



**To: Seven Star Natural Gas Limited
c/o RSK Environmental
Spring Lodge
172 Chester Road
HELSEBY
CHESHIRE
WA6 0AR**

TOWN AND COUNTRY PLANNING ACT 1990

PERMISSION FOR DEVELOPMENT

The Staffordshire County Council in pursuance of powers under the above-mentioned Act hereby permit:-

Application to extract underground gas for power generation at Land at Three Nooks Farm, Horton, Leek

subject to the condition(s) and reasons specified hereunder:-

Definition of Permission and conformity with plans;

1. This planning permission shall only relate to the site edged red on 'Location Plan' (Supporting Statement - Figure 4 - Application boundaries) hereafter referred to as 'the Site'. The development hereby permitted shall only be carried out within the Site in accordance with the following approved documents:

- **Application Form dated 13 July 2012;**
- **Planning Statement: Phase 2;**
- **Design & Access Statement;**
- **Planning Statement Noise Addendum;**
- **Planning Statement - Figure 1 - Site Location and Context;**
- **Planning Statement - Figure 4 - Application boundaries**
- **Planning Statement - Figure 5 Rev A - Layout Plan;**
- **Planning Statement - Figure 6a - Elevations (sht 1 of 2);**
- **Planning Statement - Figure 6a - Elevations (sht 2 of 2);**
- **Planning Statement - Figure 7 - Silage Clamp Layout Plan;**
- **Planning Statement - Figure 8 - Silage Clamp elevations;**

Dated this 23rd day of May 2013

[Electronic Copy: Signature Removed]
On behalf of the said Council

- Planning Statement - Figure 9 - Haulage Route - SM.12/06/161 M
- Planning Statement - Figure 10 - PROW Signage
- Planning Statement - Figure 11 - Tree Survey and Protection Details
- Planning Statement - Figure 12 - Sections and Soil handling details;
- Planning Statement - Figure 13 - Site Restoration and Aftercare;
- Planning Statement - Figure 14 - Landscaping Plan
- Planning Statement - Figure 15 A Monitoring & Receptor Locations
- Planning Statement - Figure 16 - Model Layout

except in so far as the submitted documents are amended by the conditions specified below.

Reason: To define the permission and to ensure the permission is implemented in all respects in accordance with the submitted details.

Notice of Commencement & Cessation of Operations

2. The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. No operations for each of the following phases of development shall be undertaken unless the developer has provided written notification to the Mineral Planning Authority of the dates when each of the following phases are about to commence and dates when the previous phases have been completed:

- a) the construction phase;
- b) the installation of the 'energy centre' plant and equipment and related external plant and equipment (as defined in paragraph 5.2.7 of the Planning Statement);
- c) the laying of the electricity cable connection to the National Grid;
- d) the operational phase including the generation of electricity ; and,
- e) the demobilisation, restoration and aftercare phases.

4. No internal and external plant and equipment associated with the 'energy centre' shall be brought on to the Site until written notification has been given to the Mineral Planning Authority that the gas appraisal and testing has shown that adequate gas reserves have been proven.

Reasons (3 and 4): To enable the Minerals Planning Authority to monitor operations and to ensure compliance with this permission.

Display of Conditions/site monitoring

5. A copy of the terms of this planning permission shall be displayed on the Site. The terms of the permission, including all documents hereby permitted and any documents subsequently approved in accordance with this planning permission shall be made known to any person(s) given responsibility for the management or control of the activities/operations on the Site.

Reason: To enable easy reference and to encourage compliance with the requirement of the planning permission so as to ensure the orderly operation of the Site.

Access and Highways

6. The access and highway works are set out in the Construction Method Statement (access construction; visibility splays, details of the access, parking and turning areas; wheel wash facilities) provided in accordance with the previously approved details (ref. SM.11/16/161 M D1 dated 29 August 2012) thereafter they shall be maintained in accordance with the approved details for the duration of the development hereby permitted.

7. No staff and visitor parking shall be provided on the Site other than in the designated spaces shown on Figure 4 (Application boundaries).

8. No mud or deleterious material shall be deposited on the public highway arising from the use of the land permitted by the development hereby approved. Any accidental deposition of such materials shall be removed within 24 hours.

