

APPENDIX 4: MONEYSTONE PARK, STAFFORDSHIRE – PLANNING HISTORY

Historic Planning Permissions (1948 – 2007)

- 1.1 Planning permission for the extraction of silica sand at Moneystone Quarry was first granted in 1948 by Staffordshire County Council (“SCC”) as the Mineral Planning Authority, and permitted the extraction of mineral from land to the south of Eaves Lane (known as Quarry 1) which was then occupied by the site’s processing plant.
- 1.2 In 1958 a subsequent permission was granted by SCC which expanded the workings and established the quarry to the north of Eaves Lane in part of the area that is now known as Quarry 2. A number of further permissions were subsequently granted by SCC relating to the erection of the processing plant and associated storage areas and buildings.
- 1.3 In 1964 permission was granted by SCC for the consolidation of the quarry north of Eaves Lane (LPA ref. NC.5368) including provision for the tunnel under the road linking the northern and southern parts of the quarry. In 1983, permission was granted by SCC for a further extension of quarrying westwards and northwards (LPA ref. SM.11799) and throughout the 1980’s and 1990’s the processing plant continued to develop with the introduction of the Mineral Development Centre which houses Sibelco UK’s minerals national research and development facilities.
- 1.4 In 1998 a comprehensive planning permission was granted by SCC (LPA ref. SM.96/935) (C/D Ref: 6.11) which included an extension to the quarry south of Eaves Lane (known as Quarry 3). The planning permission included a S106 legal agreement which covered a number of matters including the relinquishment of old mineral working permissions, highway improvements to Eaves Lane and a 10 year aftercare and groundwater management plan. Condition 35 of the permission required the restoration of the quarry to be completed within 2 years of the cessation of operations with a 5 year aftercare period.
- 1.5 In August 2007 proposals for a 30 hectare extension to the quarry to extract 6.5m tonnes of silica sand over a ten year period with progressive restoration to grassland, wetland, native woodland, dry heathland and a 10 hectare lake (LPA ref. SM.06/10/122M) were refused by SCC. Members considered that the proposed development would have an unacceptable adverse impact on the village of Whiston by

virtue of increased traffic, noise, dust, visual and landscape harm, loss of natural assets including woodland and potential impact on a Site of Special Scientific Interest (SSSI), contrary to the adopted Development Plan.

- 1.6 Extraction at the site ceased on 31 March 2011.

Restoration Scheme

Restoration Condition Requirements (2001-2009)

- 1.7 Condition 35 on planning permission LPA ref. SM.96/935 (See Decision Notice at C/D Ref: 6.11 for full wording) required a detailed restoration and aftercare scheme for the whole site to bring the site into agriculture and nature conservation use to be submitted to the Mineral Planning Authority for its written approval.
- 1.8 A restoration scheme to discharge condition 35 of planning permission SM.96/935 was submitted to SCC in November 1999 and was subsequently approved by SCC in January 2001 (Ref: SM.96/00935 D1)/ (C/D Ref: 6.12). Amendments to the approved restoration scheme were submitted by Sibelco UK to SCC in 2009. The amended restoration scheme for the site was approved with conditions by delegated decision on the 16 October 2009 (Ref: SM.96/935/122 M D3) / (C/D Ref: 6.13). This approval required the submission of an updated restoration plan to satisfy points raised in the approval letter.

Approved Restoration Plan (March 2014)

- 1.9 To address the conditions of the delegated 2009 approval, a revised Restoration Masterplan (C/D Ref: 6.14) was submitted to SCC by Laver Leisure and was approved at SCC's Planning Committee on 6 March 2014 (LPA ref. SM.96/935/122 M D4) (Committee Report at C/D Ref: 6.15).

Restoration Plan Enforcement Notices

- 1.10 SCC issued Laver Leisure with 2no. enforcement notices in September 2022 relating to breach of planning conditions associated with the restoration consent for the quarry and the removal of the laboratory building which are summarised below:

Enforcement Notice EN1 – Laboratory Building

- 1.11 Condition 39 of planning permission reference SM.96/935 for the restoration of the quarry states:

"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."

