

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: Staffordshire County Council (herein after referred to as “the Council”)

**To: LAVER LEISURE (OAKAMOOR) LIMITED, AIZLEWOODS MILL,
NURSERY STREET, SHEFFIELD, S3 8GG.**

**TIMOTHY PHILPOTT, 38 SPINNEY CLOSE, LONG STRATTON, NORFOLK,
NR15 2SX.**

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within sub-paragraph (b) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Moneystone Quarry shown hatched black and edged in red on the attached EN2 Plan 1 dated 15 September 2021.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Planning permission reference SM.96/935 was granted on 22 May 1998 for the extension and progressive restoration of Moneystone Quarry. Condition 35 of that permission states “Within 12 months of the date of this permission a detailed restoration and aftercare scheme for the whole site to bring the site into agricultural 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 replacement of soils;
- (g) weed control;
- (h) appropriate measures to minimise damage in the event of drought or fire;

- (i) drainage, including management techniques during the aftercare period for 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."

The restoration and aftercare scheme pursuant to the above condition was approved on 13 March 2014 (planning permission reference SM.96/935/122 M D4)

Condition 39 of planning permission SM.96/935 states that "Within 3 years of the cessation of quarrying or as otherwise agreed in writing with the Mineral Planning Authority all plant and buildings shall be removed from the site."

The cessation of quarrying occurred on 31 March 2011.

It appears to the Council that the conditions referred to above have not been complied with, because:

- (i) the approved restoration and aftercare scheme has not been implemented in accordance with the approved plans and the programme of implementation approved in the scheme, and
- (ii) the removal of buildings has not been carried out within 3 years of the cessation of quarrying.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breaches of Conditions 35 and 39 (above) have occurred within the last ten years.

The Council does not consider that there should be any relaxation in the conditions because Part 17 of the National Planning Policy Framework and Strategic Objective 4 and Policy 6 of the Minerals Local Plan for Staffordshire support high quality restoration of mineral sites

National Planning Policy Framework (NPPF)

4. Decision-making (59 – Enforcement)

17. Facilitating the sustainable use of minerals

Minerals Local Plan for Staffordshire 2015 to 2030

Strategic Objective 4 – restoration that enhances local amenity and the environment

Policy 6: Restoration of Mineral Sites

Staffordshire Moorlands District Council Local Plan Adopted September 2020

SS11 Churnet Valley Strategy

Churnet Valley Masterplan Supplementary Planning Document

7.6.5 Moneystone Quarry Opportunity Site

5. WHAT YOU ARE REQUIRED TO DO

a) Remove the buildings shown edged blue on attached EN2 Plan 2 including their foundations.

Time for compliance: 3 months after this notice takes effect

b) Remove all hardstandings, structures, machinery and equipment from the land shown edged green on attached EN2 Plan 2.

Time for compliance: 3 months after this notice takes effect

c) Remove all debris, rubble and materials from the site.

Time for compliance: 4 months after this notice takes effect

d) Complete the restoration of the whole site shown edged red on attached EN2 Plan 1 to the approved final contours in accordance with the restoration plan approved under planning permission SM.96/935/122 M D4 on 13 March 2014.

Time for compliance: 6 months after this notice takes effect

e) Carry out all planting in accordance with the restoration plan under planning reference SM.96/935/122 M D4 approved on 13 March 2014.

Time for compliance: 9 months after this notice takes effect

f) Carry out maintenance and aftercare in accordance with the restoration plan under planning reference SM.96/935/122 M D4 approved on 13 March 2014 for a period of five years from the completion of restoration.

Time for compliance: 6 years after this notice takes effect

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 30 September 2022 unless an appeal is made against it beforehand.

Dated: 30 September 2021

Signed:

Authorised Officer: Mark Parkinson
Planning Policy and Enabling Manager
On behalf of: Staffordshire County Council

Nominated Officer: Neil Goodwin, Principal Planning Regulation Officer

Office location: 1 Staffordshire Place, Tipping Street, Stafford, ST16 2DH.

Postal address: 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH.

Telephone: 07814 269127

Email: neil.goodwin@staffordshire.gov.uk

ANNEX

THIS IS IMPORTANT

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 6 of the notice.

If you want to appeal against this enforcement notice you can do it:-
on-line at the Appeals Casework Portal (<https://www.gov.uk/appeal-planning-inspectorate>)

Because of coronavirus (COVID-19), you currently can only make a planning appeal online. You cannot apply by post.

Documents you must provide

You'll need to submit:

- a copy of your enforcement notice
- a plan (if there is one)
- any other documents that directly support your appeal, for example your grounds of appeal

You can upload these documents when you appeal.

You MUST make sure that The Planning Inspectorate receive your appeal before the effective date on the enforcement notice.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Direct line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

Under section 174 of the Town and Country Planning Act 1990 (TCPA 1990) you may appeal on one or more of the following grounds that:

- a) In respect of any breach of planning control which may have been constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.

- b) Those matters have not occurred.
- c) Those matters (if they have occurred) do not constitute a breach of planning control.
- d) At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- e) Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- f) The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach.
- g) Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee to Staffordshire County Council. The fee for an application for variation or removal of an existing condition would be £234.

If you decide to appeal, you should state in writing the grounds(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 6 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in paragraph 5 of the Notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.