Reason (7 to 8): In the interest of highway safety and to accord with the Staffordshire and Stoke-on-Trent Minerals Local Plan saved policy 12 and the National Planning Policy Framework section 4.

Landscaping, ecology and archaeology

9. The access junction and stone walling alterations shall be maintained for the duration of the development hereby permitted in accordance with the approved details (ref. SM.10/06/161 M D1 dated 5 December 2011).

10. The handling and storage of soils or other materials shall be carried out in accordance with Figure 12 of the Planning Statement.

11. Prior to the commencement of the operations hereby permitted the Site shall be re-surveyed for protected species including nesting birds such as skylarks. If protected species are found on the Site then details of the measures to safeguard the protected species shall be submitted for the written approval of the Mineral

Planning Authority. The measures to safeguard protected species found on the Site shall be carried out in accordance with the approved details.

12. Works shall be carried out in accordance with recommendations of the submitted Protected Species Report dated 6 March 2012.

13. The tree protection measures and Root Protection Areas (RPA) shall be carried out in accordance with the approved details (ref. SM.10/06/161 M D1 dated 5 December 2011) and Figure 11; prior to any activity taking place on Site and shall remain in place for the duration of the construction phase and during the demobilisation and restoration phases of the development hereby permitted.

14. The footpath (Horton 21) crossing the Site shall be kept open and maintained for public use for the duration of the development hereby permitted.

15. Warning signs indicating the location of the footpath (Horton 21) shall be erected in accordance with the approved details (ref. SM.10/06/161 M D1 dated 5 December 2011) prior to operations hereby permitted commencing on the Site. The warning signs shall be erected and maintained in the approved locations in accordance with the approved details for the duration of the development hereby permitted.

16. All temporary buildings shall be maintained in good order and fit for purpose for the duration of the development hereby permitted.

17. The demolition of the barn shall be carried out in accordance with methodology described in the Planning Statement (sections 6.6.82 & 6.6.83 and Appendix 5) to protect bats that may be present within the barn.

18. Within 2 months of the date of this permission details of a revised hedgerow enhancement scheme (based on SM.10/06/161 M D1 dated 5 December 2011) shall be submitted for the written approval of the Mineral Planning Authority. The revised hedgerow enhancement scheme shall be carried out and implemented in the first available planting season following the commencement of the development hereby permitted and the hedgerows shall thereafter be maintained in accordance with approved scheme for the duration of the permission.

Reason (9 to 18): To ensure that on-site operations do not have a significant adverse visual impact upon the surrounding environment and to safeguard habitats and to ensure the long term protection, enhancement, in accordance with the Staffordshire and Stoke-on-Trent Minerals Local Plan saved policy 20 and the National Planning Policy Framework section 11.

Duration and Hours of Working

19. No HGV movements to or from the site associated with the operations hereby permitted shall take place between the hours of 08:00 to 09:00 and 15:00 to 16:00 on school days only.

20. Except in the case of emergencies, no construction works shall take place except between the following hours:

**0800 to 1800 hours Monday to Friday
0800 to 1300 hours on Saturdays**

No construction works hereby permitted shall take place on Sundays, Bank or Public Holidays;

Reason (19 to 20): To accord with the provisions made within the application and to safeguard the amenities of local residents in accordance with the Staffordshire & Stoke-on-Trent Minerals Local Plan saved Policy 12 and the National Planning Policy Framework section 11.

Lighting

21. Any external floodlighting or other illumination shall be positioned so as not to cause glare at nearby properties.

Reason: In the interests of amenity, the environment and the Green Belt in accordance with the Staffordshire and Stoke-on-Trent Minerals Local Plan saved policy 9; the Staffordshire Moorlands Local Plan saved policy N2; and the National Planning Policy Framework sections 9 and 11.

Gas extraction and energy generation

22. The gas extraction operations hereby permitted shall cease 20 years from the date that written notification was given to the Minerals Planning Authority that such operations commenced (Condition 3(d)) or shall cease when the gas resource has become exhausted, whichever is the sooner. At the end of that period all plant and equipment associated with the extraction of natural gas and energy generation shall be removed from the Site and the land restored in accordance with the approved restoration and aftercare scheme (Condition 43).

23. Only one generator shall be operated at a time except in the case of emergencies. Details of any emergencies shall be provided to Mineral Planning Authority within 1 week of any emergency.