1.12 All mineral extraction in the quarry ceased in March 2011. The former quarry machinery, plant and structures have been largely removed and the land cleared and levelled with the exception of the laboratory building which remains in situ however is not located within the red line boundary of The Appeal Site. The building was used until June 2017 by Sibelco Ltd as research and development laboratories. The Enforcement Notice (C/D Ref: 8.1) requires:

- a) For the building to be removed from the site including its foundations and all resulting debris, rubble and waste materials (time for compliance: 3months after the Notice takes effect).
- b) All hardstanding, structures, machinery and equipment removed from the land surrounding the building (time for compliance: 3months after the Notice takes effect).
- c) Restore the land to open grassland (Time for compliance: 6 months after the Notice takes effect).

1.13 The EN1 Enforcement Notice was subsequently varied in September 2022 (C/D Ref: 8.6) to amend the date to which the notices take effect to December 2023. It was further varied again on 21 December 2023 (C/D Ref: 8.8) to amend the date on which the notice take effect to 31 May 2024.

1.14 The granting of planning permission ref: SMD/2019/0716 for the change of use of the laboratory building for facilities associated with the wider Moneystone Park in January 2024 has in effect 'overridden' Enforcement Notice EN1 so it is no longer applicable.

Enforcement Notice EN2 (September 2022) – Restoration

1.15 Condition 39 of planning permission reference SM.96/935 for the restoration of the quarry requires a detailed restoration and aftercare scheme for the whole site to bring the site into agricultural and nature conservation use within 12 months of the date of that permission. The restoration and aftercare scheme pursuant to the above condition was approved on 13th March 2014 (Ref: SM.96/935/122 M D4) (C/D Ref: 6.15).

1.16 To date, the approved restoration scheme for the quarry has not been completed in accordance with the approved plans and the programme of implementation. The intention of Laver Leisure has been for The Leisure Development to be delivered, and therefore to avoid unwarranted works taking place which would then be undone as part of that consent – such works have been paused pending the completion of this appeal. It is agreed that the restoration plan forms the baseline against which effects of the leisure scheme should be judged, however.

1.17 The Enforcement Notice (C/D Ref: 8.2) requires:

- a) Remove the buildings including their foundations (time for compliance: 3 months after this notice takes effect).
- b) Remove all hardstandings, structures, machinery and equipment (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 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).

1.18 The EN2 Enforcement Notice was subsequently varied in September 2022 (C/D Ref: 8.7) to amend the date to which the notices take effect to December 2023. It was further varied again on 21 December 2023 (C/D Ref: 8.9) to amend the date on which the notice take effect to 31 May 2024.

Churnet Valley Masterplan (March 2014)

1.19 The Churnet Valley Masterplan SPD (CVM) (C/D Ref: 7.6) was adopted by SMDC as the LPA, in March 2014 and represents a material consideration in planning decisions.

1.20 The CVM, which was subject to extensive community consultation over a period of 3 years, identifies key opportunity sites, including Moneystone Quarry. Laver Leisure

prepared and submitted representations to every stage of consultation during the preparation of the CVM and helped shape the vision for Moneystone Park.

1.21 The CVM provides an overview of the site, the constraints and opportunities associated with creating a high-quality leisure development and a development strategy which includes:

- New leisure development based around restoration of the quarry
- Potential for a complementary renewable energy scheme
- Other appropriate uses including:
 - Holiday accommodation: low impact holiday lodges in Zones 1 and 2. Limited development in Zones 4 and 5. Maximum of 250 lodges in total
 - Outdoor recreation facilities: including walking, cycling, horse riding and climbing
 - Hub within Zone 1: Recreational Lake to include non-motorised water based activities in Zone 3

1.22 The Concept Plan identifies a number of zones for potential development, these include:

- **Zone 1 (Quarry 1)** – Low impact holiday lodge development, incorporating landscaping and biodiversity areas.
- **Zone 2 (Quarry 2)** – Low impact holiday lodge development, incorporating landscaping and biodiversity areas.
- **Zone 3 (Part of Quarry 3)** – Recreational Lake
- **Zone 4 (Part of Quarry 3)** – Limited sensitive development of holiday lodges to be informed by a Landscape and Visual Impact Assessment. Consideration should be given to the impact on the SSSI of development. Any development should conserve and enhance the SSSI.
- **Zone 5 (Part of Quarry 2)** – Limited sensitive development of holiday lodges to be informed by a Landscape and Visual Impact Assessment.

