
Appeal Decision

Site visit made on 19 October 2023

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/D3450/W/22/3309457

Whiston Hall Golf Club, Black Lane, Whiston ST10 2HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Webb (Whiston Hall Golf Club Ltd) against the decision of Staffordshire County Council.
 - The application Ref SCC/21/0033/FULL, dated 13 September 2021, was refused by notice dated 13 June 2022.
 - The development proposed is 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.
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Decision

1. The appeal is allowed and planning permission is granted 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, Whiston ST10 2HZ in accordance with the terms of the application Ref SCC/21/0033/FULL, dated 13 September 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement is therefore not required.

Main Issues

3. The main issues are:
 - whether the proposed development is compatible with nearby uses having regard to its effect on local amenity and the environment in relation to noise, dust, water pollution, highway safety and visual impact; and
 - whether it has been sufficiently demonstrated that the proposal is reasonable, necessary, comprehensive, detailed, practicable and achievable within the timescale envisaged.

Reasons

4. The appeal site comprises the northern half of Whiston Hall Golf course which is situated within the open countryside on the edge of Whiston village. This northern half of the course is not currently in use, and it is adjacent to the A52 main road on one of its flanks with Blakeley Lane being adjacent to another of its boundaries. Several residential properties with private drives front onto the A52 and a public right of way links Blakeley Lane to the A52.
5. The part of the northern half of the course closest to Whiston Hall is also near to existing residential properties within the village on Black Lane. At the other end the northern half of the course is near to some residential properties which front onto Blakeley Lane. On the other side of Blakeley Lane is the Upper Garston Rocks Site of Biological Importance (SBI) and the Garston Villa Biodiversity Alert Site (BAS).
6. The site is also situated within the Churnet Valley Site of Special Scientific Interest (SSSI) and Ancient Woodlands consultation zones and there is a Grade II listed milepost adjacent to it on the A52. The southern half of the golf course also includes a SBI beyond which is the Whiston Eaves SSSI.
7. According to the evidence the proposal would remodel the closed part of the course to improve site drainage, address access problems, improve player safety, and enable long-term management. To facilitate this a revised landform would be created via the importation of around 100,000 cubic metres of engineering materials consisting of construction, demolition, excavation, commercial and industrial waste streams.
8. These imported materials would be inert and would be spread across portions of the site at an average depth of around 1.3 metres to a maximum of about 4.9 metres. A flood attenuation pond would also be created as well as two irrigation ponds and an associated pump house. A new temporary vehicular access onto the A52 would also be created to facilitate the movement of construction vehicles.

Whether compatible with nearby uses

9. Concerns have been raised that the proposed development would have an unacceptably harmful impact on the living conditions of neighbouring occupiers in terms of noise and dust, particularly during the construction stage. However, as set out in the Council's officer report the County Council's Noise Engineer and the District Council raise no objection to the proposal subject to the imposition of suitably worded conditions to mitigate any potential adverse impact.
10. Indeed, the appellant has submitted a Noise Impact Assessment which concludes that the proposal's impact during the construction phase would likely be negligible meaning that the proposal would not have a harmful adverse impact in this regard. In the absence of any substantive evidence to the contrary, I see no reason to disagree with this assessment. In any event, given the nature of the proposal any potential noise impacts would be temporary and not permanent.
11. Similarly, in terms of any potential impact arising from dust, this would also likely be temporary. The appellant has also submitted a Dust and Air Quality Management Plan (DAQMP) that concludes that the potential dust risk from the proposal's construction stage is low in respect of dust soiling and human health and negligible in respect of ecological impacts. The DAQMP also proposes several generic controls to ensure that the likelihood of adverse impacts is minimised.

12. Furthermore, I have no substantive evidence before me to the contrary. Consequently, I am satisfied that any potential impact in these regards could be adequately mitigated via the imposition of suitably worded conditions.
13. Parties have also raised concerns in relation to the potential adverse impact of the proposal on highway safety particularly during the construction stage. The appellant has submitted a Highways Statement which concludes that the proposed construction access can be designed in accordance with the required standards and that the likely vehicle trip generation would be minimal. This conclusion is based on traffic survey and personal injury collisions data and the assumption that all vehicle movements would take place during a 67-week working period. The Highway Authority have also not raised any objection to the proposal subject to the imposition of suitably worded conditions.
14. As a result and given the lack of substantive evidence to the contrary, I am satisfied that any potential adverse impact of the proposal on highway safety could be adequately mitigated via the imposition of suitably worded conditions.
15. There are also concerns that the proposal would potentially pollute a nearby natural spring which serves as a water supply for local livestock. The appellant has submitted a Draft Waste Recovery Plan which highlights that the proposed waste materials would be sourced from sites that would have been well defined by site investigations and chemical analysis to demonstrate that the waste material presented a low pollution potential. It also highlights that the proposed waste types would not contain substances that would present a risk to surface water or groundwater.
16. Additionally, as highlighted by the Council's officer report, the submitted Flood Risk Assessment and Surface Water Drainage Strategy (FRADS) indicates that the appeal site is not within a groundwater source protection zone with it being underlain by permeable layers of bedrock geology that are capable of supporting water supplies at a local scale. Moreover, the County Council's Flood Risk Management Team have raised no objection provided that the proposal would be implemented in accordance with the FRADS. Therefore, and in the absence of any substantive evidence to the contrary I am satisfied that any potential adverse impact in this regard could be sufficiently mitigated via the imposition of suitably worded conditions.
17. Likewise, I am therefore also satisfied that it has been demonstrated that any potential flood risk would not be increased by the proposal and that surface water run-off will be managed safely thereby adequately mitigating any potential impact regarding drainage.
18. Concerns have also been raised in relation to the proposal's potentially harmful visual impact again particularly during the construction stage. However, the appellant has submitted a Landscape and Visual Impact Assessment (LVIA) which broadly considers the proposal's potential effects on landscape character and on visual amenity.
19. Regarding landscape character, the LVIA concluded that while there would be an inevitable effect during the construction stage that would cause a perceived change in character when travelling along the A52 due to the creation of the temporary construction vehicular access and gaps in the existing vegetation. It also concluded that there would be changes to the landscape character during the operational stage due to increases in land levels and loss of vegetation during the construction stage.

