

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**16th December 2021**

<b>Application No:</b>	SMD/2021/0700	
<b>Location</b>	Former Railway Line, Barnfield Road, Leek	
<b>Proposal</b>	Reinstatement of single line railway track and replacement footpath on former railway line between Cornhill Leek and boundary of existing operational railway land at Leekbrook	
<b>Applicant</b>	Jonathan Cornes Associates	
<b>Agent</b>	-	
<b>Parish/ward</b>	Leek South	<b>Date registered</b> 18/11/20121
<b>If you have a question about this report please contact:</b> Ben Haywood tel: 01538 395400 ex 4924 ben.haywood@staffs Moorlands.gov.uk		

## **REFERRAL**

The application is referred to committee because it is on Council owned land

### **1. SUMMARY OF RECOMMENDATION**

<b>Delegate authority to approve with conditions</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The former railway between North Rode and Uttoxeter and former Leek Station, which was located on the site now occupied by Morrisons was opened by North Staffordshire Railway in 1849. The branchline from Leekbrook junction, a short distance south of Leek, to Stoke on Trent was opened in 1864 and later a branch from Leekbrook junction to Caudon Low was added in 1905.

2.2 The Leek station and railway line to Stoke on Trent was in use until 1956 with passenger services to Uttoxeter until 1965. The line was finally closed following the closure of the freight services in the 1970's and the station and track between North Rode and Leekbrook dismantled shortly thereafter in 1973. A short siding was retained along the former trackbed to Leek to allow for shunting operations, although this is since been lifted and only the bufferstop remains. This marks the boundary between the operational railway land within the control of the Churnet Valley Railway and the trackbed to the north which passed to the ownership of the Council on dismantling.

2.3 The site is currently a disused track bed approximately 1km (¾ mile) from Cornhill / Barnfields Road, Leek to the Leek Brook railway junction adjacent to the sewage farm, Leek. The land has since been used by walkers and cyclists from the

existing access point off Barnfields Road, Leek. The land is accessible on foot and cycles off Barnfields Road, Leek as well as crossing points along the length of the former track for pedestrian and vehicular purposes to service the sewage works. Severn Trent has sewage pipes laid beneath the track bed. This stretch of disused track bed has one tunnel known as Birchall Tunnel. The tunnel is owned by SMDC, known as Bridge 51. The track bed and surrounding land has been left allowing the land to become overgrown with vegetation, scrub and low quality trees since its closure.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 The proposal is to reinstate single track railway over the former track bed at Cornhill / Barnfields Road, Leek to the current operational CVR rail-head at Leek Brook. The reinstatement of the track at Leek to the current rail terminal at Leek Brook will connect to the CVR heritage railway. The reinstatement of the Leek to Leek Brook railway will be used as an extension to the Churnet Valley Heritage railway line. The purpose of the reinstatement is to reconnect Leek to Churnet Valley in accordance with the adopted Churnet Valley Masterplan, supplementary document 2014. This will provide for a rail connection to support Leek / Churnet Valley and the surrounding areas and to encourage and promote further important transport links for the continued regeneration, tourism, employment and growth of the Town of Leek and the surrounding areas.

3.2 The proposed Leek terminus is approximately ½ mile South from the historical Leek station site. It is considered that the line within the operational railway land can be reinstated without planning permission. This application therefore relates to those elements of the new line outside of this area.

3.3 The Cornhill site off Barnfields Road has obtained planning permission for a major residential development including land allocation for a new railway station supporting this proposal for the reinstatement of the Leek to Leek Brook railway line. This application relates only to the reinstatement of the trackwork. The new station already benefits from outline consent under the approval for the Cornhill site and this proposal, if approved, would be followed by a reserved matters application for the detailed design and layout of the station buildings and structures.

3.4 The land is proposed to continue to be accessible to walkers and cyclists alongside the railway by providing a segregated zone within the railway boundary. The existing Leek promoted walk which is North of the Leek terminus will be run alongside the proposed Leek terminus. It is proposed to provide a footpath for walkers / cyclists in part at the bottom of the embankment away from the railway formation and in part alongside the new line on the trackbed itself. The exit point for pedestrians will remain at Barnfields Road and will link up with an unnamed road, unofficially known as Water Works Lane at Leek Brook. Currently, there is no formal link through from the footpath on the Council owned trackbed to Water Works Lane without straying onto the operational railway land, although this has been done informally for many years. This application will formalise the arrangement and provide a properly demarcated and safe route through this land.

3.5 Planning permission was previously granted for an identical proposal in 2018. However, although some works have taken place to begin reinstatement and track has been re-laid from Leekbrook Junction to Waterworks Lane, this is all contained within the operational railway land and as a result, that permission has not been implemented. The previous permission lapsed in May 2021 and therefore this application seeks, in effect, to “re-new” the previous consent. Details of the application and supporting documents can be found at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=154292>

#### **4. RELEVANT PLANNING HISTORY**

- SMD/2014/0750 Demolition of former industrial buildings and redevelopment of site comprising: residential (use class C3 up to 175 dwellings) with associated open space, play areas and cycle links; live/work units 2000sqm, employment (use class B1c and B2 up to 1847 gross sqm including mezzanine); tourism and leisure uses including a marina / basin and associated boating facilities (up to 20 berths), railway station with associated heritage/railway activities building including tourist/local needs retail unit (use class D2/A1 up to 394 gross sqm); public house / restaurant (use class A3 / A4 up to 340 sqm) and associated car parking and servicing; reserve land for future highway including associated landscaping at Land At Barnfields Road And Sunnyhills Road, Cornhill, Leek For Barnfield Hughes Ltd. – Approved.
- SMD/2018/0092 Reinstatement of single line railway track and replacement footpath on former railway line between Cornhill Leek and boundary of existing operational railway land at Leekbrook - Approved