Outline Planning Application (October 2014)

- 1.23 An outline planning application (Ref: SMD/2014/0682) which sought approval for a leisure scheme was submitted to SMDC on 20 October 2014. The description of the outline application was:

“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, climbing wall and shop); café; visitor centre; administration building; maintenance building; archery centre; water sports centre; equipped play and adventure play areas; multi-sports area; car parking, and managed footpaths and cycleways set in attractive landscaping and ecological enhancements.”

- 1.24 Despite The Council’s Planning Officers recommending the application for approval, the Planning Committee resolved to refuse the planning application at its meeting on 26 November 2015. The application was formally refused by The Council on 2 December 2015. The Decision Notice (C/D Ref: 6.4) outlines four reasons for refusal which related to:

1. Landscape – relating to the height of the hub building and the principle of the proposed lodges at Black Plantation;
2. Highways – relating to an increase in the amount of traffic using Carr Bank and also the reliance of visitors staying at Black Plantation to use private cars to access all facilities within the hub area;
3. Heritage – relating to the adverse impact the multi-activity hub area would have on the setting of Little Eaves Farm, a Grade II listed building; and,
4. Planning Balance – stating that the benefits of the leisure scheme when considered together would not be sufficient to significantly and demonstrably outweigh the harm identified above.

Adjacent Solar Farm Applications (June 2014 – December 2015)

- 1.25 A full planning application (Ref: SMD/2014/0432) for the development of a Solar Farm to produce 5MWp of solar-generated electricity on land directly adjacent to The Appeal Site was submitted to SMDC on 28 June 2014. A copy of the Site Location Plan is at

C/D Ref: 9.1. The application was refused at SMDC's Planning Committee on 28 February 2015 contrary to Officer recommendation for approval. The Committee Report is enclosed at C/D Ref: 9.3 and the Decision Notice for SMD/2014/0432 is contained at C/D Ref: 9.4.

- 1.26 A revised full planning application (Ref: SMD/2015/0220) was submitted to SMDC on 15 April 2014. This application sought to address the reasons for refusal of SMD/2014/0432 including additional information in respect of the site selection process, additional photomontages to demonstrate the site's lack of visibility from public areas and the provision of a community benefit scheme. The description of the full application was:

"Re-submission of application (SMD/2014/0432) for construction and operation of solar photovoltaic farm including provision of internal service roads, fencing, CCTV, below ground cabling and electrical ancillary equipment."

- 1.27 This application was approved by decision of the Council's Planning Committee on 9 July 2015. Following the issuing of the decision on 22 July 2015 a claim was lodged with the High Court by a third party seeking Judicial Review of The Council's decision to issue planning permission and to have the permission quashed.
- 1.28 The matter of the third party's claim to the court was reported to SMDC's Planning Committee on the 22 October 2015. Members resolved that the scheme retained their support and granted delegated power for it to be re-determined by the Head of Regulatory Services in the event of the permission being quashed.
- 1.29 The planning application was granted formal permission by SMDC on 22 October 2015. Following this decision, the scheme was subject to third party requests to call in the application for determination by the Secretary of State for Communities and Local Government.
- 1.30 In a letter dated 21st December 2015 (C/D Ref: 9.6), The Secretary of State decided to not call in the application and that he was contained for the application to be determined by the LPA. Subsequently, the planning application was granted formal permission by SMDC on 21 December 2015 (C/D Ref: 9.5) and the Solar Farm has now been delivered and is operational.

Appeal Against Refusal of October 2014 Outline Planning Application (February 2016)

- 1.31 The Appellant submitted a planning appeal (PIN's: APP/B3438/W/16/3144848) to the Planning Inspectorate against the Council's decision to refuse planning permission SMD/2014/0682. The planning appeal was given a start date of 18 March 2016.
- 1.32 Following submission of the appeal, the Appellant entered into positive discussions with Officers at SMDC regarding the proposed leisure development at Moneystone Park. A series of changes to the refused scheme were agreed and a revised planning application was submitted to SMDC on 17 June 2016 (Ref: SMD/2016/0378).

Revised Outline Planning Permission (October 2016)

- 1.33 An outline planning application (Ref: SMD/2016/0378) which sought approval for a leisure scheme was submitted to SMDC on 17 June 2016. This revised application sought to address concerns raised with the previously refused outline planning application ref: SMD/2014/0682. The reserved matters to which the appeal relates was submitted pursuant to this revised outline planning permission. The description of the revised outline application was:

"Outline application with some matters reserved 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; visitor centre with farm shop; administration building; maintenance building; archery centre; watersports centre; equipped play areas; multi-sports area; ropewalks; car parking; and managed footpaths, cycleways and bridleways set in attractive landscaping and ecological enhancements (re-submission of Planning Application SMD/2014/0682)."