24. Except to gain access, the doors of the acoustic containers shall be closed at all times.

Reasons (22 to 24): To minimise the potential nuisances and environmental impacts of the development on the local community and surrounding area in accordance with the Staffordshire and Stoke-on-Trent Minerals Local Plan saved policy 12, and the National Planning Policy Framework sections 9 and 13 and 'Minerals Policy' section in the National Planning Policy Framework Technical Guidance.

25. No fluids should actively be introduced in to the boreholes to promote the continued extraction of natural gas.

Reason: To ensure the extraction of hydro-carbons is not artificially promoted when the natural gas pressure drops in accordance with the Staffordshire and Stoke-on-Trent Minerals Local Plan saved policy 12 and the National Planning Policy Framework section 13 and 'Minerals Policy' section in the National Planning Policy Framework Technical Guidance.

Noise

26. No operations hereby permitted shall be undertaken where site attributable noise exceeds 30 dB LAeq (1 hr) at the nearest noise sensitive dwellings excluding Three Nooks Farm.

27. No operations hereby permitted shall be undertaken where measured sound emitted at any point 1 metre from the opening of the generator exhaust stack exceeds 68 dB(A).

28. Prior to the commencement of the energy generation phase (Condition 3 (c)) of the development hereby permitted, a detailed Noise Monitoring Scheme (the Scheme) shall be submitted for the written approval of the Mineral Planning Authority. The Scheme shall include details of the locations and times for noise monitoring to be carried out during the energy generation phase. Noise monitoring shall thereafter be carried out in accordance with the approved Scheme and the results of the each noise monitoring exercise shall be submitted to the Minerals Planning Authority within 7 days of the monitoring being carried out. Noise monitoring shall commence within 12 hours of the start of the energy generation phase.

29. In the event that noise monitoring indicates that site attributable noise levels have exceeded the maximum permitted noise level referred to in Condition 26, energy generation shall cease within 4 hours of the exceedance being recorded and until such time that further noise mitigation measures which shall be firstly approved in writing by the Mineral Planning Authority have been installed and employed within the Site. Upon recommencement of operations, noise monitoring shall continue to be carried out in accordance with the approved Noise Monitoring Scheme required by Condition 28.

30. All vehicles, plant and machinery within the Site operated in association with the hereby permitted development shall be fitted with silencers and non-intrusive and non-tonal reversing or starting alarms necessary to minimise the nuisance from emitted noise levels.

31. All vehicles, plant and machinery operated within the Site shall be operated in association with the hereby permitted development maintained in accordance with the manufacturer's specification at all times.

32. No additional plant or equipment to undertake the development hereby permitted other than that provided for within the planning application shall be installed without the prior written approval of the Mineral Planning Authority.

Reasons (26 to 32): To minimise the potential noise nuisances and environmental impacts of the development on the local community and surrounding area in accordance with the Staffordshire and Stoke-on-Trent Minerals Local Plan saved policy 12, and the National Planning Policy Framework sections 9 and 13 and 'Minerals Policy' section in the National Planning Policy Framework Technical Guidance.

Air Quality

33. Prior to the generators being brought into use, a Generator Maintenance Scheme (the Scheme) shall be submitted for the written approval of the Mineral Planning Authority. The Scheme shall include maintenance and emissions testing at 6 monthly intervals. The details of the maintenance and result of the emission analysis shall be recorded for a period of 5 years and provided to Mineral Planning Authority on request.

34. Prior to the generators being brought into use, a Nitrogen Dioxide Monitoring Scheme (the Scheme) shall be submitted for the written approval of the Mineral Planning Authority. The Scheme shall include details of the method to be used to monitor the level of nitrogen dioxide at key receptors both before and after commencement of the operational phase of the development.

35. In the event that nitrogen dioxide monitoring results indicate that levels at key receptors are causing or are likely to cause a breach in local air quality objectives, the energy generation shall cease until such time that an Air Quality Action Plan has been submitted and approved by the Mineral Planning Authority to mitigate these impacts. Upon recommencement of energy generation, nitrogen dioxide monitoring shall continue to be carried out in accordance with the approved Nitrogen Dioxide Monitoring Scheme (Condition 34) and the agreed action plan.