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

Adopted Staffordshire Moorlands Local Plan (September 2020)

5.1 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS5 Leek Area Strategy
- SD1 Sustainable Use of Resources
- SD4 Pollution and water quality
- SD5 Flood Risk
- SS10 Rural area strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement settings
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

- C2 Sport, Recreation & Open Space

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

Churnet Valley Masterplan

## **6. CONSULTATIONS CARRIED OUT**

Press Notice expiry date 29<sup>th</sup> December 2021

Site Notice expiry date: 29<sup>th</sup> December 2021

Local residents have been notified by letter. 14<sup>th</sup> December 2021

### **Public Comments**

6.1 No comments received at the time of report preparation.

### **Regeneration**

6.2 The application is a re-application of SMD/2018/0092 approved 03/05/2018 which has expired and will include reinstatement of railway track, new platform and and replacement discretionary footpath, on former railway line between Cornhill, Leek and boundary of existing operational railway land at Leekbrook.

6.3 The purpose of the proposal is to reconnect Leek to the Churnet Valley heritage railway, enabling tourists, local visitors and rail enthusiasts to travel to/from principle town with Staffordshire Moorlands. This has been modelled by Mott MacDonald at an additional 30,000 visitors per annum, which would have an economic uplift of £1.17m per annum based on 2020 average day visitor spend (£39.90 per person per day).

6.4 It is recognised that this extension is essential in order to maximise economic benefits to Leek town centre from railway visitors as well as supporting increased passenger numbers which in turn will help finance long term sustainability of the heritage railway. It should also be noted that the existing Churnet Valley Railway supplements public transport with many residents using the route as a means of leisure access to the countryside and this will be significantly enhanced by bringing the terminus of the railway to the most populous town in the district.

6.4 The proposed track and platform are all being designed to Office for Road & Rail (ORR) standards, meaning that should there be a potential reinstatement of a passenger line, it can operate as a shared track. Moreover, the licence agreement between the Council and the Churnet Valley Railway Trust means that CVR is obligated to work with Network Rail or other organisations should a reinstatement of the passenger line come to fruition. The proposal does not inhibit any future development of a link road between A53 and A620 as the terminus of the railway will be immediately south of land required for the development.

6.5 The reinstatement of the railway line is identified within the Staffordshire Moorlands District Council's Corporate Plan; (Aim 3: To help create a strong economy by supporting further regeneration of towns and villages) specifically the corporate plan states aim to support:

- "flourishing town centres that support the local economy" by facilitating increasing visitors numbers and spend on historic railway and at locations close to new stations
- "encourage and develop tourism"
- "support the development of improved rail links with Stoke

6.6 With the above in mind, the Regeneration Team is fully supportive of this application and would recommend it for approval.

### **Ramblers Assoc**

6.7 We support the replacement footpath on the former railway line.

### **Highways**

6.8 No comments received at the time of report preparation.

### **Leek Town Council**

6.9 No comments received at the time of report preparation.

### **Severn Trent**

6.10 I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

6.11 Severn Trent Water advise that there are two public 900mm combined sewers and a sewage pump station located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

6.12 Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site.

6.13 Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent. (300mm to 999mm diameter – 5m either side of the pipe, measured from the centreline of the sewer.)

6.14 There is a pumping station close to the site and any new development must not restrict our access to the Sewage Pumping Station (SPS). We will require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure. Please note that due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution. In order to minimise disruption to any future occupant(s), we would advise that all habitable buildings are constructed a minimum of 15metres from the curtilage of the SPS compound.

### **Staffordshire County Council**

6.15 No comments received at the time of report preparation.

### **Environment Agency**

6.16 No comments received at the time of report preparation.

### **Environmental Health**

6.17 No comments received at the time of report preparation.

### **Canal and River Trust**

6.18 No comments received at the time of report preparation.

### **Lead Local Flood Authority**

6.19 No comments received at the time of report preparation.

### **Trees and Woodlands Officer**

6.20 No comments received at the time of report preparation.

### **Ecology**

6.21 No comments received at the time of report preparation.

## 7. OFFICER COMMENT AND PLANNING BALANCE

### Policy Context

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Development Plan consists of the adopted Staffordshire Moorlands Core Strategy. The Churnet Valley Master Plan (CVMP) an adopted Supplementary Planning Document and the National Planning Policy Framework (the Framework) are material considerations of significant weight in the determination of this application.

### Principle

7.2 The application site lies partly within the settlement boundary of Leek, where there is a general presumption in favour of new development, and partly within the countryside which is also designated as Green Belt where there is a presumption against inappropriate development. New development within the Green Belt is considered to be inappropriate unless it falls within one of a number of categories. Paragraph 150 of the NPPF confirms that engineering operations (the construction of a railway in this case) are appropriate development in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land within it. Policy SS10 of the Local Plan is consistent with this approach. It is considered that the engineering works (track laying) in this case do preserve openness and do not conflict with purposes of including land within it and therefore the development is appropriate in the Green Belt.

7.3 Policy SS5 - Leek Area Strategy refers to creating major regeneration mixed use opportunities and related infrastructure improvements for the following strategic site:

Cornhill, Leek – uses which may be suitable are employment, tourism and leisure; any development shall make provision for a link between the A520 and A53 to the south of the town and links to the canal and Churnet Valley Railway.

