

Our Ref: 2021.46.87  
Your Ref: SCC/21/0033/FULL

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Mr David Bray  
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Dear Mr Bray

**PLANNING APPLICATION NO. SCC/21/0033/FULL FOR REMODELLING OF EXISTING GOLF COURSE TO IMPROVE ON-SITE WATER MANAGEMENT, ACCESSIBILITY AND PLAYER SAFETY THROUGH THE IMPORTATION OF ENGINEERING MATERIALS TO REGRADE AND REPROFILE PART OF THE EXISTING GOLF COURSE, WITH THE CONSTRUCTION OF NEW ATTENUATION AND IRRIGATION PONDS, ERECTION OF AN ASSOCIATED PUMP HOUSE AND PROPOSED LANDSCAPING AND TREE PLANTING AT WHISTON HALL GOLF CLUB, BLACK LANE, STOKE-ON-TRENT, ST10 2HZ.**

Further to the above mentioned planning application, I am grateful to you for forwarding to me copies of consultation responses received. I have now had the opportunity to review those responses and have set out my comments below. Please accept my apologies that this has taken longer than I had expected.

I am pleased to note that, much like planning application SM.19/07/1141 W, no objections have been received from those technical statutory consultees on such matters as ecology, landscape waste management, pollution, noise or highways. This would appear to vindicate the level of detail provided by the applicant in the preparation of the planning application. Where consultees have requested the imposition of conditions, the applicant would be happy to accept suitably worded conditions as requested.

It is also very pleasing to note that the Environment Agency, the pollution control authority with responsibility for advising on pollution control matters, has neither raised an objection nor recommended the imposition of any conditions in respect of the proposed development. The Applicant will, however, continue to engage with the Environment Agency over the matter of an environmental permit.

Only one Statutory Consultee, Kingsley Parish Council, has raised an objection to the proposed development and I have responded to their comments below in the order set out in their consultation response.

1. It is a basic principle of the planning system that decision makers can only determine the application that is presented to them. The applicant has been consistent in both the current and previous application regarding the objective of the proposed development, has set out in great detail the justification for the proposed development and the means by which the work would be undertaken. No reasonable person, having read the application documents, could be in any doubt about those matters. The application must be determined based upon the submitted details, not on some perceived form of development which does not relate to the development as proposed. The planning application seeks permission to undertake works to the golf course over a defined time period utilising clearly defined material. The planning application does not seek, nor would the grant of planning permission allow, the operation of a landfill site.

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It is in the interests of the golf club to complete the proposed works in the matter set out in the application. The temporary time period and use of only inert subsoil materials to raise levels and resolve the drainage problems to improve the golf course will, with the renewed interest in the sport of golf at present, ensure the long term future of this outdoor recreational facility for the benefit and health of the community.

2. Paragraph 188 of the National Planning Policy Framework directs that the focus of planning decisions *“should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”* This reiterates the guidance set out at Paragraph 7 of the National Planning Policy for Waste.

Notwithstanding the clear direction in the NPPF that pollution control matters should be dealt with through the pollution control regime, Appendices 3 and 4 of the submitted planning statement set out in draft form a waste recovery plan and waste acceptance criteria respectively. Once finalised, these would form part of any Environmental Permit. Table 1 of Appendix 3 and Table 2 of Appendix 4 set out the EWC codes of the material to be accepted to complete the proposed works. These details are based upon guidance issued by the Environment Agency in April 2021 on materials that are suitable for deposit for recovery and in the construction of golf courses.

The responsibility for ensuring that operations were undertaken in accordance with the environmental permit and that material accepted at the site was correctly characterised would ultimately fall to the Technically Competent Person (TCP). The TCP would be required to hold the appropriate qualifications and would be responsible for compliance with the requirements of any Environmental Permit granted by the Environment Agency, ensuring that all material accepted to the site was properly characterised and met the agreed acceptance criteria, including the review of chemical analysis. Details of each load would be recorded and those records made available to the Environment Agency (and planning authority if necessary) on request. Weighbridge and plant operatives would act as an additional arbiter of the suitability of material and would identify any suspect loads to the TCP at the earliest opportunity.

Staffordshire Moorlands District Council Environmental Health Officer has requested the imposition of a condition which directly relates to this matter. Whilst the applicant is happy to agree to a condition requiring the submission of a scheme of material testing, it should be noted that this directly duplicates the role of the Environment Agency and any condition would have to recognise the primacy of the Environmental Permit in this regard.