20. However, that said it also concludes that the proposed introduction of native tree planting and grassland habitats would be beneficial in integrating the redesigned golf course within its wider landscape setting. It also concludes that in terms of the wider landscape character of the area that when viewed from surrounding character areas, the proposal was assessed to constitute a very low to low magnitude of change resulting in a minor effect overall.
21. In relation to effects on visual amenity, the LVIA accepts that the proposal would be visible by receptors using the A52 and Blakeley Lane, nearby residents, and users of the public rights of way network again due to the creation of the new vehicular access and resulting gaps in existing vegetation because of the removal of non-native trees during the construction stage. It does however also conclude that the effects resulting from the vehicular access would for all intents and purposes no longer exist during the operational stage of the proposed development.
22. It also highlights that other visual effects would become more limited once the construction stage is complete and that these effects will reduce further following the introduction of the proposed tree planting and other proposed landscaping measures. It goes on to state that the replacement of non-native trees with native species will strongly accord with the wider character of the surrounding landscape.
23. Moreover, the County Councils' Environmental Advice Team (EAT) and the Environment Agency (EA) have raised no objection to the proposal subject to the imposition of suitably worded conditions. Therefore, while I note the concerns raised, there is no substantive evidence that convinces me to disagree with the conclusions of the LVIA. Accordingly, I am satisfied that any potential adverse visual impact could be sufficiently mitigated via the imposition of suitably worded conditions.
24. For similar reasons I am therefore also content that the nature and extent of the proposed landscaping and screening is reasonable and necessary, and that the proposal would not raise the level of land to an unacceptable degree such that it would have an unacceptable adverse visual impact on the landscape.
25. Consequently, in the context of the above, I find that the proposed development would be compatible with nearby uses having regard to its effect on local amenity and the environment in relation to noise, dust, water pollution, highway safety and visual impact.
26. Accordingly, I conclude that it would not conflict with the relevant requirements of: policies 1.1, 1.4, 4.1 and 4.2 of the adopted Staffordshire and Stoke-on-Trent Joint Waste Plan; policies SS 11, SD 4, SD 5, DC 1, DC 2, DC 3 and NE 1 of the adopted Staffordshire Moorlands District Council Local Plan; Development and Management Principles 8.1, 8.2 and 8.3 of the adopted Churnet Valley Masterplan Supplementary Planning Document; appendix B of the National Planning Policy for Waste; and section 12 of the National Planning Policy Framework (the Framework).

Whether sufficiently demonstrated

27. The Council have raised concerns that there is no guarantee that the golf course would be promptly and properly reinstated after the proposed development has been completed. However, according to the evidence, the proposal would be implemented over five development phases during a two-year period. Indeed, the appellant's submitted Phasing and Temporary Works Methodology Statement clearly sets this out and I have no substantive evidence before me to suggest that the proposal could not be implemented within this timeframe.