7.4 Policy T2 - Other Sustainable Transport Measures states that “In line with priorities set out in the NPPF and the Integrated Transport Strategy, and through working with partner organisations, the Council will encourage and support measures which promote better accessibility, create safer roads, reduce the impact of traffic, or facilitate highway improvements” and *“continue to safeguard all existing disused railway lines within the District and support the reuse of these for public or commercial/tourism use.”*

7.5 The Churnet Valley Masterplan identifies the railway as being an important man-made landscape feature, and part of the Industrial heritage of the valley which, along with its status as an important tourist attraction is seen as a “strength”. The Masterplan includes within the identified “opportunities”:

- *Significant visitor potential linked to the combination of fascinating industrial heritage, attractive natural environment, walking, cycling and horse riding opportunities, the canal and the further development of the Churnet Valley Railway as both an attraction but also a transport link. The potential of the Churnet Valley is in its development as a coherent 'attraction' – conceived as providing full days of activity, with a mixture of experiences from tranquillity and quiet enjoyment to active participation and education.*
- *Active interest of Moorland and City Railway in re-opening the railway line to Leek and Stoke, and the line from Oakamoor to Alton which provides potential to reduce car journeys, connect villages and, existing and potential attractions, and to act as a visitor attraction in its own right with enhanced visitor appeal due to ability to visit a number of attractions on the route. There is also the potential to continue the recently re-opened route to Cauldon Lowe further to Waterhouses where a former station is already in existence. This could provide an opportunity to access the visitor attractions of Blackbrook Zoological Park and the Manifold Trail by rail.*

7.6 A key principle of the Masterplan is to “improve accessibility and connectivity” by, inter alia, “*addressing the need for strategically located car parking particularly to act as hubs to then use sustainable modes (foot/ cycling/ bus/ rail/ canal/ horse riding) to explore the Valley*” It includes at paragraph 7.3.3 amongst the “Key Actions”: “*re-opening of the rail line to Leek and development of canal gateway and strengthening of sustainable transport links between town centre and Cornhill and to other visitor attractions in the Churnet Valley*”

7.7 Possible Improvements for the Leek Hub and Gateway, include improved connection to Cornhill and proposed railway station, canal basin, etc. The Masterplan also identifies a number of key opportunity sites, including Cornhill. It states that “*Cornhill is located in the northern part of the Churnet Valley. It occupies an important site on the edge of Leek at the head of the Caldun Canal and Leek - Stoke railway line.*” It explains that the site has the potential to act as a significant gateway into the Churnet Valley and is suitable for employment, tourism and leisure uses and that any development shall make provision for to the Churnet Valley Railway. It identifies the potential for extension of canal and railway, as a key opportunity for the site. The development strategy for the site includes “*creation of employment and leisure development linking Leek with the canal and railway*” whilst the “*General Development Principles*” state an intention to “*make the most of the areas assets including the Caldun Canal, Leek to Stoke railway line*”. It says that the Council will “*take a holistic and comprehensive approach to development of the site ensuring that any future development complements the overall strategic approach to development in the Churnet Valley*”. Specific proposals within the policy to improve accessibility and connectivity include reopening the rail line for passenger services.

7.8 Section 8.4 of the Masterplan deals specifically with Sustainable Transport issues. It explains that:

*All proposals should aim to support more sustainable means of transport within and into the Churnet Valley and seek to change visitor perceptions of*

*how they can travel around the Churnet Valley by increasing transport choices for those wishing to visit attractions and facilities and, where appropriate, providing facilities to enable visitors to park up and travel from key points by more sustainable travel means, and through measures to manage access and movement and encourage off-site exploration by non-motorised means.*

7.9 Specifically, with regard to rail travel it says that:

- The railway presents a significant opportunity to reduce travel by car and promote more sustainable means of exploring the Churnet Valley. There shall be continued support for the use of the Churnet Valley rail line as a heritage and tourist attraction and support for the re-opening of the rail line into Stoke-on-Trent and into Leek.
- The existing rail line and any future extensions of the rail line should be integrated with development proposals for major sites where feasible, in particular at Cornhill and the Bolton Copperworks site and be closely aligned to improvements to walking, cycling, parking and public transport with appropriate connections created.
- Any associated development such as station buildings and car parking should be sensitive to its surroundings, in-keeping with the landscape character of the area and be of a high quality design which reflects the heritage of the area.
- Where appropriate, provision should be made for enhanced railway related facilities – parking and a new station at Cornhill/Leek and heritage centre/workshops and extended parking at Froghall and Cheddleton.
- Any affected recreation uses should be either safeguarded alongside a re-opened railway or re-provided in another way. This will be returned to below.

7.10 In terms of the principle, the proposal is therefore firmly supported by Local Planning Policy and the Churnet Valley Masterplan and is considered to be acceptable in principle subject to compliance with all other relevant Core Strategy and NPPF policies.

### Access

7.11 This application deals only with the reinstatement of the railway line which itself will not generate any road, pedestrian or cycle traffic. The new station at Leek has been the subject of a separate previous approval and the impact of visitors travelling to the new terminus was considered as part of that application. The construction traffic arising from the provision of the new line would be principally rail based. No comments have been received from the County Highway Engineer at the time of report preparation. However, in respect of the previous application in 2018 they raised no objection. The proposal has the potential to help to improve travel to and from Leek and other attractions in the Churnet Valley by sustainable means and therefore has long term benefits in terms of traffic reduction on the wider road network. Consequently, there are no objections on highway access or parking grounds.

## Residential amenity

7.12 The masterplan identifies as a “threat” to the area the impact of the re-opening of the railway on local amenity and noise. There are a number of residential properties nearby and the protection of their amenity is a material planning consideration. A noise impact assessment has been submitted in support of the application. The conclusion of the assessment is there are not predicted to be any adverse impacts to existing properties. Some noise may be audible from the operation of the steam trains at a small number of existing residences but not to any significant level that could be considered detrimental to the amenity of the area. There are proposed to be increased levels of noise at the site of the proposed new housing developments but there is a sound insulation scheme required for these houses prior to development commencing. Vibration was ruled out as a likely impact.

