



**Canal &
River Trust**

Making life better by water

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

Your Ref SMD/2026/0124

Our Ref CRTR-PLAN-2026-46460

Monday 13 April 2026

Dear Arne Swithenbank,

Proposal: Formation of play area

Location: Visitor Centre, Rudyard Lake, Lake Road, Rudyard

Waterway: Rudyard Lake Reservoir

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.

The application site is located on land owned by the Canal & River Trust and leased to the Applicants. The Trust has been in discussion with the Applicants over these proposals and they are aware that our consent will be required for the works in addition to obtaining planning permission.

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 on sloping ground to the west of the car park and toilet block located next to the Rudyard Lake Visitor Centre. It is essential that the design and method of construction for the play area takes full account of this and ensures that the existing slope remains stable both during and after works to construct the play area.

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.

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.

Canal & River Trust Spatial Planning Team

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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 construction operations on the stability of this slope is a material planning consideration and that submission of a construction method statement for these works should be secured via a planning condition to ensure that the development can be undertaken without creating instability likely to affect the slope.

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 development shall take place until a construction method statement for the play area hereby permitted has first been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of all construction methods together with details of any proposed earthmoving or excavation works required in connection with the development and shall identify and incorporate any measures necessary to minimise the risk of adversely affecting the stability of the existing slope both during and after the works, including measures to deal with any silty run-off. 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 existing 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. A pre-commencement condition is necessary as the information is required to inform construction operations from the outset.

The Applicant is already aware that these works will require Trust consent and would have to proceed via an application to us under our Code of Practice for Works Affecting the Canal & River Trust. The matters referred to in the condition requested above will also need to be addressed to our satisfaction through the Code of Practice application, so we recommend early contact with our Infrastructure Services Team to discuss matters before seeking to discharge this condition.

The proposal plan indicates that recycled rubber mulch is to be used as the surface material for the play area. We have previously discussed this with the Applicant and indicated that we may wish to explore alternative safety surface options. However, we do not consider that this is a matter that should delay determination of the planning application and recommend that if the LPA considers that it should retain control over the final choice of material, that a suitably worded planning condition could be imposed to require confirmation of the type of surface to be installed.

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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