

Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Your Ref SMD/2023/0574

Our Ref CRTR-PLAN-2024-41089

Wednesday 6 March 2024

Dear Lisa Jackson,

Proposal: Extensions to Dwelling and Replacement Outbuildings with Landscaping Works

Location: Hill Croft, Froghall Road, Froghall

Waterway: Caldon Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following advice:

The application site is located to the west of the Caldon Canal. The canal sits in a cutting here and the application site adjoins the crest of the cutting slope and is elevated some 10- 12m above the level of the canal. The proposed development will involve construction operations in proximity to the crest of the cutting slope and such works do have the potential to alter or increase loadings on the cutting and risk destabilising the slope.

As you will be aware, land stability is a material planning consideration and is referred to in paragraphs 180 (e) and 189 of the NPPF and is the subject of more detailed discussion in the NPPG (see <https://www.gov.uk/guidance/land-stability>). We consider that this advice and guidance is clear in identifying that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations and legislation such as the Party Wall Act 1996. However, the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

In particular, paragraph 190 of the NPPF is clear that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Canal & River Trust Planning Team

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To address this, we consider that a detailed methodology for the design and construction of the foundations of the extensions and outbuilding including cross sections showing the site and the canal cutting slope should be secured via a planning condition. The methodology should demonstrate that the proposed development (including any undertaking operation of construction plant or machinery near to the cutting will not surcharge the cutting slope or otherwise present a risk of adversely affecting its stability. The Trust is willing to provide you with technical support and assistance in discharging such a condition in due course.

Condition

No development shall take place until a Method Statement detailing the design and means of constructing the foundations of the extensions and outbuilding hereby permitted (and including cross sections showing the position and depth of foundation excavations relative to the adjacent Caldon Canal cutting slope) has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall demonstrate that the development will not adversely affect the stability of the adjacent cutting slope either during or after construction. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

Reason

In the interests of avoiding the risk of creating land instability arising from any impacts from excavations and other construction operations which could adversely affect the stability of the adjacent Caldon Canal cutting slope in accordance with the advice and guidance on land stability contained in paragraphs 180, 189 and 190 of the National Planning Policy Framework and in the National Planning Practice Guidance. A pre-commencement condition is necessary as the Construction Method Statement is required to inform construction operations from the outset.

We also note that the application documents indicate that surface water is to discharge to soakaways, but no details are provided to show their location or to confirm the suitability of the ground for infiltration. It is important that no new soakaways are located near to the crest of the cutting slope as the action of a soakaway can adversely affect slope stability. We ask that full details of the design and location of all new soakaways together with confirmation that the ground is suitable in the form of percolation test results are secured via a suitably worded planning condition.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Ian Dickinson MRTPI
Area Planner

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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