7.13 Similarly with regard to Air Quality conditions were imposed on the planning permission for the development of the Cornhill site to protect future occupants from adverse air quality impacts. As with noise, there is not predicted to be any adverse impact to existing residential occupiers.

7.14 No comments have been received from the Environmental Health Officer but they raised no objection previously subject to conditions to secure details of a construction management plan and to deal with contaminated land. Accordingly, as there have been no change in circumstances subject to the same conditions being applied there would be compliance with Policies DC1 and SD 4 and the NPPF

## Footpath / Open Space

7.15 The masterplan also identifies as a “threat” to the area the impact of the re-opening of the railway on the existing greenways which are used for walking, cycling and horse riding. It states that “where a railway use is reinstated on a former disused rail route used for walking, cycling or horse riding, this facility shall be replaced or realigned.”

7.16 The existing trackbed is currently in use as a discretionary footpath, which can also be accessed on bicycle. The principal access points are via a link at the northern end from Barnfield Close, under the former railway bridge, via a path from the former railway bridge to the rear of the former Pride of the Moorlands pub site, and via a linking path from the turning head at the end of Barnfield Road. There are a number of stepped links from Birchall playing fields. It should be noted that the footpath is not on the “definitive map” and does not have the status of a “public right of way”. Nevertheless, it is an established recreational route which appears to be well used.

7.17 It is also designated in the adopted Local Plan as “Natural and Semi-natural open space”. Policy C2 states: *Existing areas of open space, recreational land and buildings including school playing fields and amenity open space will be protected from development, unless:*

*a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;*  
*or*  
*c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

7.18 As noted above it is possible to walk from the southern end of the route, over the operational railway land through to Waterworks Lane. This enables users of the path to complete a circular walk along Waterworks Lane back to the A520 and to return to Birchall / Leek. However, as noted above there is no right of access over this railway land and access is actually via a gap in the palisade fencing which was previously erected on the Waterworks Lane boundary.

7.19 As part of the reinstatement of the railway it is proposed to re-provide the path alongside the new railway. The section of path between Barnfields Close and the new railhead will be unaffected by the development and access to the railway and footpath link can be provided and retained through the new Cornhill development to the east of the proposed station to Barnfields Road. At the new railhead the path would deviate down onto the lower part of the embankment on the eastern side of the railway and would run along here as far as the northern tunnel portal. From here it would climb the embankment before running through the tunnel, segregated from the track by palisade fencing. The proposal differs in this respect slightly from the previously approved scheme which involved re-routing the path over the top of the tunnel. From the south portal of the tunnel, a new discretionary path would be formally provided on the eastern side of the new line, over the operational railway land, crossing a newly reinstated Leek spur of the Caldron branch before joining Waterworks Lane.

7.20 Full constructional details of the path including widths, surfacing, steps and gates have not been provided but the specification has been provided by SMDC Parks team based on models of good practice and the Agreement to lease requires CVR to obtain final design approval from SMDC prior to commencement of construction and formal start of lease. The provision of the path and detailed design could be secured and approved via planning condition. However, given the level changes involved climbing and descending the embankment the route is likely only to be suitable primarily for walkers, rather than cyclists, or wheelchair users. However, access to the current discretionary path is poor for these groups of users, particularly from Barnfields Close, and the Pride of the Moorlands site where the path is narrow and steep, from Birchall playing field, where there are existing steps and from Barnfields Road where there is a horse stile which restricts bike and wheelchair access. The informal route over the operational railway land to Waterworks Lane is also only suitable for access on foot or mountain bike. Notwithstanding this, the proposal is preferable in this regard to the previously approved scheme as routing the path through the tunnel, rather than over the top, will eliminate the most challenging gradients making it more accessible to a variety of users than was previously the case.

7.21 Furthermore, the disadvantage of the limited accessibility of the proposed path has to be balanced against the sustainability benefits of improved rail linkages, and the provision of a formalised concessionary route over the railway land

to Waterworks Lane. Overall, therefore, on balance, it is considered that the loss resulting from the proposed development, in terms of the path would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Accordingly, the proposal complies with policy C2. This point will also be returned to in the overall planning balance below.

### Drainage and Flooding

7.22 A small part of the site (approx. 350m of trackbed) is shown as being within Flood Zone 2 & 3. A Flood Risk Assessment has been submitted with the application which concludes:

*“The former rail embankment top is above any local 1 in 100 year risk levels by over 2m and its top surface is flood zone 1. Two streams pass under the embankment, the northern one is Birchall stream which based on instruction of the inlet and exist is a box culvert in good condition. The southern stream is gold course runoff which passes under the embankment in a 600mmdiameter clay pipe in good condition.*

*Public mapping shows the embankment as being in floodzone 2 on the ‘risk of flooding from rivers or the sea’ mapping. However, an accurate land survey and obtaining river risk levels from the Environment Agency has shown this to be incorrect and a map copy corrected by us is attached. The flood risk status of the embankment is shown correctly on the flood map for planning.”*

7.23 Severn Trent Water Authority, the Environment Agency and the Lead Local Flood Authority have been consulted on the application. Severn Trent have confirmed that they have no objections to the scheme whilst the LLFA & EA have yet to comment. Members will be provided with an update prior to their meeting although it is worthy of note that neither body objected to the previous application in 2018. In the light of the above it is not considered that the proposal will be at risk of flooding given that it involves reinstating rails on the top of the existing embankment. As no other engineering works are proposed, it is considered to be unlikely that the proposal will exacerbate the risk of flooding elsewhere and as such it will comply with Policy SD4 of the Core Strategy.

