STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE

26th October 2023

Application No:	SMD/2022/0014	
Location	Moneystone Quarry Cheadle Road Oakamoor Staffordshire ST10 2DZ	
Proposal	Proposed construction of a revised surface water outfall associated with Moneystone Park leisure development and engineering operations to infill the existing outfall structure.	
Applicant	Laver Leisure (Oakamoor) Limited	
Agent	Asteer Planning LLP	
Parish/ward	Kingsley and Oakamoor	**Date registered** 12/01/2022
If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffsmoorlands.gov.uk		

REFERRAL

This application relates to an adjacent and approved leisure scheme which is a major application and for which the first reserved matters application is also on this Agenda, reference SMD/2019/0646. It involves a small amount of development in the Whiston Eaves SSSI. The application is locally contentious.

1. SUMMARY OF RECOMMENDATION

APPROVE subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This is an irregular shaped parcel of land extending to approximately 1235 sq m. The site is located in the south western corner of Quarry 3 at Moneystone Quarry. It provides a connection between the lake in Quarry 3 (Q3) and a tributary of the River Churnet known as Stream A. It comprises the lakeside edge, an access track, woodland and grassland. Part of the site lies within the Whiston Eaves SSSI

3. DESCRIPTION OF THE PROPOSAL

3.1 This is a full application for the construction of a new surface water outfall associated with the adjacent leisure scheme and engineering operations to infill the existing outfall structure.

3.2 The existing outfall consists of a concrete weir and outlet pipe. In June 2021 the applicant undertook some unauthorised engineering works next to the existing outfall in the

form of a trench/channel. A siphon consisting of two flexible hoses currently regulates the water level in Q3 which the application documents say is currently at around 156m AOD.

3.3 Whilst the majority of the proposal falls within the site boundary of the outline permission for the leisure scheme SMD/2016/0378, a small area extends beyond hence the reason why the applicant has submitted this separate full planning application.

3.4 The proposal is for a new channel / cutting to be made between Quarry 3 Lake and the established watercourse, known as Stream A. The new outfall entry level will be 156m AOD and the channel base cut at 155.9m in order to maintain the water level in Quarry 3 no higher than 156m, the level agreed with Natural England.

3.5 The plans show a cutting through the land bridge extending to an area approx. 26m by 27m with excavation up to approx. 4m (see Landscape General Arrangement Plan and Sections 1088.4-PLA-00-XX-DR-L-0007 Rev PO.3 and 009 Rev PO3). The outfall channel itself is shown to be 600mm wide and 500 mm deep. From the channel and within the 'quarry side', land will then be gently graded at 1:3. To minimise the excavation within the SSSI the land is shown graded at 1:1. The top of the embankment is shown to be fenced with 1.1m high post and rail fencing. Spoil gained from the cut is shown spread in an area generally following the existing track as shown on the plans albeit that no details are given.

3.6 The submitted Method Statement refers to a permanent new access track, at least 3m in width to be cut down to the lowered area on the lake side of the landbridge. The applicant has clarified this to be for maintenance purposes and it is now shown on the revised Site Plan Outfall Area revision 16.

3.7 An outline Method Statement is provided which details construction and ecological measures to be agreed prior to works commencing and subsequently implemented throughout the construction process to mitigate any adverse impact on the SSSI. In addition Table 9.4 Ecology Mitigation Measures in the ES Addendum.

3.8 Access to the outfall area will be taken from the east using an existing access track (para 5.10 of ES)

3.9 The application documents say that the total area of development within the SSSI which will be fenced off / utilised during the construction phase will amount to 0.005 hectares which is 0.04% of the total area of the SSSI of 10.4352 ha. They say that the proposed long term works represent a very small proportion of the overall SSSI designation.

<u>Environmental Impact Assessment</u>

3.10 The outline application for the leisure scheme SMD/2016/0378 was EIA development and was accompanied by a full Environmental Statement. The ES (Chapter 12 Drainage and Flood Risk) referred to a new outfall in the south west of the site albeit that no specific details were provided. This outfall application is intrinsically linked to the leisure development and is supported by an ES Addendum which considers the environmental effects of the proposal to ensure that the significance of residual effects previously reported in the June 2016 ES remain valid. Extensive discussions took place between the applicant and Natural England to agree the scope and approach to the hydrological assessment which forms the principal assessment of the ES Addendum.

3.11 For the reasons sets out in the analysis below, it is considered that the application does not raise any new significant effects and that the 2016 ES remains valid for the purpose of assessing this planning application.