- 1.34 The outline application was considered at SMDC's Planning Committee on 15 September 2016 and a resolution to grant planning permission subject to conditions and Section 106 legal agreement was made. The Committee Report for the revised outline planning permission is contained at C/D Ref: 6.1. Formal planning permission was granted by SMDC on 26 October 2016.

Legal Challenge of Revised Outline Planning Permission and High Court Decision (September 2017)

- 1.35 SMDC's decision to grant outline permission ref: SMD/2016/0378 was challenged by a local resident, Mr Paul Housiaux, on various grounds which include increased traffic and the lack of provision for sustainable transport.
- 1.36 Permission to continue the legal proceedings was granted on 17 February 2017 and the case (Case No. CO/6126/16) was released to His Honour ('HH') Judge Pelling QC for determination. A hearing for the case was held on 20 July 2017.
- 1.37 On 4 September 2017 the Approved Judgement was released. (C/D Ref: 6.6). In considering all matters presented, HH Judge Pelling QC dismissed the case. He also awarded the Council capped costs of £5,000 and refused permission for Mr Housiaux to appeal against his decision. Permission to appeal to the Court of Appeal was refused by the Court of Appeal on 7 October 2017, during the course of the Public Inquiry into the originally refused outline application (LPA Ref SMD/2014/0682).
- 1.38 A letter from the Appellant (C/D Ref: 6.7) was sent to the Planning Inspectorate on 8 November 2017 to formally withdraw planning appeal APP/B3438/W/16/3144848 against the Council's refusal of the October 2014 Outline Planning Application, on the basis that it had secured a satisfactory consent for the proposals which was beyond challenge, following the Court of Appeal's decision.
- 1.39 The Reserved Matters Application which is the subject of this appeal case has been submitted pursuant to the Revised Outline Planning Application which was approved on 26 October 2016. A further Reserved Matters application for Phase 2 under this outline planning permission remains as yet undetermined by the Council.

Phase 1 Reserved Matters Application (Submitted October 2019)

- 1.40 Laver Leisure submitted the reserved matters planning application at the appeal site on 21 October 2019. The planning application was given application reference SMD/2019/0646 and had the following description of development:

"Reserved matters application proposing details for the appearance, scale, layout and landscaping for phase 1 of the leisure development comprising 190 lodges; erection of a new central hub building (providing farm shop, gym, swimming pool, spa, restaurant, cafe, games room, visitor centre, hub management and plant areas): reuse and external

alterations to the existing office building to provide housekeeping and maintenance accommodation (including meeting rooms, offices, storage, staff areas and workshop); children's play areas; multi use games area; quarry park; car parking; refuse and lighting arrangements; and managed footpaths, cycleways and bridleways set in attractive hard and soft landscaping."

1.41 In accordance with the above, SMDC recommended the application for approval at SMDC's Planning Application Committee on 26 October 2023.

1.42 The reserved matters planning application was however, refused contrary to officer's advice at SMDC's Planning Committee on 26 October 2023. A total of 7 members voted against the application which outweighed 5 member votes for approval. The final Decision Notice was issued on 14th November 2023 (C/D Ref: 6.8).

1.43 The reasons for refusal were specified in the Decision Notice as follows:

"It is considered that the proposed lodges, which are little more than caravans with cladding, fail to deliver the required high standard of design. Owing to the proposed materials and lack of any green roofs, lack of creativity and detailing the lodges could not be said to be of an appropriate high quality nor do they add value to the local area. They have not been designed to respect this sensitive site or its surroundings, noting that it is in part adjacent to the Whiston Eaves SSSI.

For these reasons the proposal fails to comply with Policies SS1, SS11, DC1 and E4 of the Staffordshire Moorlands Local Plan and the National Planning Policy Framework including but not limited to Chapters 12 which says that good design is a key aspect of sustainable development and Chapter 15 which says that planning decisions should contribute to and enhance the natural and local environment by amongst other matters recognising the intrinsic character and beauty of the countryside and minimising impacts on biodiversity"

Full Planning Applications for Surface Water Outfall (November 2019 & January 2022)

1.44 Along with the reserved matters application, a full planning application was submitted to SMDC on 29th November 2019 for the following development at the site:

"Proposed construction of surface water outfall associated with Moneystone Park leisure development."