7.24 An existing sewer which was installed after closure of the railway runs along the length of the trackbed from Barnfields to the sewerage works at Leekbrook. To avoid damage to the structure of the sewer arising from the passage of heavy trains over the top it is proposed to construct the railway on the western side of the track formation (the sewer lying on the eastern side). It is acknowledged, on the plans, that some remedial works will be required to the sewer. Churnet Valley Railway have also commissioned an independent report on the sewer which indicates that a technical solution which allows the railway to be constructed and to co-exist with the sewer can be achieved.

7.25 Furthermore, whilst Severn Trent have noted in their consultation response, the proximity of the development to the sewer and the need to obtain the necessary consents from themselves, they have raised no objection in principle to the development. These consents would be dealt with under separate legislation and

therefore in the absence of any objection it is not considered that a refusal on the grounds of impact on the sewer could be sustained.

### Landscape and Visual Impact

7.26 Given that no new engineering works such as embankments, bridges, tunnels or cuttings are proposed and the works are restricted to the reinstatement of rails, signalling etc on the existing formation, the landscape and visual impact of the works themselves is extremely limited and restricted primarily to the associated tree removal, which is discussed in more detail below.

7.27 There will be some impact from the trains themselves. However, this impact will be transient with the passing of the trains. A substantial part of the route is within the tunnel and cutting where it cannot be seen from the surrounding landscape. The length of line to the south of the tunnel runs adjacent to the sewage works to the west and woodlands to the east which limit public views. The most sensitive views are where the trackbed is raised on an embankment to the north of the tunnel and there are long range views from the canal towpath to the west and from the A520 across Birchall playing fields from the east. However, in this location the route is for the most part well screened by vegetation proposed for retention on the sides of the embankment, (see tree section below) and therefore it is considered that any landscape and visual impact will be minimal.

### Trees

7.28 A tree survey and Arboricultural Impact Assessment report has been submitted with the application. Some fairly substantial removal of existing trees and scrub along the route would be inevitable and necessary in order to reinstate the railway and provide appropriate operational/safety clearance, and to a much lesser extent to incorporate the parallel walking/cycle provision.

7.29 The trees have gradually colonised the site since closure of the line in the early 1970's and are thus self-set and relatively young and not of good quality. Some stretches have been badly affected by windthrow, requiring remedial clearance in view of the close proximity of overhead electric wires. The use of the route for walking has to a large extent restricted such vegetation growth to the embankment/cutting slopes along each side and mostly kept the former trackbed itself clear. However, due to the virtually continuous tree/scrub cover along both sides of the c.900 metre length of the application site with the majority on raised embankment relative to adjacent land, the combined broad landscape structure is notable.

7.30 The Council's Trees and Woodlands officer, stated in response to the previous application that contrary to the conclusions of the Arboricultural Impact Assessment submitted at that time and in line with the comments in the Design and Access Statement, this should not need to result boundary-to-boundary clearance along the site and as a result there is the opportunity for much of the vegetation to be retained. The Trees and Woodlands Officer was of the opinion that some groups or individual trees and scrub, within the site but well away from the actual track (eg near/along the base of the wider embankments), would not need to be removed and

could be retained which will mitigate the visual impacts of the proposal as discussed above.

7.31 The Trees and Woodlands Officer previously raised no objection subject to conditions, including a requirement for Tree removal to be agreed with the Council on site and on this basis it is concluded that the proposal complies with Policies DC1 and DC3 and advice in the NPPF which requires development to protect and enhance the natural environment. An updated Arboricultural Impact Assessment has been submitted with this application and was being considered by the Trees and Woodlands Officer at the time of report preparation. However, unless any significant changes in circumstances on site with regard to tree growth and / or condition are identified it is not considered that he is likely to reach any different conclusions.

### Canal

7.32 The Leek branch of the Caldon Canal lies some distance to the west of the railway line. At its closest point it is approximately 87m from the trackbed. A small length of the route (235m) at the northern end, adjacent to Birchall playing fields therefore lies within the Canal and River Trust Consultation area. Comments from the Trust were awaited at the time of report preparation and Members will be updated at the meeting. However, given that the proposal involves relaying of track on the existing embankment and no works are proposed to its formation, it is not envisaged that any adverse impact on the canal will occur or that the Trust will raise any objection.

### Ecology

7.33 The applicant's ecological consultants have carried out an updated walkover habitat survey (6th of October and the 1st of November 2021) in relation to the original habitat survey (Preliminary Ecological Appraisal - PEA) undertaken by 'Brindle and Green Ecological Consultants' in August 2017. They conclude that in summary, the habitats at the site have not changed since 2017. This is because the site is predominantly made up of woodland (the *age of the trees are mainly young/semi-mature trees – Tree Survey Report 2017*). The other types of habitats recorded at the site are scrubland, tall ruderal, and grassland habitats.

7.34 There are a number of ponds located within 100m of the site. Great Crested Newts are a material consideration determining planning applications. They are fully protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Species and Habitat Regulations 2010. The previous ecological report confirmed that it is unlikely that there are significant populations of reptiles within the railway development area or zone of influence of the development.

7.35 Aerial photos show that there are water bodies within the nearby sewage treatment site SW of the application site. A single GCN was found in 2017 on the east embankment at the south end of the cutting leading to /from the tunnel to the north. This is not far (c.100m) from the sewage works site to the SW.

7.36 Staffordshire Wildlife Trust have been consulted on the updated ecological information and their comments were awaited at the time of report preparation. However, the Council's ecologist commented in 2018 that bearing in mind the nature of this development – the re-laying of a railway on existing track bed with embankment vegetation generally retained and no loss of aquatic habitats he considered that there is a rational case to grant permission subject to condition which would be for further GCN-specific risk assessment survey and any necessary mitigation prior to commencement of / and/or during any site work including site clearance / preparation – subject possibly to seasonal timing allowances for certain work. Mitigation could involve a mix of barrier exclusion and / or seasonal timing restriction of certain works. It needs to be borne in mind that outside their pond breeding period GCN have terrestrial phases but generally in moist or within range of moist habitats. If there are wet ditches or ditches which may periodically be wet e.g. alongside the track – as sometimes occurs with railways, these could harbour GCN and should not be overlooked. If they are present, he would envisage that they could be retained and therefore again conditions in the event of permission would be acceptable.