3.12 The Application and all supporting documents, plans, comments and objections can be viewed in full at:
http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=157386

4. RELEVANT PLANNING HISTORY

SMD/2016/0388 Formation of a no right turn vehicular access on to Eaves Lane. Refused

SMD/2016/0378 Outline planning permission with all matters reserved except access for the erection of a high quality leisure development comprising holiday lodges; a new central hub building; (providing swimming pool, restaurant, bowling alley, spa, gym, informal screen/cinema room, children's soft play area, café, shop and sports hall); café; visitor centre with farm shop; administration building; maintenance building; archery centre; water sports centre; equipped play areas; multi-sports area; rope walks, car parking; and managed footpaths and cycleways and bridleways set in attractive landscaping and ecological enhancements. Approved

SMD/2014/0682 - Outline with all matters reserved except access for the erection of a leisure development of up to 250 lodges. Refused

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (adopted September 2020)

- SS1 Development Principles
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution
- SD 5 Flood Risk
- SS10 Rural area strategy
- SS11 Churnet Valley strategy
- SS12 Planning obligations
- DC1 Design Considerations
- DC2 Heritage
  NE1 Biodiversity and Geological Resources
- NE 2 Trees, Hedges and woodland

National Planning Policy NPPF

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Press Notice expiry date: Expired
Site Notice expiry date: Expired
Local residents have been notified by letter.

A number of letters of representations have been received raising the following issues:-

Neither support nor object (2)

190 lodges with an occupancy ranging from 2 to 12 gives a mean occupancy of 7. A ball park figure for total occupancy is therefore 1330 plus staff. Will the stated strategy for dealing with sewage and grey water cope adequately with absolute certainty with the demands of a site of this scale which will potentially increase in size to a considerable degree. As an extra threat heavy rainfall arising from climate change makes flooding a frequent event throughout the country. Plans for the disposal of surface water onto the ground making use of gravity on a hillside add to the risk and we are now informed that during periods of heavy rainfall water companies discharge untreated sewage to rivers. Will this abuse of the environment be a necessary measure for the sewage system at Moneystone Park?

Objections (29)

- Former workers at the quarry were worried about the dangers of using the quarry for this sort of development because of the instability of the ground and weakness of the rock. I am mindful of the recent landslip and sink hole nearby in Oakamoor. I must say I am relieved that the stability of the ground has finally been considered to prevent a potential tragedy
- Concerns that there is no evidence in the application's documentation for the 25% flow differences associated with the EA assertion that raising the planned lake level by 2 metres will satisfactorily restore flows to those necessary to sustain the future of the Whiston Eaves SSSI.
- Request that the required water flows are monitored on a permanent ongoing basis, and to an appropriate seasonal timetable and that the time table and that that the timetable and results are published for the publics inspection.
- Questioning the monitoring regime of the lake and what are the remedial actions and policy statements should there be any public health issues in the lake?
- The proposed development of Query 1 in Phase 2 is one of pertinence the specific outfall levels recommended by the EA have been recommended without their knowledge of phase 2. EA advice may be insufficient for phase 2.
- Clients may wish to clean their cars on site due to muddy rural road. This may lead to contamination of the lake.
- With climate change in mind, can you please inform me how long the SSSI might be expected to have limited flow and zero flow of water through it via Stream A, and what the implications of these scenarios will have on the flora and fauna of the SSSI?
- Questioning location of proposed reed beds and the impact they may have on fish in the stream.
- Concerns about the safety issues around the lake in Quarry 3 and how the works needed to complete application SMD2022/0014 will effect the stability of the bunds retaining the water in the quarry, particularly in the south-west corner. The current regime of raising of the water level will further exacerbate the dangers to staff and visitors, from the deep waters retained in the quarry.
- There will be ecological damage to the land below the new water outfall and an increased health and safety risk to human life from geological failures arising from the works
- SMDC LPA has Core Strategy Policy commitments to adopt planning policies aimed at preventing climate change and global warning. Attention should be brought to IPCC report pursuant upon the issue of the sixth report on climate change on the 28th. february 2022.
- Peer review by Wardell Armstrong and dated June 2022 has concluded that MQ is unstable and that the Applicant developers and their planning advisers have failed to carry out appropriate tests and engineering measurements to ensure that past and current planning applications meet standards necessary to ensure that the developers proposals met appropriate standards of safety.

- Attention drawn to Speech given by Sir James Bevan Chief Executive of the Environmental Agency on the 08/06/2022.
- There are outstanding a number of as yet unresolved complaints concerning the actions of regional EA Officers engaging in actions that resulted involvement in encouraging the Applicants at MQ. to breach planning law and thereafter approving actions which amount to the effective denial of a public right to know so that they could make informed judgements on that which has been covered by redactions in the Reservoir Engineers report.. Recent enquiry reveals that SMDC LPA is still actively considering the matter
- Concerns that the phased applications are now of a *significantly different nature* as to no longer meet the description set out by the Case Officer on the 05/11/2019. In the light of the recently obtained Wardell Armstrong Peer Reviewed (Stability) report of June 2022 it has become glaringly obvious that the vast majority of the plans, drawings, documents and reports *no longer have any validity* and cannot be corrected until the concerns expressed by Wardell Armstrong have been tested, measured and benefitted from engineering stabilisation mechanisms meeting current engineering standards.
- The threat of pollution to the River Churnet which is situated below the steep sloping site. Please note that the Churnet can now boast returning salmon as one element of its wildlife.
- The risk of placing buildings on sand
- The risk to residents of pools of water on site. Rescue from deep water is challenging.
- The risk of a public inquiry into a potentially tragic event and the consequent negative effects on well-intentioned public servants.
- There will be damage to many trees on site.
- The decision makers of the Planning Application Committee should focus with great care on safety for the person. Which cannot be 100% guaranteed.
- It is acknowledged that there are environmental effects and since the objective is to minimise them they cannot be positive effects

Kingsley Parish Council

Object on the basis that this is a retrospective planning application covering unauthorised work already done at the Quarry 3 outflow. The PC are also of the view that all current planning applications relating to Moneystone Park, should be heard by the SMDC Planning Application Committee together.