28. The appellant's submitted Justification Report also sets out in some detail the rationale and reasons why the proposed works are necessary including the identified problems with the golf course such as: safety margins not being sufficient; steep slopes causing access problems particularly for older and/or disabled players; and drainage/irrigation issues.
29. It also includes analysis of player safety on the current course design compared with the proposed design; an assessment of existing accessibility in relation to land gradients; an analysis of design/playability issues with the existing layout of the greens; an analysis of the course's underlying geology and current drainage/waterlogging issues and how they would be resolved; and how the replacement of exotic trees with native ones would improve the integration of the re-designed course with the surrounding landscape.
30. Consequently, I am satisfied that, subject to the imposition of suitably worded conditions, the proposal would be implemented within the timescale proposed. I am therefore also satisfied that the proposal is comprehensive, detailed, practicable and achievable within the proposed timescales.
31. The Council have also raised a concern that the appellant did not provide enough information on potential alternatives to the proposal particularly in terms of the amount of 'cut and fill' measures to be employed and whether a scheme could be implemented that would use less imported waste material to achieve the same ends. However, the Justification Report goes into some detail in terms of the options to resolve the waterlogging issues and the extent of landform remodelling that would be required to do so. It also provides a detailed analysis of the proposed water irrigation system and how this would also improve the course and assist with its future management and maintenance.
32. Furthermore, the amount and type of waste materials to be imported to facilitate the appeal scheme have been clearly set out in the Justification Report and other evidence submitted by the appellant. The detailed analysis undertaken by the appellant in this evidence has determined the amount and type of materials needed to successfully implement the proposal. Other options such as importing all the materials from outside the appeal site and resourcing all the materials from within the site and not importing any were also considered but these were discounted with the recommended option being a combination of these two approaches. This option was chosen as there would be less impact on the rest of the golf course than pursuing the former and it would be quicker than pursuing the latter.
33. The Justification report also clearly sets out that the proposal utilises only the minimum amount of material required to resolve the identified problems with the northern half of the course. The submitted plans also clearly set out which areas of the course will be remodelled and where the proposed works would be carried out. Moreover, a letter submitted by the appellant from a local operator confirms their ability to supply the required volume of material over the duration of the proposed development.
34. In addition, the quantity of waste materials to be imported is clearly set out in the submitted Phasing and Temporary works plan which provides a degree of certainty on this issue. Therefore, I am satisfied that the volume of waste materials to be imported to the site in order to facilitate the proposal could be adequately controlled via the imposition of suitably worded conditions.
35. The submitted Planning and Waste Development Statement also highlights that the amount of inert waste material to be used for the proposal broadly equates to less

than 5% of this type of material managed within the area. The Council have not challenged this figure. I am therefore satisfied that the proposal would not undermine the restoration of quarries that require the inert materials for restoration purposes.

36. Consequently, I am also content that the appellant has provided enough information to justify their proposed approach to the amount of waste materials to be imported and the amount of 'cut and fill' development proposed. Similarly, I am satisfied that the amount of waste proposed to be deposited is the minimum necessary for the intended purpose.
37. Concerns have been raised that the proposal would constitute non-inert landfill. However, the evidence highlights that the proposed construction works would be undertaken through the deposit for recovery of inert materials and the Council have not challenged this point. Furthermore, according to the Council's officer report the EA have advised that any pollution prevention measures in relation to the proposed activity will be enforced via an Environmental Permit.
38. Indeed, according to the evidence the appellant held pre-application discussions with the EA and that the submitted draft waste recovery plan and draft waste acceptance procedure would be further developed as part of a necessary future application for an Environmental Permit. The EA also confirmed in these discussions that a bespoke Deposit for Recovery Permit would also likely be suitable for the proposal. Consequently, I find that the proposal would constitute waste recovery rather than waste disposal. For similar reasons I am also therefore satisfied that these matters can or will be adequately addressed by taking the advice from the relevant regulatory body.
39. I therefore conclude that it has been sufficiently demonstrated that the proposed development is reasonable, necessary, comprehensive, detailed, practicable and achievable within the timescale envisaged. As a result, the proposal accords with the relevant requirements of: policies 1.1, 1.3, 1.4 and 1.6 of the adopted Staffordshire and Stoke-on-Trent Joint Waste Plan; paragraphs 1, 7 and appendices A and B of the National Planning Policy for Waste; and section 12 of the Framework.

Other considerations

40. The appellant has cited various benefits that would arise from the proposal including economic benefits resulting from the new investment in the course as this would improve the playing offer and bring in new members. I afford these benefits moderate weight.
41. The evidence also shows that the proposal would improve safety for golfers in general and bring health benefits to the community by increasing participation in outdoor sports and recreation. The evidence also highlights that the proposal would improve accessibility for older and disabled golfers. Moreover, as set out in the Council's officer report, the proposal is supported by the Disabled Golf Association and one other interested party as well as a petition with approximately 281 signatories. Consequently, and bearing in mind paragraph 102 of the Framework I afford these benefits significant weight.

Other Matters

42. In their evidence the Council cite two other planning permissions which have been granted for what it considers to be similar development to the proposal (ref. SS.15/14/6012 W and ref. SS.10/06/662 W) which required additional time to be completed due to a lack of sufficient waste material. It also cites a third permission

(ref. 07/08083/FUL) where the restoration of the development site has not yet been completed after a 10-year period. However, I do not have all the details of these cases before me or the circumstances that have led to the delay in the restoration of these development sites.