7.37 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

- (a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is
- (b) no satisfactory alternative and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

7.38 The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions. Core Strategy Policy NE1 states that development will not be permitted which would have an adverse impact upon protected species.

7.39 Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.” The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

7.40 Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

7.41 In this case the tests would be met as follows:

(a) There are imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, for allowing the development.

(b) There is no satisfactory alternative route for the new rail link other than along the former trackbed.

(c) The applicant has demonstrated that there would be no detriment to the maintenance of the species population at favourable conservation status in their natural range and that this could be achieved and ensured through the use of suitable planning conditions.

7.42 On this basis, and subject to the imposition of conditions as recommended previously by the Council's ecologist, unless any concerns are raised by Staffordshire Wildlife Trust, the proposal is considered to comply with Policy NE1 of the Local Plan and the provisions of the NPPF in respect of biodiversity.

### Economic and Social Impacts

7.43 The NPPF makes clear that there are three strands to sustainable development. These are economic, social and environmental and that all three must be considered and taken into account in making planning decisions. So far, this report has focused primarily on environmental impacts of the proposals, such as landscape, ecology, air quality, flooding etc. However, the rail link is also likely to have significant economic and social implications for Leek as a town as well as the Churnet Valley to which it connects and the wider Staffordshire Moorlands, particularly in terms of the tourist economy.

7.44 A longer running length will increase the appeal of the railway as a tourist destination in its own right and will encourage visitors to spend more time and money at the railway. It will encourage visitors to the railway and visitors to other tourist attractions in the Churnet Valley to also visit the town of Leek and will increase tourist spend in the town. It will also encourage people visiting or staying in Leek to visit the railway and enable them to access other tourist attractions along the route, thereby increasing the vitality and viability of those tourist enterprises, all of which will increase the tourist spend in the local economy which will have significant economic benefits for the town of Leek and the area generally.

7.45 A report assessing the potential economic benefits that could be derived from the proposed heritage railway extension to Leek has been submitted with the application. It concludes as follows:

- *Informing this appraisal has been a review of the development proposals in the context of: the "fit" with tourism related strategies; the opportunity to optimise growth in relevant markets including the tourism market and the heritage/steam railways sector; and the current performance and market position of the CVR.*
- *What is clear is that the proposed rail development proposals "tick" a number of boxes including:*

- *Acknowledging the value of tourism to the local economy with the CVR already playing an important role in drawing people to the area and acting as an attractor and destination in its own right.*
- *The importance placed by the Council on developing its tourist products in general and specifically in the Churnet Valley, with industrial heritage identified as one of the key sectors.*
- *The potential to differentiate the Churnet Valley from its competitors (in other locations) through the development of complementary activities/facilities/attractions of which the railway is one.*
- *The role that can be played by the extended railway in linking together other attractions as well as “moving people”.*
- *The need to enhance dwell times and visitor spend to which the railway extension will contribute*
- *Based on this (and other supporting data), the summary economic appraisal confirmed the positive impact of the rail extension to Leek in terms of employment and expenditure. The appraisal considered 3 scenarios in relation to potential increases in the number of visitors i.e. 20,000, 25,000 and 30,000. Taking the second scenario – an additional 25,000 visitors per annum – as being realistic and achievable, the impact (excluding construction) could result in the following:*
  - **£952,000 gross expenditure per annum** from the railway’s operation predominantly focused on the town of Leek
  - **£577,600 net additional expenditure per annum** injected into the local economy
  - **13.4 FTE jobs supported, and**
  - **a net increase in GVA of £255,360 per annum** after five years
- *Given the rural nature of the area, these impacts are considered important and could be further enhanced if the other MCR plan are realised. Moreover, these benefits form part of a platform for further growth beyond the next five years as the railway implements*

7.46 The Council’s Regeneration Service has also strongly supported the application and set out the potential economic and tourism benefits (see para 6.2 to 6.6 above) and explained how the proposal will support the aims and objectives of the Council’s Corporate Plan.

7.47 Furthermore, it will allow residents and visitors in Leek to access the Churnet Valley and vice versa in a sustainable manner which will reduce the dependence on the private car as a mode of transport. This is an important social and environmental benefit which is supported by Local Plan policy and the NPPF which states that “plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.”

7.48 As noted above in this report, this is acknowledged in the Churnet Valley Masterplan, particularly in terms of the potential of the railway “to reduce car journeys, connect villages and, existing and potential attractions, and to act as a visitor attraction in its own right with enhanced visitor appeal due to ability to visit a number of attractions on the route.” The potential of the Cornhill site and Leekbrook to Leek extension of the railway to act as a gateway to this route and to the Valley as

a whole is also identified. These benefits need to be weighed into the overall planning balance.

## **8. PLANNING BALANCE & CONCLUSION**

8.1 The site is located partly within the settlement boundary where there is a presumption in favour of new development and partly within the open countryside and Green Belt where under the NPPF and Local Plan policy there is a presumption against inappropriate development. Engineering operations in the Green Belt are not inappropriate provided that they do not impact on openness. In this case, the proposal involves relaying track on an existing railway formation, which will not impact on the openness of the Green Belt or conflict with the purposes of including land within it. Accordingly, it is not inappropriate development. There is considerable policy support for the reinstatement of the railway in both the Core Strategy and the Churnet Valley Masterplan which is an adopted Supplementary Planning Document and an important material consideration in determining this application. However, the masterplan acknowledges a need to ensure that existing footpath and cycle routes are catered for and that no adverse impact arises from noise / vibration / amenity impacts from trains. Subject to this the proposal is acceptable in principle.