36. The flue/stack height of the generators shall comply with the Technical Guidance Note (Dispersion) D1 - Guidelines on Discharge Stack Heights for Polluting Emissions, (1993) or equivalent methodology.

37. During any demolition and construction activities (including landscaping) the contractor shall pay due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456), and take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the Site.

Reason (33 to 37): To minimise the potential environmental impacts of the development on the local community and surrounding area in accordance with the Staffordshire and Stoke-on-Trent Minerals Local Plan saved policy 12, the National Planning Policy Framework section 13 and 'Minerals Policy' section in the National Planning Policy Framework Technical Guidance.

Contaminated land

38. In the event that contamination is found at any time when carrying out the approved development it shall be reported in writing as soon as practicable to the Mineral Planning Authority. Further development should not commence until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Mineral Planning Authority to assess the nature and extent of any contamination on the Site. If the initial risk assessment indicates that potential risks exist to any identified receptors, development shall not continue until a detailed remediation scheme to bring the Site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and approved in writing by the Mineral Planning Authority.

39. In the event that top soil is required to replace contaminated soils, the top soil shall first be tested for contamination and assessed for its suitability for the proposed development.

Reason (38 to 39): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework section 11.

Location sign

40. Within 2 months of the date of this permission details of a revised 'location sign' to replace the existing sign shall be submitted for the written approval of the Mineral Planning Authority. The location sign shall be erected and maintained in the approved location in accordance with the approved details for the duration of the development hereby permitted.

Reason: In the interests of amenity, the environment and the Green Belt in accordance with the Staffordshire and Stoke-on-Trent Minerals Local Plan saved policy 9; and with the National Planning Policy Framework sections 9 and 11.

Public Notification

41. The previously approved web site (ref. SM.11/18/161 M D1 dated 5 December 2011) shall be maintained for the duration of the development and continue to provide up to date information about the development including but not limited to the following:

- a) monthly updates on the development and operation of the Site until the completion of all construction works;

- b) contact details shall be provided of the Principal Contractor and / or project co-ordinator;
- c) the operation of the liaison committee including agendas and minutes of the meetings;
- d) progress of the development including dates when the various phases commence or are completed; and,
- e) the performance information related to the gas and electricity output.

Reason: To safeguard the amenities of local residents and the monitoring of any adverse impacts on the surrounding area in accordance with the Staffordshire and Stoke-on-Trent Minerals Local Plan saved policy 12.

Waste management

42. The submitted Site Waste Management Plan (Planning Statement Appendix 3) shall be kept up to date for the duration of the construction and operational phases of the development hereby permitted.

Reason: To ensure that waste arising from the site is managed in a sustainable way in accordance with the Staffordshire and Stoke-on-Trent Waste Local Plan policy 1.2.

Restoration and Aftercare

43. The restoration and 5 year aftercare of the Site shall be carried out in accordance with the approved details (ref. SM.10/06/161 M D1 dated 5 December 2011).

Reason: To ensure the proper reclamation and reinstatement of the Site in the interests of amenity, the environment, and the Green Belt in accordance with the Staffordshire and Stoke-on-Trent Minerals Local Plan saved policy 9 and the National Planning Policy Framework section 13 and the 'restoration and aftercare' guidance in the National Planning Policy Framework Technical Guidance.

Expiry of Permission

44. This permission shall expire when restoration and aftercare have been completed in accordance with the approved details referred to in Condition 43.

Reason: To define the permission and for the avoidance of doubt.

**IMPORTANT NOTICE
THIS AFFECTS YOUR PLANNING PERMISSION**

Condition 11 of this permission is a pre-commencement condition ('condition precedent'). This means that if the requirements of this condition are not complied with before development is commenced, the planning permission may not be considered to have been implemented and may lapse. That means that even if details are subsequently submitted such submission may not (if that is what it relates to) make the planning permission valid.

INFORMATIVES:

The applicant's attention should be brought to the following advice:

1. Staffordshire Council County Animal Health Team has advised that there is a legal responsibility for the applicant to ensure that the animals needs are taken into account, these include the following:

- its need for a suitable environment;
- its need for a suitable diet;
- its need to be able to exhibit normal behaviour patterns;
- any need it has to be housed with, or apart from, other animals, and
- its need to be protected from pain, suffering, injury and disease.

