow heathland regeneration.

- You state that it is the Company's intention to continue to manage this site until the end of the aftercare period approved in accordance with Condition 35. The aftercare period is likely to last until 2016/7, as restoration is likely to be completed in 2012 following completion of extraction operations in 2010.
- The restoration concept for the western part of Quarry 2 including lagoon 7 is unchanged except that an area of tree-planting has been deleted and replaced by open grassland in the 'northern

extension area' and the shore of this grassland (merging to scrub/wetland) is located a little further south. In your e-mail of 6 October 2009 you additionally state that to the base of the northern slope above L7 heathland will be complemented by acid grassland, with *some small south facing* areas within the bowl to the north of this area *left bare for invertebrate interest and* allowed to naturally regenerate. This will take place once the remaining overburden mound has been contoured in to L7. Self seeded birch will be removed from the northern slope above both L6 and L7. *Grazing will be considered for L7, as this area dries, to slow scrub encroachment.*

- The restoration proposals for Quarry 3 remain largely unaltered, as a water body with peripheral wetland / scrub on its north side. You describe the tree-planting that has been carried out on the southern slopes (reduced in steepness in accordance with planning permission SM.03/09/122 M dated March 2004) as compensating for the tree-planting that is no longer proposed in the western part of Quarry 2. In your e-mail of 6 October 2009 you add that sand martins had nested within quarry 3 in 2009, so it was agreed that some smaller areas of the quarry slopes would be kept clear from vegetation to encourage sand martins (ECU advise that steep or vertical cliffs, 3-4 metres high, immediately above water, are preferred, with one than one aspect: see Environment Agency guidance on height etc.)
- The restoration of the plant site as now proposed shows the same buildings (the central laboratory, main office and clay body plant) retained as in the approved final restoration scheme drawing O01/P02/009 but the roadway to the clay body plant is now proposed to be more direct and the tree-belt through which it would have passed is no longer shown. You describe the breaking-up of hardstanding to a depth of approximately 50 cm, to then receive approximately 30 cm subsoil or shale and approximately 20 cm of topsoil.
- There is no intention to carry out restoration work to 'Moneystone Tip' northeast of Quarry 2, as that area has re-vegetated naturally and now carries maturing woodland with some heath areas. This approach is consistent with the currently-approved restoration scheme.
- In your e-mail of 6 October 2009 you state that you will review the management of the site in 12 months time to further consider the development of the restoration and review the grazing of the site. *A brief report will be provided, covering the previous 12 months' work and proposals for the next 12 months, and a site visit arranged. A survey of the translocated grassland will be carried out to assess the grassland in comparison with the donor SSSI grassland community.*

Observations

I have considered all the representations and consultation responses received. The changes requested do not significantly change the original restoration proposals and therefore are matters of detail that I can deal with under delegated powers. I have noted a certain degree of agreement from the technical experts on these proposals and I therefore intend to comment only on the more substantive issues raised in the responses.

The path as now proposed from the south end of the remnant of Blakeley Lane around the north has the merit of providing a reasonably direct link to the paths that run south-eastwards from the vicinity of the quarry, and of avoiding steep gradients. Any path approximating to the original line of Blakeley Lane would feature strong gradients at either side of the quarry and likely marshy areas in the middle and is not considered to be a required restoration feature if the more peripheral path as now proposed is implemented as an alternative. It would be for the future owner of the site to decide whether they wish to provide a public path approximating to the original Blakeley Lane alignment, which if done would have the great merit of linking, via a relatively short stretch of Whiston Eaves Lane, the network north of the quarry with the southern network reached alongside the main quarry access. I therefore find the change generally acceptable. In order to create the new footpath it will be necessary to submit a S.157 Order to the County Council's Rights of Way team. I expect this to be done within the next six months. The provision of this footpath would be an early benefit for local residents.