8.2 The existing footpath on the site is not a public right of way but is designated in the Local Plan as natural and semi-natural open space which Policy C2 protects from development, unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. However, in order to access Waterworks Lane users must walk on a non-designated route over the operational railway land. The footpath would be realigned alongside the new track on the Council's land and permanent provision would be made for a formal link over the railway land to Waterworks Lane. This is a significant benefit of the proposals. Full details would need to be secured by condition. However, it is acknowledged that due to level changes it is unlikely to be fully accessible to cycles, horses or wheelchair users. However, much of the existing route suffers from this difficulty and the proposal is preferable to the previously approved scheme in that the new path will run through the tunnel rather than over the top which will significantly reduce the steepness of the gradients involved, thereby increasing accessibility. Therefore, the proposal satisfies the requirement to provide equivalent provision to the existing footpath and will also arguably enhance the facility. The proposal complies with Policy C2 in this regard.

8.3 It is not considered that the proposal will be at risk of flooding or will exacerbate the risk of flooding elsewhere and the Churnet Valley Railway are confident that an engineering solution can be achieved which will allow the railway to co-exist with the sewer which runs along the trackbed. This would need to be subject of separate consent. However, it is noted that no objection in principle has been raised by Sever Trent at this stage.

8.4 There have been no objections previously from the Environmental Health Officer in respect of amenity impacts such as noise and vibration or air quality. Impacts on existing dwellings will be minimal and the proposed dwellings on the site at Cornhill

are subject to planning conditions which will ensure that future residents are unaffected.

8.5 The landscape and visual impacts would be limited to transient impacts arising from passing trains. However, the route is screened to a large extent by the tunnel and cutting. Where the line is more exposed to long range views on the embankment, it will be screened to some degree by the existing vegetation, much of which the Trees and Woodlands Officer has previously advised can be retained. Nevertheless, substantial tree removal will be required on the trackbed itself to allow for reinstatement, safe operation and on the embankment to accommodate the new footpath. However, the Trees and Woodlands Officer has previously commented these trees are largely self-set, fairly young species, having grown up since closure of the line and are of relatively poor quality. As such he previously raised no objection subject to conditions requiring the removal works to be agreed and supervised. Any ecological impacts can be addressed through the use of suitable planning conditions.

8.6 The reinstatement of the track itself will not generate any access or parking requirements and there were no objections from the County Highway Authority previously and there are no concerns with regard to impact on the nearby Leek branch of the Caldon Canal.

8.7 The extension to the railway would increase its appeal as a tourist attraction in its own right. The railway would enable and encourage residents and visitors to the town of Leek to visit other attractions further south in the Churnet Valley and vice versa and would result in significant increase in spending in the local economy. The report submitted with the application estimates that this would amount to £952,000 gross expenditure per annum from the railway's operation predominantly focused on the town of Leek; £577,600 net additional expenditure per annum injected into the local economy; 13.4 FTE jobs supported, and a net increase in GVA of £255,360 per annum.

8.8 These economic, social and environmental benefits are considered to substantially and demonstrably outweigh the minimal harm arising from the accessibility issues of the new path, the loss of some poor-quality trees, and some slight transient landscape and visual impacts.

8.9 In all other respects the proposal complies with the relevant Core Strategy policies as identified and the provisions of the NPPF and Churnet Valley Masterplan and having due regard to all other material considerations raised is accordingly recommended for approval. However, the public consultation period does not end until 28<sup>th</sup> December 2021. Therefore, delegated authority to the Head of Development Services in consultation with the Chairman of the Committee is sought to approve the application subject to no substantive objections being raised by the end of the consultation period.

## **9. RECOMMENDATION**

**A. DELEGATE AUTHORITY to the Head of Development Services in consultation with the Chairman of the Committee to APPROVE subject**

**to no substantive objections being raised by the end of the consultation period and the following conditions:-**

**1.The development hereby permitted shall begin not later than three years from the date of this decision.**

**Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.**

**2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0000/01 Location Plan, K758-100 Sheet 1 Rev H, K758-101 Sheet 2 Rev F, K758-102 Sheet 3 Rev H, K758-103 Sheet 4 Rev F, K758-104 Sheet 5 Rev F.**

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

**3. Prior to the commencement of development full constructional details for the proposed concessionary footpath over both the application site and the existing operational railway land between the proposed railway terminus and Waterworks Lane shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include, widths, surfacing, details of any steps, gates, fences, stiles, gradient and levels details. The path between the proposed railway terminus and Waterworks Lane shall be provided in accordance with the approved details prior to the first operation of the railway and shall thereafter be retained and maintained unobstructed for the use of the general public at all times.**

**Reason: To ensure that the existing footpath is re-provided in accordance with the Churnet Valley Masterplan.**

**4. No trees, shrubs or scrub vegetation shall be removed other than those whose removal is directly required to accommodate the approved development, including its proposed subsequent use as operational railway, unless otherwise approved by the Local Planning Authority. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the Local Planning Authority and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.**

**Reason: In the interests of biodiversity**

**5. Any mature tree to be removed or to have substantial crown pruning operations carried out shall first be carefully inspected for the potential to provide bat roosting opportunities. Any tree which has such potential (which could include cavities, splits, decay pockets, hollow stems or branches, areas of loose bark, dense ivy cover or dense epicormic shoots) shall be subject to a further detailed and if necessary climbing inspection by a licensed bat worker immediately prior to felling or pruning, and all felling or pruning of such trees shall take place in the presence of the bat worker who can then immediately**

advise on appropriate measures if bats are encountered during dismantling, felling or pruning operations.