2. Staffordshire Moorlands District Council Environmental Health Officer's advised that:-

- The existing local air quality monitoring programme undertaken by Staffordshire Moorlands District Council could be expanded to cover Three Nooks Farm.
- Guidance on stack height calculations can be found in Her Majesty's Inspectorate of Pollution, Technical Guidance Note (Dispersion) D1, Guidelines on Discharge Stack Heights for Polluting Emissions, June 1993, available from Defra.
- Attenuation or screening of plant, machinery and equipment should pay due regard to BS5228-1:2009, Code of Practice for noise and vibration control for open sites: Part 1 – Noise.
- If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Section 11 of the NPPF and the CLR Report Series 1-12.

3. Environment Agency has advised that reference should be made to the 'Groundwater Protection: Policy and Practice' (GP3) document and the requirement for the silage clamp liquor will need to be collected separately in an appropriately sized tank.

4. Staffordshire Fire and Rescue has advised that a fire risk assessment should be carried out in accordance with the Regulatory reform (fire safety) order 2005 which deals with minimising fire risk and means of escape fire precautions within buildings. The applicant should visit the following website (www.firesafetyguides.communities.gov.uk) in order to access the most appropriate guidance on which to base their risk assessment.

Any gas installation should be subject to the approved codes of practice administered by the Gas regulators and the expectation of the fire authority would be that an approved code of practice is used when constructing the apparatus for gas extraction both for the finished article and in the process for minimising risk during construction. These activities would be enforced by the HSE.

5. Natural England has advised that artificial nesting and roosting sites should be provided.

Monitoring Visits - fees payable

Regulations that came into effect on 6 April 2006 provide for the payment of fees to Mineral and Waste Planning Authorities in England when they carry out monitoring visits to sites with mineral extraction and / or landfill permissions to help in ensuring that those permissions are monitored in accordance with good practice.

For more information and contact details visit the Regulation page on the Staffordshire Planning web site at www.staffordshire.gov.uk/planning

A summary of the reasons for the County Council's decision are contained in the attached Notification.

This permission does not purport to convey any approval or consent which may be required under any enactment other than Section 57 of the Town and Country Planning Act, 1990.

NOTIFICATIONS FOR APPLICANTS

PART 4, ARTICLE 31(1)(a): THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(ENGLAND) ORDER 2010

Summary of the Reasons for the Decision

It was recommended to PERMIT the application to extract underground gas for power generation at Three Nooks Farm, Horton, Leek.

Having given careful consideration to the application and supporting information, the relevant development plan policies and other material considerations, the consultation responses and the representations received, the key issues were considered to be:

- Green Belt
- Mineral planning policy context
- Current site operations
- Highway safety
- Noise
- Landscape/visual Impact
- Ecology
- Other matters raised in representations

[Note – the Government revoked the Regional Spatial Strategy for the West Midlands and the Staffordshire and Stoke-on-Trent Structure Plan with effect from 20 May 2013. Whilst the policies in these two former development plan documents were taken into account when the decision was made by the Planning Committee in December 2012, it is considered that the revocation of the relevant policies has made no material difference to the decision as alternative policies and guidance contained in the National Planning Policy Framework and the other development plan documents were also taken into account when the decision was made. This is demonstrated where appropriate in the summary below by retaining the references that were made to Structure Plan policies in square brackets.]

Green Belt

The site lies in the North Staffordshire Green Belt and concerns about the impact of the proposals on it have been raised. [Policy D5B of the Staffordshire and Stoke on Trent Structure Plan (Structure Plan)] Policy N2 of the Staffordshire Moorlands Local Plan is therefore relevant. Section 9 of the National Planning Policy Framework (NPPF) indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The applicant contended that the proposed scheme was designed to achieve high environmental standards and considered that the form and nature of the proposed scheme did not conflict with Green Belt objectives and would not affect the preservation of its openness at the site.

In conclusion, having regard to the policies and guidance referred to above, it was considered that the proposals were not inappropriate in Green Belt policy terms as they did not harm the openness of the Green Belt and did not conflict with the purposes of including land in Green Belt, for the following reasons:

- Minerals can only be worked where they occur;
- The limited scale, duration and temporary nature of the mineral operations which included the replacement and use of an agricultural barn for mineral development and agricultural purposes;
- Controls could be imposed by planning conditions to minimise visual impact and require the site to be well restored which would help to achieve high environmental standards.