43. In addition, two of these schemes relate to the extension of existing golf courses and not the partial remodelling of one, while the other relates to improving a driving range. Consequently, I consider that the circumstances applicable to these schemes are not exactly the same as those presented in this case, which I have determined on its own merits. In any event just because a similar scheme required additional time for the site to be restored does not necessarily mean that the restoration of the appeal site would be similarly delayed. As a result, I afford this matter little weight.
44. The Council also suggest that a planning obligation should be agreed to secure the route of construction vehicles for the proposal and to secure a restoration guarantee bond for the site. However, their suggested planning conditions include ones requiring the details of the routing of vehicles to be set out in a management plan and the submission and approval of a detailed restoration and 5-year aftercare scheme. Furthermore, based on the evidence and as set out above, I consider that the imposition of such conditions would mitigate any potential impacts of the proposal on highway safety and ensure the restoration of the site post development.
45. Indeed, these proposed conditions reflect the comments made by the Highway Authority and the County Council's EAT on the original application. Consequently, given the wording of the suggested planning conditions, I am satisfied that the proposal could be made acceptable in planning terms via their imposition thereby negating the need for a legal agreement.
46. Moreover, paragraph 55 of the Framework states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. I am also mindful of paragraph 217 e) of the Framework that sets out that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.
47. I am therefore not convinced that a planning obligation or restoration recovery bond would be necessary to make the proposal acceptable in planning terms over and above the imposition of suitably worded conditions. I therefore afford this matter little weight.
48. Concerns have been raised by interested parties in relation to the proposal's potential impact on historic heritage and assets near the course including the Cauldon Low Tramway and Grade II listed Milepost. However, the appellant has submitted a Heritage Desk Based Assessment that concluded in terms of archaeology, that the potential for any prehistoric or Romano-British remains or significant remains dating to the post-medieval or modern period within the site is low. It also concluded that there would be no impacts on the significance of nearby heritage assets. Moreover, the Council's heritage officer raised no concerns with the proposal and from the evidence before me I see no reason to disagree. I therefore afford this matter little weight.
49. Further concerns have also been raised by interested parties regarding the potential impact of the development on the environment, particularly on ecology and wildlife. However, the County Council's EAT has raised no objection to the proposal subject to the imposition of suitably worded conditions. Natural England and the Environment Agency have also raised no objection and based on the

evidence before me I see no reason to disagree. Furthermore, according to the evidence an environmental permit would need to be applied for and obtained prior to the commencement of development. I therefore afford this matter little weight.

50. Additional concerns have been raised in relation to whether the imposed planning conditions would be complied with. However, this is not a matter for me to consider as part of this section 78 appeal as enforcement issues are something that should be dealt with by the local planning authority in the first instance. I therefore afford this matter little weight.
51. None of the other matters raised alter or outweigh my conclusions on the main issues above.

Conditions

52. A set of suggested conditions was submitted by the Council which the appellant agrees with, and I have used these as the basis for those I have imposed on the appeal scheme.
53. I note the Council's point that there are a good number of conditions including pre-commencement ones that the proposal would need to adhere to for it to be made acceptable in planning terms. However, while paragraph 56 of the Framework states that planning conditions should be kept to a minimum there is nothing within national policy or guidance to limit the number of conditions imposed on a grant of planning permission if they meet the relevant tests.
54. I have therefore imposed conditions as specified in the attached schedule in light of the use of planning conditions set out in the *National Planning Policy Framework* (the Framework) and *Planning Practice Guidance* (the Guidance). Consequently, in the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions suggested by the Council.
55. In the interest of precision, I have imposed an implementation condition. This condition also requires that the local planning authority be notified of: the date of commencement; the date of importation of waste materials and topsoil; and the date of cessation of the deposit of waste materials and topsoil. I have imposed a necessary condition to define the site and define the plans with which the scheme should accord for the same reason.
56. I have imposed necessary conditions placing a time limit on the importation of waste materials and topsoil and restricting the hours of operation in the interests of the environment and local amenity.
57. Necessary conditions have been imposed requiring the site to be progressively restored; requiring the submission and approval of a detailed Restoration and 5-year Aftercare Scheme based on the approved Restoration plan; requiring that the restoration of the site be in accordance with the submitted and approved Phasing and Works Plan, Restoration Plan and 5-year Aftercare Scheme; requiring the submission and approval of progress reports and an up-to-date method statement including if necessary remedial measures; and preventing the crushing or screening of inert waste on site. These have been imposed in the interest of enabling the effective monitoring, restoration, and orderly operation of the development site.
58. In the interest of the environment and local amenity I have imposed necessary conditions restricting the type and amount of waste materials to be imported to the development site as well as ensuring the rejection, removal, and appropriate storage of unsuitable or inappropriate waste or other materials. I have also