Environmental Health Officer

No objection

Advises that potential areas of environmental concern are construction impacts and contamination. The primary potential impacts from this development are on controlled waters (ground and surface) therefore we would support the EA's comments in this regard. Recommend conditions to secure a CEMP and control contamination

Trees and Woodland Officer

No objection subject to conditions. Comment that further detail in respect of excavated spoil spreading would be useful.

Local Highway Authority

No objection.

It is considered that the proposed construction of a revised surface water outfall associated with the Moneystone Park leisure development will have no adverse effect on the

surrounding highway network and any vehicular traffic associated with the construction have already been accounted for as part of the overall development.

Environment Agency
No objection. Advise that the applicant has an Environmental Permit (ref. EPR/KB3893VE) for the existing surface water outfall discharge. This however relates to trade effluent and is specific to the location of the existing outfall. We note the application seeks to relocate the existing outfall structure. Therefore, any changes to the location of the surface water outfall, and whether this is still required for trade effluent, will need to be considered as part of a permit variation. If the discharge is for uncontaminated surface water only, an Environmental Permit may not be required.

Officer comment: This would be a separate process that the applicant would need to follow

It is noteworthy that in their consultation response to SMD/2019/0646 dated 8th February 2022 the EA comment as follows:-

'We understand that in order to address comments received from Natural England, the proposed water level in Quarry 3 will be raised from 154m AOD to 156m AOD.

This revision was requested to mitigate the fact that catchments and surface water flows within the adjacent Whiston Eaves SSSI have changed over time in response to the development of the quarry. Further to this, the flows into the SSSI were typically approximately 25% greater historically than they are presently due to a reduction in the catchment area and the diversion of surface run-off through the quarry.

The water level adjustment will allow a new surface water outfall higher up the site, as submitted under application ref. SMD/2022/0014. This is more beneficial for the receiving stream and linked wetland as it will allow flows to be restored near to the top of the SSSI. Therefore, it will likely enhance the ecohydrological conditions of the SSSI compared to the current situation. We note the existing water level is already at 155.5m AOD. We are not aware of any nearby activity that would be negatively impacted if water levels in Quarry 3 are raised to 156m AOD'.

Natural England
No objection subject to appropriate mitigation being secured. Advise that without mitigation the proposal would damage or destroy the interest features for which the Whiston eaves SSSI has been notified. To mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Outfall Method Statement / Construction Environmental Management Plan detailing how construction works will avoid damage to the SSSI and its notified species should be provided.
- A monitoring scheme for during and after construction.

Staffordshire Wildlife Trust
Support the comments of Natural England. Request a condition to secure a biodiversity metric (Defra metric 4.0) to show how the works will provide a net gain for biodiversity, in line with Policy NE1 in the Staffordshire Moorlands Local Plan Adopted September 2020.

Local Lead Flood Authority
No objection subject to a condition to secure long-term maintenance of the outfall

Churnet Valley Conservation Society

Object

Wrong information on the application form has still not been corrected and the form is invalid. It claims that there is no contamination ignoring all the previous site history especially waterborne pollution from quarry 3 and quarry 2 and its own hydrological report by JBA.

There are no details of pre application advice specified and the name of officer involved just Mrs ?.

It is a stand-alone, full application and so reference to or evidence used from the outline permission SMD/2016/0378 is not relevant.

It is partially outside the redline for development and thus also a county matter. The County Council have not been consulted.

It wrongly claims that the 2014 restoration plan required this new outflow, but there is no such evidence in the 2014 agreement with the County Council as the restoration plan shows no change and the site area is to be left as it is.

The development proposed impacts up on the buffer zones protecting the SSSIs as designated by SCC planning permission SM96/935 for the development of quarry 3 extension and this will be in breach of its extant conditions.

In 2021 in a bid to avoid paying for a 10 year backlog of licence fees as the reservoir had not been inspected every two years by the HSE as required by law, Laver's agents illegally destroyed the emergency overflow safety system by excavating a trench through its dam against the advice of the Environment Agency and without planning permission from SMDC.

In doing so Laver destroyed the existing safety system or overflow that was already established and agreed in the 2014 plan.

It has also committed offences under the Reservoir Act.

There is also a false claim within the documentation submitted in the application that the ground has not changed but evidence of the 2021 activity above and alterations abound and disprove that as another falsehood.

Wardle Armstrong require more stability investigation as mentioned in their 2022 report:-
2.3.5 Abbeydale BEC correctly suggest that mitigation is required to improve stability, however slope stability analysis should be carried out on all the slopes including the proposed earthworks to inform the stability and therefore the risk to the proposed development.