Local residents have requested to be consulted on the re-profiling of certain bunds. I am not aware of any proposals by you to change the arrangements for their removal at the end of quarry working. The soil materials within them are required for restoration purposes and there is no reason to depart from previous intentions that the bunds would be removed for those purposes.

I have looked at the issue raised by Mr. Housiaux regarding the north edge of quarry No.1. It is recognised that there is insufficient material available to place against the south-facing cliff-face of this quarry as well as carrying out the other elements of the restoration elsewhere within the quarry complex. The existing vegetation at the base of the cliff, and the cliff itself, are now landscape features and there is no planning reason – nor any reason connected with the structural integrity of the highway - to disturb them. The safety of the water areas is a matter for the landowner and other legislation, for example the Occupier's Liability Act 1957.

It is agreed that in terms of area covered, the tree-planting that has been carried out on the southern slopes of the quarry 3 area appears comparable to the tree planting no longer proposed in the western part of Quarry 2, and therefore to be reasonable compensation for that deletion. The additional areas of tree planting agreed in your recent on-site discussions with SCC ECU officers are welcomed. Another deletion of tree planting, between the approved restoration plan and the current submission, is in the plant site area. Your e-mail of 6 October does not describe any discussion with ECU officers about whether that deletion should be reversed. I consider that some tree planting in the vicinity of the retained buildings would be beneficial, therefore details of this will need to be submitted.

Conclusion

Under the powers delegated from the Corporate Director (Development Services) this letter APPROVES the revised restoration details set out in your letter and attachments of 17 June 2009 including drawing O01/RE01/026B, as modified by your e-mail of 6 October 2009 (TRIM record number 002/06/06/03/4488). This includes a requirement that you submit within three months of the date of this decision a revised restoration plan taking into account all of the changes proposed in the 6th October e-mail and this letter. It also includes a requirement that in October or November 2010 you submit a landscape- ecological management report covering the whole quarry area, describing actions and progress during the previous 12 months and planned actions for the next 12 months. You will also need to apply by 6 April 2010 for a creation order under S.157 to create the new footpath proposed around the periphery of quarry No.2.

Yours sincerely,

Roger Vearncombe
Team Leader – Development Control

Appendix 5: The relevant planning history

SM.2035 dated 22 July 1976 to permit the Clay Body Plant.

Condition 7 states that:

“Within 12 months of the expiration of this permission all buildings, foundations, machinery and accumulated stocks shall be wholly removed from the site and the site shall be reinstated to the satisfaction of the County Planning Authority”.

SM.94/852 dated 12 December 1994 to permit the erection of new buildings and demolition of redundant buildings

Condition 5 states that:

“Within 6 months of the cessation of the winning and working of minerals at Moneystone Quarry the buildings and their foundations hereby permitted shall be removed and the site restored to agriculture/forestry in accordance with a scheme previously agreed in writing with the Mineral Planning Authority”.

SM.96/935 dated 22 May 1998 to permit an extension to Moneystone Quarry

Condition 4 states that:

The extraction of mineral from the extension area south of Whiston Eaves Lane hereby permitted shown hatched green on Drawing No. 001/P02/07/005 shall be completed within 13 years of commencement of development as notified to the Mineral Planning Authority under Condition 5.

Condition 35 states that:

“Within 12 months of the date of this permission a detailed restoration and aftercare scheme for the whole site to bring the site into agriculture and nature conservation use shall be submitted to the Mineral Planning Authority for its written approval. Such a scheme shall include details of:

- (a) proposed final contours, gradients and levels
- (b) treatment and planting of batters and excavated benches
- (c) tree planting, provision of hedgerows and/or stonewalls
- (d) the phasing of restoration
- (e) method of overburden replacement and treatment prior to the replacement of soils
- (f) (typo – ‘f’ missing)
- (g) weed control [numbered incorrectly as (g) in the original permission]
- (h) appropriate measures to minimise damage in the event of drought or fire
- (i) drainage, including management techniques during the aftercare period of replacement of failures of individual trees, shrubs and plant species
- (j) the arrangements for the collection and disposal of surface water arising from the restoration of the site including provision of a water retention facility
- (k) the reinstatement and/or creation of public rights of way
- (l) programme of implementation for the restoration, landscaping and aftercare works

- (m) a programme for the progressive restoration of the whole site to the approved final contours within 2 years from the completion of working and for the management and aftercare of the restored site for a period of five years from the completion of its restoration.
- (n) the cultivation and management of the site to achieve its restoration.