- imposed a condition requiring that facilities for the storage of oils, fuels or chemicals have impervious bases surrounded by impervious bund walls.
59. I have imposed a condition requiring the submission and approval of a Construction Environmental Management Plan in the interests of the environment, local amenity, highway safety and ensuring the effective monitoring of the development.
60. In the interest of the living conditions of neighbouring occupiers I have imposed necessary conditions requiring: the submission and approval of a Noise Monitoring Scheme; the employment of best practicable means to minimise noise generation; the restriction of noise levels resulting from construction and the operation of plant, machinery, and equipment; and the compliance with the submitted and approved Noise Monitoring Scheme. For a similar reason I have also imposed necessary conditions requiring the minimisation of dust generated via operations and restricting the level of external illumination allowed on the development site.
61. In the interest of minimising flood risk, I have imposed conditions requiring compliance with the submitted Outline Drainage and Irrigation Plan and Flood Risk Assessment.
62. I have imposed a necessary condition requiring that all structures, plant, machinery, hard-surfaces, and watercourses be adequately maintained in the interest of the orderly operation of the site and the environment.
63. In order to safeguard soil resources and in the interest of the environment, I have imposed necessary conditions requiring the submission and approval of a Soil Management Plan; the submission of soil testing samples; and requiring that the final soil chemistry be of a low phosphate status.
64. In the interest of ecology and biodiversity I have imposed conditions requiring: the undertaking of ecological protected species surveys; the submission and approval of a Landscape and Ecological Management Plan; the prohibition of the stripping of vegetation or soils during the bird breeding season; the keeping of a bird breeding record at specific periods; and the restriction of the removal of trees to just during winter months.
65. I have also imposed a necessary condition requiring the keeping and retention of records pertaining to: vehicular movements; total number of loads and quantity of materials being imported; hours of operation; noise monitoring results; soil testing results and any complaints received as well as steps taken to resolve them. This is in the interests of the environment, local amenity, and highway safety.

Planning Balance and Conclusion

66. In relation to the potential adverse impacts of the proposal, these would be limited as they would be sufficiently mitigated via the imposition of suitably worded conditions. Turning to the potential benefits of the proposal, it would provide economic benefits and benefits in terms of improving player safety to which I have attached moderate weight. It would also provide health benefits to the community in relation to increasing participation in outdoor sports and recreation and improve accessibility for elderly and disabled golfers. I have afforded these benefits significant weight.
67. The proposal would accord with the development plan and the Framework when read as a whole and the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies contained within them.

68. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be allowed, and planning permission is granted, subject to conditions.

C Coyne

INSPECTOR

Schedule of Conditions

- 1) This planning permission shall only relate to the site edged red on the Site Location Plan (Dwg No WIS1LP01) hereafter referred to as 'the Site' and the development hereby permitted shall only be carried out within the Site in accordance with the approved documents and plans referred to below:

Documents

- Application Form dated 13 September 2021.
- Letter from MEWP dated 8 October 2021 - additional information.
- Planning Statement (ref. 2021.46.87) dated 23 August 2021.
- Appendix 1 - Justification Report (ref. WIS1JR01A) dated 5 July 2021.
- Appendix 2 - Phasing and Temporary Works Methodology Statement (ref. WIS1ME010) dated 22/07/2019.
- Appendix 3 - Draft Waste Acceptance Procedures dated 23 August 2021.
- Appendix 4 - Draft Waste Recovery Plan dated 23 August 2021.
- Appendix 5 - Relevant Planning Policy.
- Appendix 6 - Air Quality Management Plan (ref. 443177-01 (03) dated 25 June 2019.
- Appendix 7 - Arboricultural Statement dated June 2019.
- Confidential - Appendix 8 - Ecological Impact Assessment dated July 2019.
- Appendix 9 - Flood Risk Assessment (ref. 881734-R1(02)-FRA).
- Appendix 10 - Heritage Desk Based Assessment (ref. P18-0704) dated July 2019.
- Appendix 11 - Highways Statement (ref.41858/5503/HS C) dated July 2019.
- Appendix 12 - Landscape and Visual Impact Assessment (ref. P18-0704.002) dated July 2019.
- Appendix 13 - Noise Impact Assessment (ref. 41858/3001 Rev: 00) dated June 2019.
- Appendix 19 - Waste Development Statement.
- Letter from MEWP dated 8 April 2022 in response to Kingsley Parish Council (ref. 2021.46.87).

Plans

- Site Location Plan (Dwg No WIS1LP01).
- Golf Course Masterplan Proposal (Dwg No WIS1MP01).
- Golf Course Rerouting proposal (Dwg No WIS1RE01).
- Planning Application and Ownership Boundary (Dwg no 2021.46.87/1).
- Existing Site Survey (Dwg No WIS1SU01).
- Sections Plan (Dwg No WIS1SE01).
- Phasing and Temporary Works Plan (Dwg No WIS1TW01).
- Outline Drainage and Irrigation Plan (Dwg no WIS1DR01).
- Outline Planting Plan (Dwg No WIS1PP01 Rev A).
- Irrigation Pump House Plan (Dwg No WIS1PD01).
- Proposed Construction Access (Dwg No 44858/5502/001).

Except in so far as the approved documents and plans listed above are amended by the conditions specified below.