2.3.6 The assessment is based on maintaining a stable lake water level below the existing 155m AOD bench to assist slope stability. It is understood that as part of the 2022 planning application (reference SMD/2022/0014) the required water level would be 156m AOD for the proposed development. Due to lake water level changes (a rise of 1m) the stability assessment should be reviewed and this letter report [3] should be revised if appropriate.

The stability of the dam has also to be confirmed in relation to the panel engineer's report for the reservoir classification. This is still pending further investigation following the recent Binnies independent report for the EA.

There is no recent assessment of the levels of pollution in quarry 3 lake that will be draining via the proposed new overflow by either Laver, or SMDC 's Dr McCrory despite references to the dangers of waterborne pathogens in the JBA reports.

Elsewhere there is a wrong reference or claim that stream A takes water from quarry 1, but it is quarry 2 that feeds the water into quarry 3.

This statement too below is incorrect
9.14 The proposed outfall is located on the south eastern corner of the lake within Quarry 3 at Moneystone Quarry (SK 04128 46243).

The outfall is located in the south west corner.

The JBA hydrology report is also incorrect in this statement
11.22 There has been only one significant change to the Site and the surrounding area since 2016. In the Summer of 2021, a temporary spillway channel was cut from the Q3 quarry towards the SSSI, stopping before the boundary of the SSSI. This spillway is slightly lower than the previous spillway. It was constructed following advice from the Environment Agency to reduce risks associated with potential reservoir failures. The spillway lies circa 1.40m above the typical height of the Q3 lagoon and is only envisaged as being active in an extreme flood event.

It acknowledges that the site has changed contrary to the application form mentioned above, but the temporary spillway was not constructed on the advice of the EA as evidence of correspondence between Abbeydale and the EA (which we have already presented to SMDC and Mr Heywood) proves that the EA did not advocate "trenching" the dam, but were expecting Abbeydale to obtain the usual planning permissions from the LPA beforehand which should have included arboreal, ecological and archaeology reports or EIA impacts.

It was not" constructed" as photo evidence available to SMDC will testify, but hastily and crudely excavated the day before the EA would impose fines upon Laver for not having licensed their raised reservoir since 2011 without any biennial safety checks by a qualified panel engineer in accordance with the Reservoir Act provisions.

It is thus a fabricated nonsense to suggest otherwise.

In fact now the old overflow system installed by Sibelco has been destroyed by Laver's agents acting unlawfully, the risk factor of potential reservoir failure has increased from the damage to the structure of the dam.

The JBA report also goes on to say
• The risk of failure of the embankment along the Q3 lagoon edge has been reduced through the construction of a new temporary spillway undertaken through consultation with the Environment Agency in Summer 2021. This reduces the capacity the lagoon could hold water beneath the Reservoir Act threshold of 25,000m3.

That too is incorrect as it is now classified as a reservoir again as a result of the Binnies report.
It later goes on to say that as part of this application that temporary spillway will be filled; yet elsewhere in the same report it says it will be maintained and preserved as an emergency overflow.

That does not make sense to anyone, let alone an expert hydrologist or engineer!
Finally, and thankfully, here is a caveat towards the conclusion of the report

7.7 Limitations and Caveats

The peak flow model has been developed solely to assess the flow changes and impacts on the SSSI and the results are based upon JBAs understanding of the outline drainage strategy for the site as currently proposed (and as described in the previous planning submission). If during the development of the detailed drainage strategy, there are significant changes to the routing of flow through the site, or the levels of the lakes, the modelling may need to be re-evaluated. It should also be noted that the model has not been designed to cover Reservoir Act considerations. It is JBA's understanding that the recent construction of a spill way channel means that the Q3 lagoon no longer comes under the Act.

Given that it is now to be reclassified as a reservoir, the models upon which this report is based cannot be regarded as applicable here and the report itself must be deemed either to be done again or dismissed as evidence.

However one thing that it does assist with is the mapping of instability under the dam and in the clough below it, as it has provided a very useful map showing seepages and matches the lidar images of the ground formation where the instability lies.

It also emphasises the danger that re-activating Stream A risks by eroding both the clough and the dam as of course the latter was built after the sub surface ground water flows were interrupted and dissipated by the deep sand pit. For the past 25 years stream A has been dry mostly and the ground to the north of it has been fed only on the water escaping from and under the base of the dam. To suddenly activate a large overflow from the spillway flowing down its channels could lead to further erosion of the clough, the SSSI and more weakening of the structure along those lines or areas shown on the map

There is no emergency flood plan in the eventuality of a major failure of the dam wall or if in a sudden inundation or increased rainfall event such as can be expected with climate change, the reservoir overtops and the water floods the lakeside lodges at the same time. The excavation works needed to reactivate the stream bed will also damage, destroy or threaten archaeological features to which the County Archaeologist drew your attention back in 29th September 2020 and contingency measures to deal with this have not been accounted for specifically in any EIA assessment associated with this application.
The arboreal report is out of date.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 Planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The application site is in the open countryside where new development is controlled through Policy SS10. It says that in the rural areas of the District, such as this, only certain forms of development will be supported, amongst which and of relevance to this application is development which has an essential need to be located in the countryside; development which promotes sustainable tourism in line with the Churnet Valley Masterplan and; development which enhances the countryside by giving priority to the need to protect the quality and character of the area, requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding area and encouraging measures which protect and enhance the biodiversity and heritage of the District.

