

Lancashire County Council
PO Box 100
County Hall
Preston
Lancashire
PR1 0LD

Your Ref LCC/2021/0007

Our Ref CRTR-PLAN-2021-31975

Monday 8 March 2021

Dear Mr Hope

Proposal: Prior Extraction of Sand / Gravel and Subsequent Restoration with Inert Engineering Fill to Facilitate a Platform for Employment Development, or Agriculture, with Peripheral Landscaping.

Location: Land North of A674, Millenium Way Northeast of M61 Junction 8,

Waterway: Leeds & Liverpool 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.

The Trust has reviewed the application but is **unable to make a substantive response** under the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) due to the **absence of the following information:**

- Cross sections including the proximity of the works to the canal cutting, details of the bund and fencing and associated analysis.

The application site lies to the west of the Leeds & Liverpool Canal which is within a cutting at this point. Development in proximity to the cutting has the potential to affect land stability and have an adverse impact on the structural integrity of the cutting. It is therefore essential that structural integrity is not put at risk as part of any development proposal, including excavations, earth-moving or vibrations from plant or machinery which could, in the worst-case scenario, result in the failure of the canal cutting.

Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in paragraphs 170(e) and (f) and 178 of the National Planning Policy Framework (NPPF) and that the responsibility for securing a safe development in terms of land stability rests with the developer (para 179). This is subject to more detailed discussion in the National Planning Practice Guidance (PPG).

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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, 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 stability and being satisfied that a site is suitable, taking account of ground conditions and land instability.

Based on the submitted drawings it would appear that the excavation works and the proposed bund that would be created along the boundary with the canal would be close to the crest (top) of the cutting. However, it is unclear from the submitted details how close the proposed works/bund would be to the crest (top) of the cutting and as such we are unable to assess if the proposal would impact on the stability of the cutting. Although some cross sections have been provided these do not include the canal cutting or bund. It is noted that 'Phase 1 Excavation Design' plan shows excavation to a depth of 3.5m and above the water table. In the absence of information to the contrary, the Trust has concerns over the potential impact of the proposed development on the structural integrity of the canal cutting by causing instability and potential slippage. Furthermore, the construction of the bund, in terms of vibration and excavation and tracking of plant and machinery during works would also cause possible movement and would need to be addressed. We would need to see scaled cross sections showing the proposed excavations, bund and fencing in relation to the canal and the top of the cutting. The cross sections should clearly show the relative distances and levels.

It should also be noted that excavations close to the canal could be subject to canal leakage and associated failure into the application site. It is unclear if this has been considered by the applicant, especially given that the canal lining along a cutting after 200 years would not be to modern engineering standards. The underlying soil they propose to extract is sand which is perfect for leakage. It is unclear if this has been considered by the applicant and considered in their emergency plan or whether sufficient stand-off is proposed to the canal infrastructure. The requested cross sections may help to demonstrate this if the canal is shown and relative distances. The application details mention security fencing around site boundary but no details of this provided. It would be useful to see details of the security fencing in relation to the bund and canal cutting.

The application has been supported by a slope stability assessment. Unfortunately, the analysis has only considered the immediate vicinity of the excavation. We consider that the analysis should consider along the canal corridor with dimensions (height, distance, slope angle etc) as well as the proposed bund (with dimensions). We would require a simulation of this based on the before and after cross sections/analysis. We note that the existing analysis shows the ground water levels which is good, however we note that the excavation will be deeper than the canal bed hence this needs to be considered within the analysis. The position of the bund on the top of the cutting has also not been assessed for stability and we would need to ensure that additional loading does not lead to failure/slippage into the canal. There is a lack of evidence to demonstrate that these matters have been appropriately addressed by the applicant and that a safe development can be secured, as required by paragraph 179 of the NPPF.

We refer you to paragraph 006 of the section on Land Stability in the NPPG which states *that “developers should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development of the site.”*

We therefore ask that you consider the approach set out in the flow chart at paragraph 012 of the section on Land Stability in the NPPG, which suggests that investigation of potential land stability issues should be undertaken prior to determination of applications. Following receipt of adequate information identifying that any risks are acceptable or capable of mitigation to an acceptable level, the flow chart suggests that a decision can be made subject to appropriate conditions to secure any necessary mitigation.

As outlined above, the submitted drawings do not provide adequate information to permit such an assessment and in the absence of such information, it is not possible to quantify the risk of creating land instability or determine whether adequate mitigation can be secured via planning conditions. We therefore do not consider

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that planning permission should be granted for the application as it currently stands until further information is submitted.

We consider that as a minimum cross sections should be provided through the site; proposed bund; fencing and top of the canal cutting to the water's edge; clearly showing the distance from the works/bund to the crest (top) of the cutting and clearly showing the depth of the proposed excavations relative to the canal and cutting. We would ask that the slope stability assessment is also updated as outlined above and evidence provided to demonstrate that the development can take place as proposed without creating land instability or otherwise risking damage to the canal cutting.

Given the proximity of the development to the cutting the works may be required to be undertaken in accordance with the Trusts Third Party Works Code of Practice. We would welcome this being acknowledged in the application details.

Notwithstanding the above, we have the following general comments to make on other aspects of the proposed development.

Potential contamination of the canal

The applicant has submitted a dust mitigation strategy, these measures should provide adequate protection to the canal. The main concern would be during the installation of the bund and canal protection measures would be required, however once installed this should provide a good barrier to prevent any surface run-off from reaching the canal. The further the bund is sited from the canal cutting the better, as outlined above it would be useful for the relative distances to be shown on a cross section.

Surface water drainage

The application form states surface water drainage would be to SuDs and existing watercourse. It would appear from the details that the drainage would be taken to the watercourse which is culverted under the canal. This watercourse flows under the canal and through the application site. Therefore, drainage to this watercourse should not impact the canal. The only potential issue would be if the watercourse gets blocked/silted up, this would need careful management. The Trust would need to retain access to the outlet of the culvert within the application site to enable inspection of this asset.

Ecological considerations

Based on the applicant's ecological details there are records of Himalayan balsam close the boundary with the canal corridor. This will need careful management/removal to prevent spreading, especially as their seeds can lie dormant in the soil for up to 3 years.

It will also be important to ensure that tree roots are protected along the canal boundary. No arboricultural details appear to have been submitted and we would ask the Council to satisfy itself that the roots of trees would be protected.

Comment as Landowner

Based on the red line of the application site it appears to include a section of land on the canal cutting which is within the ownership of the Canal & River Trust. Notice has not been served on the Trust. We would ask that the red line of the application site is amended to remove the land within our ownership as shown on the plan below. The blue area is the land within the ownership of the Trust, with the orange line being the application site superimposed.

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We will make a **substantive** response within 21 days from the date of receipt of this information.

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

Yours sincerely,

Tim Bettany-Simmons MRTPI
Area Planner

Tim.Bettany-Simmons@canalrivertrust.org.uk
07342 057926

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

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