Mineral planning policy context

In terms of the Mineral Planning Policy, there were no specific planning policies in the Minerals Local Plan relating to the exploitation of natural gas. It was therefore appropriate to rely on other Minerals Local Plan Policies and relevant National Planning Policies.

The National Policy Statement (NPS) (July 2011) indicates that 'energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. Producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale'.

It was not considered that the minerals planning policy context had changed since April 2012. Based on this it was reasonable to conclude that the proposals accorded with the relevant minerals planning policies and guidance referred to above.

Current site operations

Planning permission was granted to allow drilling to repair two existing boreholes and appraise the natural gas reservoir. Operations had commenced on site as part of the site preparation works to set up the site to allow the re-drilling of the boreholes.

Local residents raised a number of issues concerning the operation of the site. It was acknowledged that Phase 1 of the development had commenced albeit with a small number of complaints. It was therefore recommended amongst other matters that a liaison committee be set up to allow constructive discussions to take place between the applicant/operator and local residents.

Highway Safety

The NPPF requires that local planning authorities should ensure that they take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality when determining planning applications. [Policy T11, T18A and T18B in the Structure Plan seek to ensure that no demonstrable harm is caused to the transport network and that a suitable access from the adjoining highway is provided]. Policy 10 in the Minerals Local Plan seeks to control matters which cannot be covered by conditions by legal agreement. Policy 10 in the Minerals Local Plan seeks to control matters which cannot be covered by conditions by legal agreement.

It was reasonable to conclude, having regard to the policies and guidance referred to above and the imposition of conditions and a legal agreement to ensure the use of the previously approved route, that the proposals would not give rise to any unacceptable impact in terms of traffic or harm to the transport network.

Noise

Due to the tranquil nature of the site noise was a key issue. Paragraph 144 of the NPPF indicated that local authorities should ensure that any unavoidable noise...are controlled, mitigated or removed at source. [Policy D2 (c) of the Structure Plan seeks to ensure that developments do not cause any nuisance].

Conditions were recommended to control construction and operational noise levels and to require the cessation of energy generation if noise levels were in excess of defined limits until remedial works had been undertaken.

Having regard to the above mentioned policies, guidance and consultee comments, and having regard to the conditions, it was reasonable to conclude that the proposals would reasonably be controlled such that they would not give rise to any unacceptable adverse noise impacts.

Landscape/visual Impact

The site lies in an area of open moorland and concerns have been raised about the impact on the area and the potential change in character. The NPPF indicates that the planning system should protect, enhance valued landscapes (paragraph 109). [Policy NC2 in the Structure Plan]; policy MLP21 in Minerals Local Plan, policies E & D2, E & D7 and N8 in the Staffordshire Moorlands Local Plan and emerging policies DC1 and DC3 in the Core Strategy seek to ensure that developments are informed by and sympathetic to landscape character and quality, are acceptable in terms of the existing landscape, well designed, are screened to reduce their impact and would not detract from the high quality landscape.

The scheme included the demolition of an existing barn and construction a larger replacement barn (including internal acoustic concrete blocks) to house electricity generating plant, the re-location of a silage clamp and some external plant and equipment. Staffordshire Moorlands District Council agreed that it would be expedient for County Council to deal with the proposal in its entirety.

The suitability of the existing building for upgrading to accommodate the energy centre and cattle was reviewed and the applicant confirmed the existing barn was not of a suitable construction or condition to meet both accommodation requirements. The barn was designed to meet the minimum engineering and operational requirements of the energy centre at the same time ensuring that the farming requirements, including minimum space requirements for the farmer's dairy herd, and storage were met.

The Landscape and Visual Impact Assessment submitted by the applicant concluded that the predicted landscape character impacts would be low to medium for the construction phase and neutral following completion of the works. Earthworks and landscaping were proposed as mitigation to improve long term integration into the local environment and to screen the new barn, equipment and silage clamp.

In this case, in relation to proposed barn (with energy centre) including the external plant and equipment, it was considered that the building would not give rise to any unacceptable adverse visual impact.