- 2) The development hereby permitted shall begin not later than 3 years from the date of this decision and the developer shall notify the Waste Planning Authority in writing within two weeks of the following dates:

- a) the date of commencement of the development;
 - b) the date of commencement of the importation of inert waste materials and topsoil; and
 - c) the date of cessation of the deposit of inert waste materials and topsoil.
- 3) The importation of inert waste materials and topsoil on the Site shall cease no later than 2 years from the date of commencement of the development (Condition 2a) (the 'cessation date').
- 4) The Site shall be infilled in accordance with the Phasing and Temporary Works Plan (Dwg No WIS1TW01), Appendix 2 - Phasing and Temporary Works Methodology Statement (ref. WIS1ME010 dated 22/07/2019) and restored and subject to aftercare in accordance with the Restoration Plan and Restoration and 5-year Aftercare Scheme (ref. Conditions 41 and 42).
- 5) The Site shall be restored to the levels shown on the Section Plan (Dwg No WIS1SE01).
- 6) Prior to the spreading of inert waste materials and topsoil, markers shall be erected and maintained on the Site to indicate the approved final levels shown on the Section Plan (Dwg No WIS1SE01).
- 7) Prior to the commencement of Phases 2, 3, 4 and 5 shown on the Phasing and Temporary Works Plan (Dwg No WIS1TW01), Progress Reports, including an update to the plan and method statement (Condition 4) shall be submitted to and approved by the Waste Planning Authority to show:
 - a) The quantity of inert waste material and topsoil that was brought on to the Site in each Phase and the running total quantity of inert waste materials and topsoil brought on to the Site following commencement.
 - b) The quantity of inert waste material and topsoil still required and the latest estimated time to achieve the final levels.

In the event that the Progress Reports show that operations and final levels are unlikely to be achieved by the cessation date (Condition 3), the report shall include:

 - c) Remedial measures to achieve a satisfactory landform for the Site within the permitted timescale.
- 8) No crushing or screening of inert waste materials and topsoil shall take place on the Site.
- 9) No waste shall be imported into the Site other than inert waste materials and topsoil.
- 10) No more than 150,000 tonnes of inert waste materials and topsoil shall be imported to the Site.
- 11) Any waste and other materials delivered to the Site which does not conform with the permitted waste types (Condition 9) shall immediately be rejected and removed from the Site or stored in sealed skips or containers and removed to an authorised waste management facility within 7 days of delivery.
- 12) Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan ('the CEMP') shall be submitted to and approved by the Waste Planning Authority. The CEMP shall include, but may not be limited to the following details:

- a) The management structure which shall set out the responsibilities of staff in implementing the CEMP.
- b) A Considerate Construction/Contractor Method Statement which shall include a Communication Plan to regularly inform and update neighbours and road users (where applicable) about the progress of the works, including the measures to be employed to deal with complaints.
- c) A Construction Ecological Management Plan which shall include:
 - i. Species and habitat protection measures.
 - ii. Defining the role of an Ecological Clerk of Works (ECoW) (including times that this person will attend on site).
 - iii. Details of general measures such as providing ramped escape routes from trenches to avoid injury to wildlife such as badgers, and common toad.
- d) The construction vehicle and visitor access and parking arrangements.
- e) The arrangements for the loading and unloading of plant and materials; The arrangements shall also comply with times referred to in Condition 13 below.
- f) The location and arrangement of the temporary compounds and their means of enclosure for:
 - i. Contractors' accommodation and welfare facilities
 - ii. The storage of fuels, oils and chemicals (Condition 32).
 - iii. The location and arrangement of the temporary storage of plant and imported construction materials including details of the maximum height of the stored materials.
 - iv. The location for the storage of any waste and other materials delivered to the Site which does not conform with the permitted waste types (Condition 9).
- g) Temporary Tree Protection Measures which shall comply with 'BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations' BS5837:2012.
- h) The measures to reinstate the locations of the temporary compounds and storage areas.
- i) The means of securing the boundary to the construction site.
- j) A Dust Management Plan.
- k) The construction vehicle wheel washing/cleaning arrangements.
- l) The routing of vehicles.
- m) A Noise Management Plan which shall describe the measures to control noise in compliance with BS5228-1:2009 "Code of practice for noise and vibration control on construction and open sites" and to ensure compliance with Conditions 22 and 23.
- n) A programme for the implementation of items (a) to (m).

The works hereby permitted shall be carried out in accordance with the approved CEMP.

- 13) No operations hereby permitted shall be carried out other than within the periods stated below:

08:00 to 18:00 hours (Monday to Friday)

No such operations shall be carried out on Saturdays, Sundays, Bank or Public Holidays.