3. The application is very clear that vehicles entering and exiting the site would do so without travelling through Whiston village. There are means by which the applicant can control this e.g. through contractual conditions and it is possible for the Council to attach conditions or a legal agreement secured through Section 106 of the Town and Country Planning Act 1990. The Highway Authority has requested the submission of a Construction Method Statement prior to the commencement of development setting out, amongst other things, the routing of delivery vehicles.

However, regardless of these potential means of control, the potential traffic impact of the proposed development is not of the magnitude described by the Parish Council. Automated traffic counts undertaken on behalf of the applicant and provided at Appendix C of the submitted Transport Statement show that, over the proposed hours of operation, an average of some 1759 vehicles travel in both directions along the A52. The proposed development would increase that figure by just over 2% for a temporary period. The County Council, as Highway Authority, has raised no objection to the proposed development on the grounds of either highway safety or highway capacity.

4. The application is supported by a noise impact assessment which considers not only the potential impacts arising from site operations but also assesses the potential noise impacts of increased



traffic movements on the A52. In respect of site operations, the assessment finds that the proposed phased works would be well below the threshold which would indicate a potential significant effect. With regard to the potential impact of traffic noise, the assessment finds that the potential increase in noise as a result of the temporary increase in traffic would be less than 0.1dB and would therefore be a negligible impact. These findings have been accepted by Staffordshire Moorlands District Council Environmental Health Officer, who has not objected to the proposed development subject to the imposition of conditions, which the applicant would be happy to accept.

5. The applicant has proposed a comprehensive plan to remove exotic, non-native species and poorly performing trees from both the application site and wider golf course, replacing them with locally appropriate species. This has been accepted by the County Council's ecologist as desirable in both landscape and ecological terms. Subject to minor amendments to the planting specification and the imposition of appropriate conditions, the County Council has raised no objection to the proposed removal of trees and the applicant is proposing to plant more trees than are proposed to be removed. The applicant is happy to accept a suitably worded condition requiring the submission of a detailed scheme of tree planting, taking into account the comments of the County Council's ecologist.
6. Notwithstanding the Parish Council's assertions, the submitted application does not propose the disposal of waste via landfilling or landraising and the provisions of Policy 1.6 are not material to the consideration of the planning application. The planning application considers the proposed development in respect of Policy 1.4 and addresses the requirements of that policy in great detail in the submitted planning statement and accompanying documents.

In a footnote to the comments the Parish Council has requested that regular monitoring of the site is undertaken and that a financial bond be secured.

With regard to site visits, the applicant would welcome site visits and looks forward to continuing to work with both the County Council and Environment Agency in respect of the proposals. However, with regard to a bond the NPPF is clear on this matter. Paragraph 211 of the NPPF relates to mineral planning applications and notes the benefits mineral extraction brings to the economy. In that context, the NPPF is unambiguous that *"Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances"*. The current application is neither for mineral extraction nor gives rise to any exceptional circumstances which would suggest a bond should be sought. Provision for the completion of the works would be made through the environmental permitting process and a financial bond secured by the Environment Agency as Pollution Control Authority. There is therefore no need to duplicate the controls of the Environment Agency in this respect.

In addition, you have very kindly forwarded to me summarised and redacted versions of submitted consultation responses. I'm very pleased to note the small number of letters of support, including from the Disabled Golfers Association, and the 278 signature petition in support of the application.

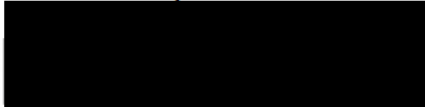
There appear to be some 30 letters of objection to the proposed scheme. I do not intend to respond to each letter individually or repeat the comments made above. The bulk of objections cite concerns very similar in nature to those set out in the Parish Council's response, particularly in respect of the potential deposit of non-inert materials. My comments regarding the scope of the planning permission are set out above in response to the concerns of the Parish Council. In addition, I would reiterate the methodology set out at Appendices 3 and 4 of the planning statement which set out the types of waste to be accepted at the site and the methodology for ensuring that only those materials which are correctly classified are accepted to the site.

In summary, the planning application has been subject to extensive consultation with both statutory and non-statutory consultees. Notwithstanding the comments of the Parish Council, the planning application sets out in great detail assessments of the potential effects of the proposed development

on the environment and amenity of the area, including noise, dust, air quality and landscape and visual impacts. All those assessments demonstrate that the application can be undertaken without giving rise to significant impacts. This is reflected in the comments of technical consultees responsible for the protection of the environment and amenity, none of which has raised any objection to the proposed development.

I would therefore be grateful if you could report the matter to the next available committee meeting which I understand is to be held on the 27<sup>th</sup> May 2022 and I would also be grateful if you could ensure that I was able to address Members at the relevant meeting of the Planning Committee.

Yours sincerely



Chris Jarvis MRTPI FIQ

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