7.3 The works involved in this case are directly associated with the Moneystone quarry site, an Opportunity Ste in the Churnet Valley Masterplan. The proposal is for a permanent outfall to replace the existing outfall to support the approved leisure scheme

(SMD/2016/0378). It comprises of an earthwork channel with no structural elements. Although the proposal involves a physical invasive operation (excavation to depth of circa 4m) it is a relatively contained operation. At the time of the outline application it was envisaged that a new outfall would be provided in this location to serve the development although the actual details were not known/provided (EIA Chapter 12 Drainage and Flood Risk). The proposal is required to maintain the water level in Quarry 3 at 156m, as agreed with Natural England.

7.4 For these reasons the principle of the development is considered acceptable and in line with Policy SS10. The main issues to consider are Landscape and Visual Impact. Trees/tree protection, Ecology and Hydrology Archaeology and Heritage. These matters are discussed more fully under the various sub headings below

Landscape and Visual Impact

7.5 The proposal is relatively small scale. It will result in very localised changes to local landscape character and ground levels immediately around the new outfall as described above.

7.6 The applicant has considered landscape and visual impact as part of the ES Addendum at Section 8 and concludes that the findings of the 2016 ES remain valid. No new significant effects are identified.

7.7 The Trees and Woodland Officer has carefully considered the application. He advises that the proposal would not materially reduce screening to/beyond the site boundaries, and due to intervening landform and significant areas of retained vegetation, the required loss of the few trees detailed above and indeed the outfall development itself (channel and new embankments) would not be apparent from publicly accessible viewpoints external to the quarry. He also comments that the screening of the overall leisure park development would not be materially reduced and consequently there would be no increased wider visual impact on external viewpoints arising as a result of the outfall proposal. The plans show that the excavated banks of the cutting would be left to vegetate and colonise naturally and no objection is raised to this. Spoil won from the excavation is shown spread temporarily along the existing access track until such time that is moved as part of the earthworks for SMD/2019/0646, the adjacent leisure scheme. As the Trees and Woodland Officer says if spread along a sufficient length of the track, it may have no visually significant nor harmful impact. However, spoil should not be spread into the adjacent woodland or scrub areas alongside the track, nor in such a manner as may have detrimental impact on the woodland trees. A condition to control spread of the spoil is recommended.

7.8 For all of these reasons the conclusion of the ES addendum is accepted. The proposed outfall is considered unlikely to lead to any significant additional or increased landscape and visual impacts that have not already been considered in the 2016 ES. With conditions in place, the application is considered to be acceptable in terms of landscape and visual impact and there is compliance with Policy DC3 and the NPPF

Trees/tree protection

7.9 An Arboricultural Impact Assessment (AIA) is submitted with the application (Appendix VIII of the EA Addendum). It shows that the development will result in the removal of part of Tree Group G22 (early-mature Hazels, c.6m tall) and part of Tree Group G23 (early-mature Alders, also c.6m tall) adjacent to and close to the water's edge at the south-west corner of Quarry 3. In addition there is likely to be some impact on roots of Tree 19 (mature Alder), Tree Group G20 (early-mature Alders) and Tree T21 (Ash – already showing signs of Ash Dieback disease) which are to be retained adjacent to the embankments. The Trees and Woodland Officer advises that the loss of some trees from G22 and G23 would, in the context of the overall Quarry, have no significant impact on the landscape structure and

character of the site as there would be many more existing trees/woodland retained in the immediate vicinity and wider area. He says the tree loss would not be apparent from outside the site and would not materially reduce screening nor affect/increase visual impact of the proposed leisure development on external viewpoints.

7.10 The AIA recommends use of temporary tree protection fencing and ground protection measures during construction, together with on-site arboricultural supervision of detailed embankment excavations/changes of slope, in order to minimise impact on adjacent retained trees, although some adverse impact must be considered inevitable. The Trees and Woodland Officer advises that some decline in condition or even additional loss of these few extra trees would still have no significant adverse effect on landscape structure, character or screening.

7.11 The outfall application site is, at closest, c.115m outside the nearest point of Ancient Woodland to the west (part of Ashbourne Hey) and the development would have no direct physical impact on this woodland. This would comply with standing advice from Natural England, supported by the Woodland Trust, which recommends that all harmful development is excluded from a buffer zone 15m wide around Ancient Woodlands.

7.12 For these reasons and subject to a condition to secure the tree protection measures during construction there is no objection on tree grounds and compliance with Policy NE2 and the NPPF

Ecology and Hydrology

7.13 The ES Addendum considers both ecology and hydrology. Taking ecology first, Chapter 9 of the ES Addendum assesses this. It is based on surveys carried out by Bowland Ecology in 2010, 2011, 2020 and 2021. It recognises that this application includes an area within the Whiston Eaves SSSI which is designated on the basis of habitats of value and the presence of bullhead within the associated streams (small tributaries of the River Churnet). The most significant receptor is the Whiston Eaves SSSI. The SSSI is sensitive to changes in the water supply mechanisms that support it. The latest condition assessment (11/05/2021) for Unit 1 of the SSSI immediately adjacent is classified as Unfavourable - Recovering and notes this status is due to "*As water levels are recovering to post-quarrying levels the springs have returned throughout this part of the SSSI. Discussions are underway with the quarry owner (via the planning process) about securing a sustainable and appropriate permanent outfall arrangement into this part of the SSSI, which will be compatible with the natural processes that the flush features and wetlands depend on as well as furthering the conservation and enhancement of this part of the SSSI*."