The approved restoration and aftercare scheme shall be implemented in accordance with the approved plans and the programme of implementation approved in the scheme.”

Section 106 Legal Agreement dated 15 May 1998; the relevant clauses are:

- On completion of the winning and working of mineral and restoration of the site to manage a cross-hatched area of land shown on dwg no. 001/P02/07/006 and designated as a SSSI for a period of 10 years;
- To monitor surface and ground water during the period of management of the SSSI

SM.96/935/122 M D3 dated 9 October 2009 – revised restoration concept submitted in compliance with Condition 35 of planning permission SM.96/935 (to revise and supplement the previously approved restoration scheme SM.96/00935 D1 dated 26 January 2001) (see Appendix 1).

In accordance with the approval of the revised restoration concept on 9 October 2009, a revised restoration plan taking into account all of the proposed changes to the submission and the details in the approval letter was received on 25 February 2010.

Appendix 6: The relevant development plan policies and proposals and other material considerations

Staffordshire and Stoke on Trent Minerals Local Plan 1994 – 2006 (see Note 1 below)

- Policy 9 Restoration and Aftercare (*consistent with the National Planning Policy Framework (NPPF) - paragraphs 114 & 117 (natural environment) and 143 & 144 (minerals))
- Policy 12 Proximity to Sensitive Development (*consistent with the NPPF - paragraphs 114 & 117 (natural environment) and 143 & 144 (minerals))
- Policy 19 Effects on Areas of Special Interest (*consistent with the NPPF - paragraphs 113 & 117 (natural environment), paragraphs 131 to 136 & 138 to 139 (historic environment) and paragraphs 143 & 144 (minerals))
- Policy 20 Features of Natural or Cultural Conservation Value (*consistent with the NPPF - paragraphs 113 & 114, 116 to 118 (natural environment) and paragraph 137 (historic environment))
- Policy 21 Effects on Landscape and Visual Amenity (*consistent with the NPPF - paragraphs 113, 115, 116 & 123 (natural environment))

Note 1 – An assessment to confirm the consistency of the saved policies in the Minerals Local Plan with the National Planning Policy Framework was reported to the Planning Committee on 7 March 2013.

Staffordshire Moorlands Local Plan 1998

- N9 Special Landscape Area – high standards of design will be promoted

Other material considerations:

The emerging ‘Local Plan for the future of the Staffordshire Moorlands’

The ‘Local Plan for the future of the Staffordshire Moorlands’ was submitted by Staffordshire Moorlands District Council for examination in September 2012. The examination hearings were held in February 2013. The Planning Inspector wrote to the Council on 5 March 2013 with ‘Interim Conclusions’ that found that a number of aspects of the Local Plan would be found ‘unsound’ including the concept of Churnet Valley as a ‘major tourism corridor’. Officers responded to the Planning Inspector’s interim conclusions on 20 March 2013 with a number of ‘main modifications’ to the Local Plan. These include a modification to policy SS7 ‘Churnet Valley Tourism Corridor’ to change the emphasis from a ‘major sustainable tourism corridor’ to ‘an area for sustainable tourism and rural regeneration’. The modified policy retains the intention to produce a Masterplan for the area and introduces the intention to produce a Site Allocations Development Plan Document (DPD) to allocate specific sites for development or redevelopment. Public consultation on the ‘main modifications’ ran from 24 June 2013 to 5 August 2013. The Inspector commented on the main modifications in October 2013. On 2 January 2014 the Council received the Inspector’s Final Report which recommended adoption

with the main modifications. The Local Plan is due to be considered by the Council for adoption in March 2014.