Ecology

National guidance (NPPF) and local planning policies ([Structure Plan saved policies NC1 and MW5, MW6 and MW9], Minerals Local Plan saved policies 20 and 21 and emerging Policy NE1 of the Core Strategy) all support development that ensures flora and fauna of acknowledged importance are protected, conserved or enhanced.

It was reasonable to conclude; having regard to the policies and guidance referred to and the imposition of conditions, that the proposals would not give rise to any unacceptable adverse ecological impacts.

Other matters raised in representations

Information submitted

Local residents commented that insufficient information had been submitted with the application.

Local residents and Horton Parish Council indicated that additional information concerning the proposal was required, such as the location of the fire extinguishers, building maintenance; details of the site waste management plan, the types of hazardous chemicals used on site. Some of the information requested by the local residents was not considered to be a 'planning matter'.

The applicant provided details of two potential routes for the electricity cable to link the site to the national Grid and indicated that cable would be installed by Western Power Distribution under 'Permitted Development Rights'. The Planning Committee added a clause to the Section 106 Legal Agreement to require the cable be installed under ground.

It was considered that sufficient information was available to the Planning Committee to make a decision.

Requirement for Environmental Impact Assessment

It was contended that the scheme should have been subject to an Environmental Impact Assessment.

The County Council provided a 'screening opinion' (ref. SCE.135/SM.12/06/161 M) in accordance with statutory regulations (Environmental Impact Assessment Regulations 2011) and government guidance (Circular 2/99 and DETR Environmental Impact Assessment Guide to procedures 2000) which sets out the thresholds and criteria that must be considered to assess whether an Environmental Statement should be submitted by the applicant.

Based on the thresholds and criteria within the circular it was concluded that the proposal was not 'EIA development' and as such the planning application need not be accompanied by an Environmental Statement.

Gas appraisal/analysis

The current planning permission to re-drill the leaking boreholes includes permission to appraise the gas from one borehole ('Three Nooks Farm 1A').

Local residents indicated that the application was premature, i.e. the applicant should have waited until the drilling of the borehole and gas appraisal had taken place before submitting the application to utilise the gas.

The applicant indicated that the barn and silage clamp form part of the working hub of the farm and the application for such development was therefore time critical.

Although preferable, the lack of gas analysis before submitting this application was not considered to be a reason to refuse the planning permission. It was concluded that if there was insufficient gas or quality of gas to make the energy generation viable then the permission would not be implemented.

Contaminated land

A local resident expressed a view that due to the gas leak, there was the potential that the land was contaminated. The Staffordshire Moorlands Environmental Health Officer responded concerning this matter and recommended the inclusion of conditions to ensure that any contamination found should be reported, and in those circumstances no further works take place until an initial investigation and risk assessment had been agreed and that any potential risk be identified work should not take place until a detailed remediation scheme was approved.

Air Quality

Local residents were concerned that the generators and external plant would have an unacceptable impact on air quality. The Staffordshire Moorlands Environmental Health Officer stated that due to the small size, and isolation, the 2MW generators were unlikely to have a significant impact on local air quality objectives. Conditions were included to

require emission monitoring/measurement and that all reasonable steps be taken to prevent dust formation and to prevent any dust formed from leaving the site boundary.

Water quality/pollution

Local residents were concerned about water pollution and water supply. The Environment Agency was consulted and raised no objections.

Construction of the agricultural barn and operation of the energy equipment

Local residents were concerned about the 24 hour operation of the site. A condition was imposed to limit the construction hours. The noise produced by the generators was considered and it was concluded that the mitigation measures would minimise the impact. It was therefore concluded that 24 hours a day energy generation would not be unacceptable.

A request for site visit

Members voted not to visit the site.

No benefits to local economy of facilities and the gas is not required

Local residents commented that the proposal would have no benefit to the local community and the gas was not needed. The applicant had previously stated that there is a policy of using local contractors and local suppliers wherever possible.

House Prices

The impact on property prices of the development on property prices was not a material planning consideration.

Impact on footpath

Local residents commented that the proposal would have an impact on the use of a right of way (Horton 21) which runs through the Three Nooks Farm yard and across the proposed access to the pipeline route from the borehole to the energy generator. It was therefore considered appropriate to include a condition to require the provision of warning signs.