7.14 The application site consists of four broad habitat zones which are described at 9.18 – 9.30 of the Addendum and summarised in Table 9.1. In terms of habitats there is a mix of young alder woodland, patchy vegetation, dense bramble and within zone 4 (the SSSI) mature broadleaved woodland habitat (SSSI), veteran trees, patchy woodland ground flora, standing deadwood and associated bryophyte community. In terms of fauna the site is a potential habitat for nesting birds, foraging and roosting bats, potential refuge habitat for common amphibians and invertebrate habitat. Several trees have bat roost potential trees (BT1-BT3).

7.15 Impacts during construction and operation are considered in the ES Addendum (see Tables 9.2 and 9.3). In summary the ES says that the works are small scale and impacts on terrestrial habitats will be minimal. However, there are several features within the proposed working area which are considered to be of ecological value including; patchy woodland ground flora, coppiced hazels, a single alder tree and standing deadwood. Without mitigation it says there could also be indirect impacts, particularly during construction, upon the

watercourse and associated aquatic fauna as a result of pollution (silt run off or spills). The key mitigation measures to address these potential impacts are set out in Table 9.4 of the ES Addendum. In addition an outline Method Statement prepared by Abbeydale is also provided which details construction and ecological measures which the applicant would adopt throughout the construction process to mitigate any adverse impact on the SSSI. In the event of an approval these mitigation measures would need to be secured in an Outfall Method Statement/CEMP (see further discussion at para 7.22).

7.16 The ES Addendum concludes that following implementation of the mitigation measures there will be negligible impacts upon habitats and species. It says that the proposed outfall works aim to re-establish the pre-quarrying hydrological conditions within the SSSI and surrounding area which it says is a positive impact of the proposal. It says that, at least locally, reinstatement of flows to the SSSI will benefit the ecohydrological condition associated with the SSSI and wider catchment

7.17 Turning now to hydrology which is considered at Chapter 11 of the ES Addendum. Appendix 9 includes a detailed hydrological assessment.

7.18 The assessment in the ES Addendum includes a review of existing baseline conditions, consideration of future baseline conditions, and an assessment of the potential significant effects which may result from the change in conditions. A range of additional hydrological assessments have also been undertaken to improve understanding of the baseline conditions. This was done in response to comments from Natural England regarding the impact of the outfall and the wider leisure development on the eco-hydrology of the SSSI. The assessments included looking at how the catchments have changed both pre and post quarrying.

7.19 The key conclusions of the Hydrological assessment are as follows:-

a) Q3 currently discharges into Stream A which flows through the SSSI

b) The catchment area of Stream A is currently smaller than it was historically due to the quarrying operations and hence flows which feed the SSSI are lower

c) The proposed drainage strategy for the wider site will result in a larger catchment area for Stream A. This will improve flows to Stream A

d) Peak flows into Stream A have been significantly reduced from pre quarrying levels due to changes to landform (from steep narrow valley to series of flat areas/lakes) together with the attenuation effect of Q3. The current proposed drainage proposals still result in attenuation of historic peak flows in Q3. The outfall could be made larger to increase the maximum flow rate through the outfall, but this would potentially lead to increased disturbance to the SSSI.

e) Peak flow analysis shows a very low likelihood of more powerful and potentially damaging flows during storm events discharging into the SSSI.

f) The proposed location of the outfall higher up Stream A than the existing outfall will allow flows to be restored near to the top of the SSSI

7.20 The conclusion is that the proposal has the potential to enhance the ecohydrological conditions of the SSSI compared to the current situation and bring conditions within the SSSI back more closely to how they were pre quarrying.

7.21 The assessment confirms that no additional mitigation measures are required; mitigation is ‘embedded’ in the proposal as described above. The ES Addendum concludes

that the proposal will not lead to any significant additional or increased hydrological impacts that have not already been considered in the 2016 ES. It suggests that water supply mechanisms will actually be enhanced by the design of the outfall.

7.22 There have been extensive discussions between the applicant and Natural England. Both NE and Staffordshire Wildlife Trust have carefully considered the application and raise no objection. NE advise that without appropriate mitigation the application would damage or destroy the interest features for which Whiston Eaves Site of Special Scientific Interest has been notified. They advise that in order to mitigate these adverse effects and make the development acceptable, a condition should be imposed to secure an Outfall Method Statement/Construction Environment Management plan detailing how construction works will avoid damage to the SSSI and its notified species. They also request a condition to secure a Monitoring scheme both during and post construction. Staffordshire Wildlife Trust endorse this advice and in addition have requested a condition to ensure a net gain in biodiversity is achieved.