1.45 Following the submission of the planning application, there was extensive dialogue involving Natural England, the Environment Agency, Laver Leisure and their advisors JBA, Abbeydale BEC and Bowland Ecology to discuss the technical requirements, design, and location of the surface water outfall. This resulted in the location of the outfall being moved further east when compared to the principle for the outfall location proposed as part of the original application.

1.46 The original outfall application ref: SMD/2019/0725 was withdrawn and a full planning application SMD/2022/0014 (C/D Ref: 4.1) was then submitted to SMDC on 11 January 2022 for the following development at the site:

“Proposed construction of a revised surface water outfall associated with Moneystone Park leisure development and engineering operations to infill the existing outfall structure.”

1.47 The revised outfall proposals had the prospect of affecting the SSSI, but it was accepted by the Council, that the outfall proposals would in fact secure a betterment to the SSSI as a result of the revised full application being brought forwards. The revised outfall application (Ref: SMD/2022/0014) was recommended for approval by SMDC Officers within the accompanying Officers Report (C/D Ref: 6.2). This application was approved at SMDC’s Planning Committee on 26 October 2023 and the final Decision Notice (C/D Ref: 6.9) was issued on 28 November 2023.

Full Planning Application – Change of Use of Existing Laboratory Building (November 2019)

1.48 A full planning application was submitted to SMDC on 27th November 2019 for the following development at the site:

“Retention of former laboratory building and change of use to a sports hall with climbing wall, soft play area, two-lane mini bowl, cinema room; craft room and craft store, bike store and maintenance and bike hire office, cafe, viewing area, WCs, management office and plant rooms associated with Moneystone Park external alterations and reconfiguration of existing car park to provide 24no. car parking spaces.”

1.49 The purpose of this application was to provide additional facilities within the existing former laboratory building to form part of the wider leisure park scheme.

- 1.50 Paragraph 8.6. of the Committee Report (C/D Ref: 6.2) outlines SMDC's support of the high-quality design of the former lab building, specifically:

"The proposal largely works with the existing building. Some existing windows and doors are removed where internal uses necessitate, and three small extensions are proposed as described above. No objection is raised to these. One relates to the provision of a feature entrance and lobby created from an existing roller shutter door opening on the northwest elevation. This becomes the main entrance and focal point to the building, and it is considered to link well with the main hub building of the adjacent leisure scheme. Existing ducts and flues are removed and the whole building re clad in a mix of timber cladding and black profile sheeting with dark grey aluminium window frames and doors. The DAS explains that the design rationale is to change the appearance from 'industrial' to 'agricultural'. Although an 'agricultural' appearance is not necessarily considered to be the outcome of the proposed changes, the proposed alterations and materials are considered to be acceptable and as the DAS says will visually tie in with the materials proposed for buildings in the reserved matters application for the adjacent leisure scheme. Subject therefore to a condition to secure an appropriate colour for the metal sheeting and samples of materials, the design is acceptable and there is compliance with Policy DC1 of the Local Plan and the NPPF."

- 1.51 This application was considered at SMDC's planning committee on 26 October 2023 and was recommended for approval by SMDC Officers within the accompanying Officers Report (C/D Ref: 6.2). This application was approved at SMDC's Planning Committee on 26 October 2023 and the final Decision Notice (C/D Ref: 6.10) was issued on 10 January 2024.

- 1.52 The planning permission is linked to the refused Appeal Scheme by condition 3, which states:

3. *The development hereby permitted shall only be used and operated as a facility of the adjacent leisure scheme permitted under SMD/2016/0378 and shall not at any time be sold, let or used as an independent standalone facility.*

Reason:- In the interests of highway safety and the and the integrity of the Approved Restoration Plan for the site.

Phase 2 Reserved Matters Application (October 2023)

- 1.53 A reserved matters application for Phase 2 of The Leisure Development at Moneystone Park, for the remaining balance of 60 lodges to the north of Eaves Lane was submitted to SMDC on 20 October 2023 for the following development:

“Reserved matters application proposing details for the appearance, layout, scale and landscaping for Phase 2 of the leisure development comprising 60 lodges, archery centre and watersports centre, internal roads and car parking and hard and soft landscaping”

- 1.54 This application was validated by SMDC on 16 November 2023 and is currently pending determination. The time for the submission of any further reserved matters approvals has now elapsed.