Impact on human rights

A local resident stated that the proposal would contravene the Human Rights Act. In this case, it was not considered that these impacts affected the rights under Article 8. It was considered that the impacts could be controlled/ mitigated/minimised/avoided by the imposition of planning conditions.

No independent reports have been carried out

Local residents commented that no independent report had been commissioned to assess the proposal and specifically the gas leak. Independent of this information, consultations

were undertaken with number of organisations including the Environment Agency and the Health and Safety Executive.

The relationship between RSK and Seven Star Natural Gas Limited/Alkane Energy and Shell

Local residents commented that the relationship between RSK (agent) and Seven Star Natural Gas Limited/Alkane Energy (applicant) and Shell (who drilled the site in 1980's). This was not considered to be a material planning consideration.

Comparison with previous applications

Local residents commented on the previous applications which had been refused. It was concluded that each application must be considered on its own merits, however the planning history was taken into account. It was considered that the proposal was substantially different from the refused schemes.

Further developments – ‘potential Phase 3 and Phase 4’

Local residents expressed concerns about potential future developments at Three Nooks Farm and in the local area. The application related to the extraction underground gas for power generation. It was concluded that any other development on site would require separate permission which would involve further public consultation.

Impact on tourism

Local residents and visitors expressed concerns that the proposal would have an impact on tourism and Croft Meadow Farm retreat. It was considered that the recommended planning conditions would ensure that the noise and visual intrusion would not be unacceptable and therefore the development would not result in an adverse impact on tourism.

Need for Legal Agreement

Before recommending that a Section 106 Legal Agreement be signed, it was necessary to determine whether or not the undertakings met the tests set out in paragraph 204 of the NPPF.

It was considered that the existing legal agreement (ref. SM.11/18/161 M) should be modified to include the requirement for a site liaison committee; to provide the site monitoring arrangements to the Planning Regulation Team upon request and to ensure that cable connecting the site to the National Grid be buried underground. It was considered that these requirements met the tests set out in the NPPF and were therefore included in the Section 106 Legal Agreement.

Overall Conclusion

Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given consideration to application, the supporting information, the consultation responses, the representations received and the other material

considerations referred to above, it was reasonable to conclude that the application should be permitted, subject to the imposition of planning conditions and modification to the existing legal agreement.

**PART 4, ARTICLE 31(1)(cc): THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE)(ENGLAND) ORDER 2010**

Statement of the Positive and Proactive steps taken

In dealing with planning applications, the government require local planning authorities to make a statement about how we have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. [ref. The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 – Part 4, Article 31(1)(cc)]

Staffordshire County Council endeavours to work positively and proactively in order to determine planning applications in an efficient and effective manner and in accordance with the presumption in favour of sustainable development, as described in the National Planning Policy Framework.

The problems that arose and the solutions found in this case are briefly summarised below.

- Landscaping concerns were considered to be a matter that could be addressed by a planning condition.
- Noise concerns were considered to be a matter that could be addressed by a planning condition.
- Lorry routing was considered to be a matter that could be addressed by the Section 106 Legal Agreement.
- The Planning Regulation recommended that a site liaison committee should be arranged for site and for the provision of site monitoring arrangements. It was considered that these issues were matters that could be addressed by modifications to the Section 106 Legal Agreement.
- There was concern that the link from the site to the National Grid would be above ground. It was considered appropriate that cable should be underground and this was a matter that could be addressed by modifications to the Section 106 Legal Agreement.

For further details refer to the 'Summary of Reasons for the Recommendation' above.

**PART 4, ARTICLE 31(1)(d) AND SCHEDULE 6:
THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE)(ENGLAND) ORDER 2010**

Appeals

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN or online at www.planningportal.gov.uk/pcs (see note below).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Note 1: in the event of an appeal being made

The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see www.planningportal.gov.uk/pcs

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require.

Please note, only the applicant possesses the right of appeal.

Note 2: application documents and plans

Please note that we no longer return stamped approved copies of the submitted application documents and plans with the decision notice. Instead we will specify the approved documents and plans in the decision notice. We will also publish copies of the approved documents and plans on our Staffordshire Planning web site www.staffordshire.gov.uk/planning ('Applications Register').