7.23 Paragraph 180b) of the NPPF and Policy NE1 say that development on land within or outside a SSSI and which is likely to have an adverse effect on it (either individually or in combination with other development) should not normally be permitted. In this case the advice of Natural England and Staffordshire Wildlife Trust is that the adverse effects can be mitigated by the imposition of conditions and there is the potential to enhance the ecohydrological conditions of the SSSI. It is for these reasons that the conclusion of the ES addendum is accepted. The proposed outfall is considered unlikely to lead to any significant additional or increased ecological or hydrological impacts that have not already been considered in the 2016 ES. With conditions in place the Whiston Eaves SSSI is protected and there is compliance with Policy NE1 and the NPPF

Archaeology and Heritage

7.24 The ES Addendum considers heritage and concludes that the proposals are not anticipated to result in significant effects on the significance of identified heritage assets such that as to warrant assessment in an EIA

7.25 There are no heritage assets within or directly adjoining the application site. The nearest heritage asset is Little Eaves Farmhouse and associated Barn, both are Grade II Listed and c. 230m from the outfall site. There will no visual connection with these assets and no adverse impact is envisaged

7.26 Whilst a Conservation Area was designated in nearby Oakamoor village in 2016, the proposed outfall application site has no visual connection with the Conservation Area and is some distance from it. No impact is envisaged.

7.27. In commenting on the outline permission the County Archaeologist advised that in areas impacted by quarry operations it was unlikely for archaeological remains to survive. He went on to say though that there is the potential for archaeological remains to survive on the fringes of the works and in areas 'less impacted' by recent land use across the site. He advised an archaeological watching brief during groundworks and this formed Condition 47. As this application partly includes the outline application and is on the fringe of the quarry operations it is considered reasonable and necessary to impose the same condition if permission is forthcoming.

7.28 For these reasons and with a condition in place no heritage harm is identified and there is compliance with Policy DC2 and the NPPF

Other Issues

7.29 No issues are raised in terms of access with the Local Highway Authority commenting that the proposal will have no adverse effect on the surrounding highway network and any vehicular traffic associated with the construction have already been accounted for as part of the overall development. The conclusions of the ES Addendum are accepted in respect of Access.

7.30 No issues are raised in terms of air quality, noise and vibration The Environmental Health Officer has requested a Construction and Environment Management plan which can be secured by condition. The conclusions of the ES Addendum are accepted in respect of Air quality and Noise

7.31 No updated Flood Risk Assessment (FRA) has been completed for the proposed new outfall. Given the outfall is similar in dimension to the design assumed for the ES in 2016 and discharges 30m upstream to the same receiving watercourse, the ES Addendum has assumed that the conclusions of the original FRA are acceptable. The Environment Agency and Local Lead Flood Authority have raised no objection to the application, the latter have requested details of the future maintenance arrangements for the outfall. This can be secured by condition

Planning Balance

7.32 Planning law requires that this application be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the reasons set out above the proposal is in accordance with polices in the Staffordshire Moorlands Local Plan. There are no material considerations that indicate a decision should be made other than in accordance with the Development Plan. A recommendation of approval is therefore made

8 RECOMMENDATION

A. That planning permission be granted subject to the following conditions:-

1.The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

Approved plans
2. The development hereby permitted shall be carried out in accordance with the following approved plans
Location Plan 1733 0F 002 Rev 5
Existing Outfall Area Plan 1733-OF-008 Rev 2
Proposed Outfall Masterplan 1733-OF-009 Rev 7
Proposed Outfall Plan 1733-OF-010 Rev 16

- • Outfall Area GA Section AA (Ref: 1733-OF-225 Rev 11).
- • Outfall Area GA Section BB (Ref: 1733-OF-226 Rev 11).
- • Outfall Area GA Section CC (Ref: 1733-OF-227 Rev 11).
- • Landscape GA Outfall Area Plan (Ref: 1088.4-PLA-00-XX-DR-L-0007 Rev P03).
- • Outfall Area Landscape Sections (Ref: 1088.4-PLA-00-XX-DR-L-0009 Rev P03).

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

Natural England/Protection of the SSSI

3. Notwithstanding the submitted documents/information no development including site stripping or clearance shall commence until an Outfall Method Statement / Construction Environmental Management Plan (the 'Plan') has been submitted to and approved in writing by the Local Planning Authority. The Plan should detail how damage to the SSSI will be avoided, including but not limited to, consideration of the following:

a) No run-off into the SSSI during construction from the access road or the landscaping land, both of which are adjacent to and in hydrological continuity with the SSSI.

b) Safeguards must be in place to prevent run-off including fines, fuel and chemicals in surface water and groundwater during construction across the wider site from entering the SSSI. This is paramount given the identification of a significant role for sinkhole recharge and implied rapid flow through the underlying groundwater.

c) It should be clear that when considering any work in the SSSI, engagement with Natural England is key and required.

d) Stockpiled materials must only be stored in such a way as to prevent material and contaminated run-off entering the SSSI.

e) Works should be carried out in dry conditions and therefore the prevailing weather conditions must be considered when deciding when to carry out work. Working in dry conditions will limit the risk of overtopping/or runoff entering the SSSI.