Reason: In the interests of biodiversity

6. Notwithstanding any indication in the plans and supporting documents of the application hereby approved, including the application's Tree Survey Report and Arboricultural Impact Assessment, all tree, shrub and scrub removal shall be agreed and authorised by the Council's arboricultural officer following site meeting(s) with representatives of the prospective railway operator, construction contractors and arboricultural contractors when the construction requirements of the railway reinstatement hereby approved and its subsequent operational requirements can be considered in practical detail.

Reason:- To protect existing trees and hedgerows in the interests of the character and appearance of the area

7. Prior to commencement of development (including any site clearance) an Ecological Construction and Management Plan (ECMP) which shall include the necessary mitigations including timing of works in respect of Bats, Birds, Reptiles, Amphibians and Badgers, and shall also include details of after development site management shall be submitted to and agreed in writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved ECMP

Reason: In the interests of biodiversity.

8. No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- II. details of any piling work including noise and vibration mitigation proposals;
- III. the arrangements for prior notification to the occupiers of potentially affected properties;
- IV. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- V. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust

arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;

- VI. a scheme for recycling/disposal of waste resulting from the construction works;
- VII. the parking of vehicles of site operatives and visitors;
- VIII. the loading and unloading of plant and materials;
- IX. the storage of plant and materials used in constructing the development;
- X. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XI. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.

All works shall be carried out in accordance with the approved Demolition and Construction and Environmental Method Statement. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to any deviation from it .

Reason: To protect the amenities of the area.

9. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. If after consultation with the Local Planning Authority the contamination is considered to pose a possible risk, to human health, buildings and other property and the natural and historical environment (receptors), development shall not progress further until a site investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exist to receptors, development shall not recommence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to the receptors has been prepared, and is subject to the approval in writing of the Local Planning Authority.

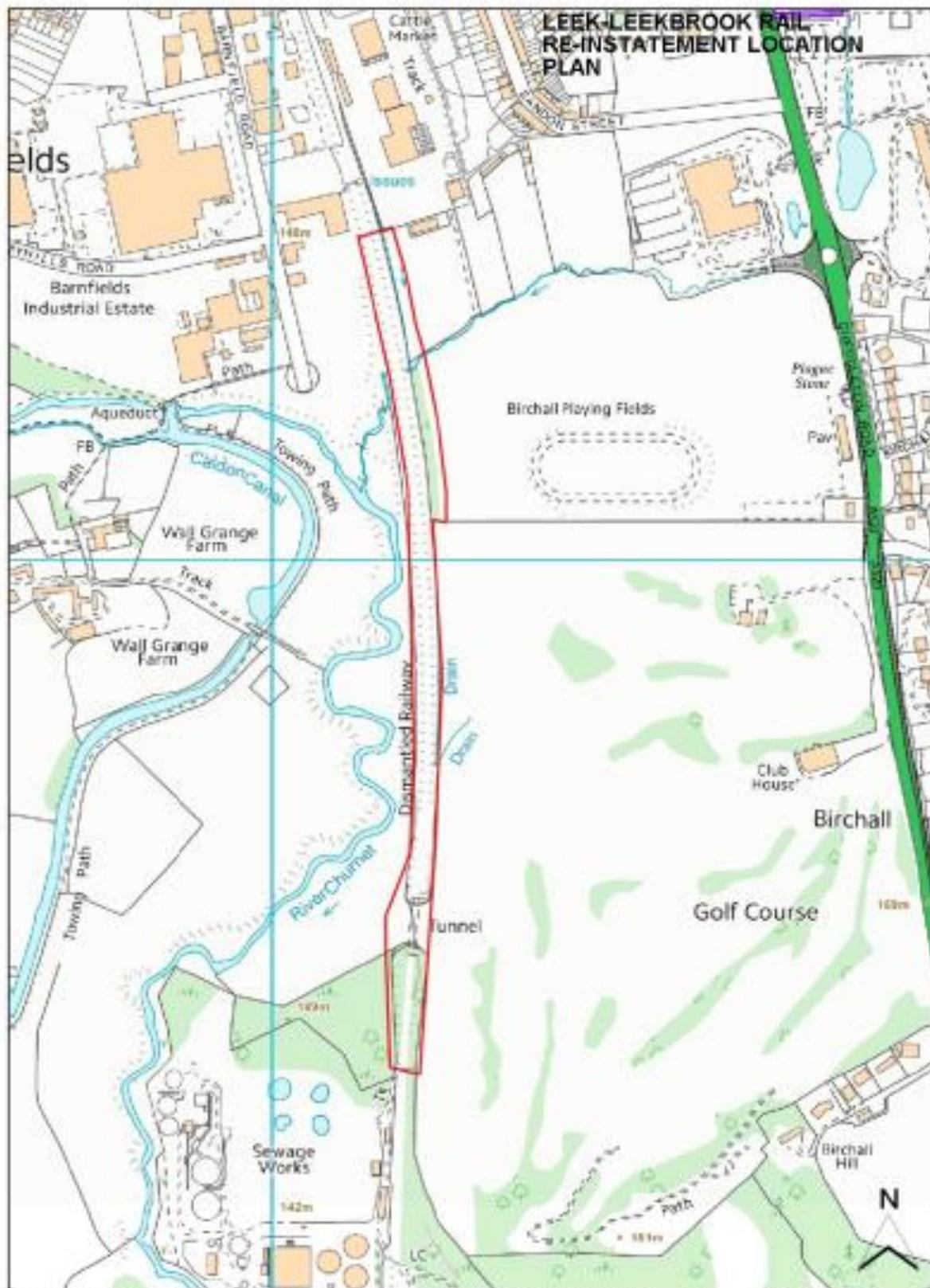
Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

10. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing

**schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.**

**Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.**

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**



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