

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

Your Ref SMD/2026/0022

Our Ref CRTR-PLAN-2026-46199

Wednesday 4 March 2026

Dear Ben Hurst,

Proposal: Change of use of three existing agricultural buildings to a children's nursery, together with the erection of two tipis and the siting of three repurposed shipping containers to provide toilet facilities and a staff room. The tipis would be linked via two of the three shipping containers, with the third providing the staff room. There will be no alterations, extensions or demolition of the existing listed farm house building. The application also seeks permission to erect three identical agricultural buildings on the farm to provide shelter and storage for animals on the farm

Location: Bee Curious Childcare, Marsh Side Farm, Tan House Lane, Rushton Spencer

Waterway: Dane Feeder Channel

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals and 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 adjoins the Dane Feeder Channel, which is an artificial watercourse originally designed to transfer water from the River Dane to Rudyard Reservoir, which provides a water supply to the Caldon Canal. The channel is owned by the Canal & River Trust.

The proposed visitor parking area is located adjacent to the feeder channel; the channel is carried on an embankment where it passes the parking area, and it is important that the stability of the embankment slope is not compromised by the proposed development.

The application documents do not provide any details of how the parking area is to be laid out and whether it includes the laying down of any hard surfacing or the provision of positive surface water drainage arrangements.

As you will be aware, land stability is a material planning consideration and is referred to in paragraphs 187 (e), 196 and 197 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.

Canal & River Trust Spatial Planning Team

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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 197 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.

We therefore consider that the potential effect of any construction operations in proximity to the canal feeder channel is a material planning consideration and that submission of a construction method statement for works to lay out the new visitor parking area (including any associated surface water drainage arrangements) should be secured via a planning condition to ensure that the development is undertaken without creating instability likely to affect the adjacent embankment slope or the structural integrity of the canal feeder channel. Instability could be created either through construction operations undertaken close to the embankment or from surface water being allowed to pool adjacent to the embankment toe, so it is important to be able to understand how the parking area is to be laid out and what, if any, arrangements for disposing of surface water are to be made.

We can confirm that we are happy to provide technical advice to the Local Planning Authority to assist in the subsequent discharge of the requested condition.

Condition

No works to construct/lay out the visitor car park area shall take place until a construction method statement for the works have first been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of any hard surfacing to be laid together with details of any proposed earthmoving or other groundworks required in connection with the laying out of the parking area (including details of any surface water drainage arrangements if proposed) and shall identify and incorporate any measures necessary to minimise the risk of adversely affecting the stability of the adjacent canal feeder channel embankment slope during all works. The development shall thereafter only be carried out in accordance with the approved details.

Reason

In the interests of avoiding the risk of creating land instability arising from any adverse impacts from construction, earthmoving, excavations or other associated operations which could adversely affect the Dane Feeder Channel and the adjacent embankment slope in accordance with the advice and guidance on land stability contained in paragraphs 187, 196 and 197 of the National Planning Policy Framework and in the National Planning Practice Guidance.

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

Yours sincerely,

Ian Dickinson MRTPI

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

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