Development shall proceed strictly in accordance with the approved Plan

Reason:- To protect the Whiston Eaves SSSI during construction

4. No development including site stripping or clearance shall commence until such time that a Monitoring Scheme (with implementation timetable) to cover the construction and operational stage of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and operated strictly in accordance with the agreed Scheme. The Scheme shall include (but not limited to) the following considerations :-

a) that flow monitoring apparatus is fit for purpose to accurately monitor the full range critical range of flows. This should be completed prior to the development.

b)the water level at the overspill for 5 years from the operation of the development. This should be completed post development. The agreed water level is 156 AOD.

c)Monitoring of water quality before and during construction to check that no fines, fuel or chemicals are entering the SSSI. See Annex A attached to the letter from Natural England dated 31st March 2023 for further information.

d)Monitoring of future stream flows and sediments for 5 years from the operation of the development.

e)Annual reporting of the data and necessary interpretation. The reports should compare monitoring data against the results of predictive modelling carried out during the planning phase. Any discrepancies should be clearly identified and explained, and actions proposed as necessary.

f)A mechanism for mitigation if monitoring reveals issues. This is required in case the monito red results start to significantly deviate from predictions, in which case Natural England would require mitigation.

Reason:- To safeguard the SSSI from harm, provide a quality control of the modelling that has been carried out to support the application and to address the remaining uncertainty in the modelling.

Biodiversity

5. No development shall commence until such time that a Biodiversity Net Gain metric (using Defra metric 4.0 or any subsequent successor document) together with measures to achieve a net gain and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved measures and timescale
Reason:- To secure a net gain in biodiversity

6. The development hereby permitted shall only be carried out in accordance with, and full observation of, the Mitigation measures set out in Chapter 9, Ecology, Table 9.4 of the Environmental Statement Addendum, Moneystone Quarry, Staffordshire dated December 2021
Reason:- In order to mitigate any potential impact upon protected habiats and species

Construction and Environmental Management Plan:

7. No development hereby permitted shall take place including site clearance and stripping until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

II. the arrangements for prior notification to the occupiers of potentially affected properties;

III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

IV. a scheme to minimise dust emissions arising from construction activities on the site.

V. a scheme for recycling/disposal of waste resulting from the construction works;

VI. the loading and unloading of plant and materials;

VII. the storage of plant and materials used in constructing the development;

VIII. 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,

IX. details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,

All works shall be carried out in accordance with the approved details.

Reason: To protect the amenities of the area, amenity of local residents and that of the surrounding area from noise disturbance.

Unexpected Contamination

8. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed 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 commence 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 prepared, and is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of 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.

Infilling and restoration of existing outfall and unauthorised channel

9.No development shall commence until a scheme of works (to include planting where required) for the infilling and/or removal and restoration of land containing the existing outfall and the adjacent spillway channel, both described and referenced at 8.2, Appendix 9, Hydrological assessment of the Environmental Statement Addendum including a timetable for implementation of such works, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed detail and timescale

Reason:- To ensure the land is returned to its previous condition in the interests of the character and appearance of the area and the protection of the Whiston Eaves SSSI

Tree protection

10.No development including (including any site clearance, site stripping, site establishment, delivery of plant or materials, or formation/improvement of temporary/permanent access) shall take place until temporary tree protection barriers and advisory notices and temporary ground protection measures for the protection of the existing trees to be retained have been erected in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and as set out in the Urban Green arboricultural impact assessment report reference UG1329 dated 25/10/2021 submitted in support of the application hereby approved. These shall be retained in position for the duration of the period that development takes place. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

Reason:- In the interests of tree protection and the character and appearance of the area

11.No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development and there shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive)

Reason:- In the interests of tree protection, protected species and the character and appearance of the area

12. No development shall commence, including site clearance and stripping, until such time that details for the temporary spread and permanent removal of spoil arising from the excavation, with sections where requested, has been submitted to and approved in writing by the Local Planning Authority . No spoil should be spread/deposited within existing woodland and scrub areas nor in such location or manner that it would encroach within the Root Protection Areas of trees in these areas. The development shall be carried out strictly in accordance with the agreed details
Reason:- In the interests of tree protection and the character and appearance of the area

Long-term Maintenance of outfall

13. No development shall commence until details of the arrangements for the future maintenance and operation of the outfall hereby permitted have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The development shall be carried out and operated strictly in accordance with the agreed details for the lifetime of the development
Reason:- To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

Archaeology/Heritage

14. No development shall be commence, including site stripping and/or clearance
until such time that an Archaeological Watching Brief, Walkover and Earthwork Survey specification has been submitted to and approved in writing by the Local Planning Authority. The specification shall define the area of archaeological interest to be subject to the investigation and provide details of the programme of archaeological works to be carried out within this area, including post-excavation reporting and appropriate publication and interpretation. The development shall thereafter be implemented in full in accordance with the approved details
Reason:- In the interests of protecting the historic environment

15. The development hereby permitted shall be constructed and in use prior to first occupation of any of the development approved under SMD/2019/0646
Reason:- To safeguard the SSSI from harm and ensure a stable water level in Quarry 3.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee.


id reference
SCALE
0 40 80 120 160 200
0.M
200.M