The emerging Churnet Valley Masterplan – an Area Action Plan (AAP) to the emerging Local Plan

The latest draft of the emerging Churnet Valley Masterplan was approved by the Staffordshire Moorlands District Council Cabinet in July 2013 for public consultation (alongside a recommendation to seek the designation of the Churnet Valley as an Area of Outstanding Natural Beauty). The emerging Masterplan has undergone changes to correspond to the main modifications described above and to take account of the results of targeted consultations. Public consultation took place between 30 September and 9 December 2013 and further modifications considered by the Council's Service Delivery Overview and Scrutiny Panel in February 2014 who suggested additional modifications. The further recommendations and suggested additional modifications were due to be considered by the Council's Cabinet on 18 February 2014. The Masterplan will then be considered for adoption by the Council Assembly in due course.

The latest Draft Masterplan aims to achieve 'sustainable tourism in the Churnet Valley' and refers to 8 character areas within the Churnet Valley including Moneystone which is described as follows:

Moneystone Character Area

Role

This area is dominated by Moneystone Quarry, a major closed quarry site, which is subject to a restoration plan. The site has been identified for further consideration in the Masterplan due to it being a site where there is significant pressure for change. A private sector developer and operator proposes to develop a visitor resort at the site. The draft masterplan recognises there is the potential to enhance countryside, recreational and leisure opportunities and management of the area's biodiversity and to increase the visitor offer and accommodation in the valley through a new scheme of restoration and introduction of new activities. The sensitivity of the landscape, biodiversity, heritage and access issues are major factors and the key focus should be on conserving and enhancing the landscape and biodiversity of the area through sensitive leisure development of an appropriate scale. There is an emphasis on links to local communities, business and other attractions and activities. A Concept Statement will be prepared for Moneystone Quarry which will include a set of development principles. Oakamoor Picnic site is identified as a hub.
(ref. paragraph 7.6.1.1)

One of the key actions identified in the Draft Masterplan is the:

'Restoration of quarry to a level which improves and enhances quality of the landscape and biodiversity of the area' (ref. paragraph 7.6.3 4th bullet point)

The Draft Masterplan describes the quarry site as an 'Opportunity Site' and includes the 'Moneystone Quarry Concept Statement' which says that the quarry:

'represents an opportunity to create a high quality leisure venue to complement other recreational and leisure attractions and enhance the area but needs to be of a

scale which does not undermine the tranquillity and character of this sensitive part of the Churnet Valley and other businesses' (ref. paragraph 7.6.5 Concept Statement 4th bullet point)

The Concept Statement recognises

- *'constraints', including the determination this submission to revise the approved restoration plan; and as a modification – 'development within the Minerals Consultation Areas should not sterilise or seriously hinder the extraction of mineral deposits of economic value which are capable of being worked. Where the proposed development falls within the Mineral Consultation Areas and may have a significant impact upon mineral resources then the responsibility rests with the prospective developer to prove that the existence or otherwise, quantity and quality of the mineral prior to the determination of the planning application. It should be noted that the mineral safeguarding policy and the remaining mapping will be subject to review as part of the preparation of a new Minerals Local Plan but until such time as a new plan is adopted the Saved Policies version remains the Development Plan.'*
- *'opportunities', including the 'reuse of existing quarry features' which provide a 'dramatic setting'*
- the *'development strategy'* including:
 - *new leisure development based around restoration of the quarry';*
 - *'potential for a renewable energy scheme on the site';*
 - *holiday accommodation (up to 250 low impact holiday lodges) in Zones 1, 2, 4 and 5 (referred to in this report as Quarries 1, 2 and 3); and,*
 - *outdoor recreation including non-motorised water based activities in Zone 3' (referred to in this report as Quarry 3).*