- 14) No vehicles associated with the development hereby permitted shall enter or leave the Site other than in accordance with the entrance and exit marked 'Temporary Construction Access' on the Phasing and Temporary Works Plan (Dwg No WIS1TW01).
- 15) The visibility splays shown on Proposed Construction Access plan (Dwg No. 44858/5502/001) accompanying the Highways Statement (ref. 41858/5503/HS C) shall be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
- 16) No import of inert waste and topsoil or export of non-conforming waste materials shall take place until the access shown on the 'Temporary Construction Access' on the Phasing and Temporary Works Plan (Dwg No WIS1TW01) has been constructed and the visibility splays shown on Proposed Construction Access plan (Dwg No. 44858/5502/001) accompanying the Highways Statement (ref. 41858/5503/HS C) have been provided.
- 17) Prior to the commencement of the development hereby permitted, details of the construction of the access drive rear of the public highway shall be submitted to and approved by the Waste Planning Authority. The access shall be constructed and maintained in a bound material for a minimum distance of 15m back from the carriageway edge. The access drive rear of the public highway shall be constructed and maintained in accordance with the approved details until required to be removed in accordance with the detailed Restoration and 5-Year Aftercare Scheme (Condition 42).
- 18) Prior to the commencement of the development hereby permitted, details of the works to pipe the existing ditch under the proposed access ('the pipe works') shall be submitted to and approved by the Waste Planning Authority. The pipe works shall be carried out and maintained in accordance with the approved details until required to be removed in accordance with the detailed Restoration and 5-Year Aftercare Scheme (Condition 42).
- 19) The number of HGVs entering or leaving the Site shall not exceed 40 per day (20 in and 20 out).
- 20) No vehicle associated with the permitted development shall leave the Site in a condition whereby mud, dirt or deleterious material is deposited on to the public highway.
- 21) Prior to the commencement of the development hereby permitted details of the wheel cleaning/ vehicle washing facilities shall be submitted to and approved by the Waste Planning Authority. The approved facilities shall be operated and maintained in accordance with approved details until such time as they are required to be removed in accordance with the approved Restoration and 5-year Aftercare Scheme.
- 22) In the event that the wheel cleaning facilities are not available then vehicles shall not leave the Site until alternative arrangements have been put in place to prevent the deposit of mud, dirt, dust or other deleterious material on the public highway.
- 23) No site attributable noise shall result in noise levels exceeding 55 dB LAeq (1 hour) (free-field) at the nearest noise sensitive locations identified in the approved Noise Monitoring Scheme (Condition 26).
- 24) No machinery, plant or equipment including site generators installed or operated in connection with the development hereby permitted, shall increase the background noise levels during the hours of operation

(Condition 13) expressed as LA90 [1hour] at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014+A1 2019.

- 25) Prior to the commencement of the development hereby permitted, details and location of any plant, machinery or generator within the Site shall be submitted to and approved by the Waste Planning Authority. The plant, machinery or generator shall be operated in accordance with the approved details and locations.
- 26) Prior to the commencement of the development hereby permitted, a Noise Monitoring Scheme ('the Scheme') shall be submitted to and approved by the Waste Planning Authority. The Scheme shall include but may not necessarily be limited to the following details:
- a) The arrangements for the monitoring of noise emitted from the Site, including monitoring locations (Condition 23);
 - b) The equipment and methods to be used to monitor noise;
 - c) The monitoring frequency, periods and presentation of the results to the Waste Planning Authority;
 - d) The steps to be taken in the event that the measured (or calculated) noise exceeds the permitted limits as defined in Conditions 23 and 24; and
 - e) The steps to review the Scheme from time to time.

Noise monitoring shall be carried out in accordance with the approved Scheme.

- 27) Best practicable means shall be employed to minimise the noise generated by the operations hereby permitted. The means shall include but may not be limited to those listed below:
- a) All vehicles, plant, and machinery capable of being fitted with engine covers shall be operated with closed engine covers;
 - b) All engines capable of being fitted with silencers shall be fitted with silencers which shall be regularly maintained in accordance with manufacturer's instructions;
 - c) All plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work;
 - d) All plant or equipment used in association with the operations hereby permitted capable of being fitted with a reversing alarm system shall be fitted with a white noise or warbler type alarms to minimise, so far as is reasonably practicable and subject to maintaining safety, the level and generation of noise emissions from reversing warnings;
 - e) Other than in the case of an emergency, the beeping of horns shall not be used for signalling purposes such as when a vehicle arrives or is required to reverse to unload.
- 28) Best practicable means shall be employed to minimise dust generated by the operations hereby permitted. During periods of adverse weather conditions, all dust generating activities shall be suspended until conditions allow normal operations to resume.
- 29) No waste materials shall be burned on the Site.
- 30) No flood lighting or other external illumination within the Site shall be installed or positioned other than:

- a) In accordance with the 'Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK'; and
 - b) To prevent glare to other properties and to users of the public highway.
- 31) The development hereby permitted shall be carried out in accordance with the Outline Drainage and Irrigation Plan (Dwg no WIS1DR01), Appendix 9 - Flood Risk Assessment (ref. 881734-R1(02)-FRA) ('the FRA') and the following mitigation measures detailed within the FRA:
- i. Limiting the surface water run-off generated by the 100-year critical storm so that it will not exceed 52.2 l/s and not increase the risk of flooding off-site.
 - ii. Provision of adequate attenuation flood storage on the Site to 100-year standard.
- 32) No facilities for the storage of oils, fuels or chemicals shall be sited other than on impervious bases and surrounded by impervious bund walls.
- 33) All structures, plant, machinery, hard-surfaces and watercourses shall be maintained in good order and fit for purpose for the duration of the permission.
- 34) Prior to the commencement of the development hereby permitted, a Soil Management Plan ('the Management Plan') shall be submitted to and approved by the Waste Planning Authority. The Management Plan shall include but may not be limited to the details listed below:
- a) the method of stripping, handling, testing, storage, treatment, spreading and stone-picking of soils (topsoil, subsoil and soil-making material) which shall comply with good practice (including BS 3882: 2015 Topsoil).
 - b) the details including treatment and maintenance of topsoil storage mounds (shown on Appendix 2 - Phasing and Temporary Works Methodology Statement (ref. WIS1ME010 dated 22/07/2019)).
 - c) the methods to ensure the suitability of the soils to create the wildflower meadows and as a planting medium for the trees and shrubs proposed as part of the restoration of the Site.
- The stripping, handling, testing, storage, spreading and stone-picking of soils shall be carried out in accordance with the approved Management Plan.
- 35) The soil testing required by the Soil Management Plan (Condition 34) shall be carried out and submitted to the Waste Planning Authority prior to commencement of each phase, and prior to completion of seed sowing of the final phase.
- 36) The final soil chemistry shall be of low phosphate status as defined in BS 3882:2015 Specification for topsoil.
- 37) Prior to the commencement of the development hereby permitted, an ecological protected species surveys to update the previous surveys shall be carried out by a suitably experienced and qualified ecologist to appropriate published guidelines for protected species. In the event that the surveys indicate the presence of protected species or their use of the Site, a mitigation strategy shall be submitted to and approved by the Waste Planning Authority. Works on the Site shall thereafter be implemented in accordance with the approved measures.

