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Sent by email

Our Ref: [SCC/23/0039/CON](#) Your Ref: [SMD/2020/0198](#) 28 March 2023

Dear Mrs Curley,

Consultation from Staffordshire Moorlands District Council in connection with an application to them for outline planning permission for residential development at Orchard Farm, Churchill Road, Cheadle, Staffordshire, ST10 1DJ

I refer to your consultation letter dated 16 March 2023 in connection with the above and write to confirm the observations of Staffordshire County Council, acting as the Mineral and Waste Planning Authority.

Background

A planning application has been submitted for outline planning permission for residential development of up to 16 dwellings at Orchard Farm, Cheadle on 0.46 hectares of land.

The site is located within the development boundary and within a predominately residential area.

Observations

Our records confirm that the application site falls within the Mineral Safeguarding Areas (MSA) for Fireclay, Coal and Bedrock Sand, as defined in the [Minerals Local Plan for Staffordshire \(2015-2030\)](#).

Paragraph 212 of the [National Planning Policy Framework](#) and Policy 3 of the [Minerals Local Plan for Staffordshire \(2015-2030\)](#) aim to protect mineral resources from sterilisation by other forms of development. Specifically, Policy 3.2 states that:

Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) The existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) The proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

Furthermore, Policy 3.3 states:

Within a Mineral Safeguarding Area, where important mineral resources do exist, except for those types of development set out in appendix 6, non-mineral develop should not be permitted unless it has been demonstrated that:

- a) The non-mineral development is temporary and does not permanently sterilise the mineral; or,
- b) The material planning benefits of the non-mineral development would outweigh the material benefits of the underlying or adjacent mineral; or,
- c) It is not practicable or environmentally acceptable in the foreseeable future to extract the mineral.

The application site is within the development boundary for Cheadle, so while it would be exempt from the requirements to consider safeguarding any other minerals, the exemption does not apply to any underlying coal resource.

However, since the adoption of the Minerals Local Plan for Staffordshire, there has been a significant change in the Coal Authority's approach to safeguarding coal as a mineral resource. Their Executive Leadership Team recommended, in January 2021, that they should no longer ask that prior extraction be considered when commenting on planning applications for sites where surface coal is present. Neither should they request that development plans include policies to safeguard the surface coal resource or promote its extraction.

Conclusions

Having regard to the policies, guidance and observations referred to above, it is reasonable to conclude that the development would not adversely affect any important mineral resource that could be viably extracted.

Therefore, in accordance with the powers contained in the 'Scheme of Delegation to Officers', this letter confirms that Staffordshire County Council, acting as the Mineral and Waste Planning Authority, has **no objection** to outline planning permission for residential development at Orchard Farm, Churchill Road, Cheadle, Staffordshire, ST10 1DJ for the reasons described above.

Finally, I wish to take this opportunity to remind you of the policy requirement (as detailed in Policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan, and as supported by paragraph 8 of the National Planning Policy for Waste) to make better use of waste associated with non-waste related development. In accordance with Policy 1.2, all 'major development' proposals (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, or any subsequent changes/revisions) should:

- i. Use / Address waste as a resource;
- ii. Minimise waste as far as possible;
- iii. Demonstrate the use of sustainable design and construction techniques, i.e.: resource-efficiency in terms of sourcing of materials, construction methods, and demolition;
- iv. Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material;
- v. Maximise on-site management of construction, demolition and excavation waste arising during construction;
- vi. Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and,
- vii. Be supported by a site waste management / waste audit if the development is likely to generate significant volumes of waste *

* updated to take account of Planning Practice Guidance – Waste – Determining planning applications - paragraph 049 - Should significant developments include a waste audit?

I trust that Staffordshire County Council's observations will be taken into account in reaching a decision on the application.

Yours sincerely,

Matthew Griffin

Minerals Planning Policy and Development Control Team Leader

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