- 38) Prior to the commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted for the written approval of the Waste Planning Authority. The LEMP shall include but may not be limited to the recommendations set out in the updated Ecological Impact Assessment required by Condition 37. The LEMP shall thereafter be implemented in accordance with the approved details.
- 39) No stripping of vegetation or soils shall take place during the bird breeding season (March – August inclusive) unless preceded by a nesting bird check carried out by a suitably qualified and experienced ecologist confirming the absence of nesting birds. A record of the nesting bird check shall be kept for at least 12 months after the date when the development was brought into use and provided to the Waste Planning Authority (WPA) within 7 days of a request being made.
- 40) The removal of trees shall take place during winter months when bats are inactive.
- 41) The Site shall be progressively restored in accordance with the approved Golf Course Masterplan Proposal (Dwg No WIS1MP01), the Outline Planting Plan (Dwg No WIS1PP01 Rev A) ('the Restoration Plan') and the detailed Restoration and Aftercare Scheme approved under Condition 42.
- 42) Prior to the commencement of the development hereby permitted, a detailed Restoration and 5-year Aftercare Scheme ('the Scheme') based on the approved Restoration Plan shall be submitted to and approved in writing by the Waste Planning Authority. The Scheme shall include but may not necessarily be limited to the following details:
 - a) The phased restoration and aftercare programme;
 - b) The final restoration levels;
 - c) The profiles of the restored land to show how the restored land will tie in with the surrounding land;
 - d) A revised Outline Planting Plan (Dwg No WIS1PP01 Rev A);
 - e) The planting of trees/shrubs/hedgerows, including ground preparation, plant species, size, density, protection and maintenance;
 - f) The provisions for the creation and aftercare of grass and wildflowers areas and heathland areas to complement the rest of the site, including the seed mixes and sources;
 - g) The provisions for the creation and aftercare of native tree and shrub planting areas in order to achieve an 85% survival rate at the end of the aftercare period.
 - h) The provisions for the creation and aftercare of water areas and the arrangements for drainage.
 - i) A programme for the removal of the temporary access, the internal access road, temporary buildings, plant, machinery, equipment, the access, and internal access road.
 - j) Details of the reinstatement of the 'Temporary Construction Access' shown on the Phasing and Temporary Works Plan (Dwg No WIS1TW01) to verge with full height kerb including a programme for the re-statement.
 - k) Monitoring plans for the establishment of meadow and wetland habitats.
 - l) The management of soils including their testing, placement, depths, profiling, and stone picking (Conditions 34, 35 and 36).
 - m) Grass seed mixtures and sowing method and frequency.

- n) The reinstatement of the drystone wall along the A52 boundary, in matching style to the remaining wall (without the use of mortar).
- o) Fertiliser and weed control.
- p) The management of weeds and invasive species.
- q) Creation of habitats for rough/non mown areas.
- r) Drainage, irrigation, and watering including the maintenance.
- s) 5-year aftercare maintenance specifications including the keeping of records and programme of management; and,
- t) The arrangements for annual meetings and annual reports describing the previous year's aftercare measures, including comments on the successes and failures and plans for the next year's aftercare.

The restoration and aftercare of the Site shall be carried out in full accordance with the approved Scheme and implemented on cessation of the deposit of waste in any part of the Site.

- 43) The following records shall be retained and shall be provided to the Waste Planning Authority within 7 days of a request being made. In making a request, the Waste Planning Authority shall specify the dates between which the following records shall be provided:
- a) The date and time of vehicle movements carrying waste or topsoil entering the Site (Condition 13).
 - b) The total number of loads and total quantity of waste materials or topsoil entering the Site per day (Conditions 10 and 19).
 - c) The hours of operation (Condition 13).
 - d) The noise monitoring results (Condition 26).
 - e) The results of the soil testing (Conditions 34 and 35).
 - f) Any complaints received, and the steps taken to investigate and address them.

End of Schedule