



**Canal &
River Trust**

Making life better by water

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

Your Ref LCC/2021/0007

Our Ref CRTR-PLAN-2021-31975

Monday 26 September 2022

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 previously commented on this application in our letter dated Monday 8th March 2021 in which we set out that we were unable to make a substantive response due to the lack of cross sections including the proximity of the works to the canal cutting, details of the bund and temporary fencing and associated analysis. Further information has not been submitted in terms of revised cross sections (although still not including the canal) and a plan showing the total area to be excavated with a bund/stockpile of material to be set away from the canal. We also welcome that the slope stability correspondence now considers the canal cutting. Despite this additional information, unfortunately we are still **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:**

- Clarification in terms of bund to be created along the boundary with the canal cutting,
- Details of the mitigation measures to protect the stability of the canal infrastructure.

We would ask that the following comments are read in conjunction with our previous response, we will not reiterate that response here. 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.

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

The additional information is unclear in terms of the bund to be created along the boundary with the canal cutting and if it is still the intention to create this bund with the excavated material. Paragraph 3.2.2 of the planning statement sets out that *“Bunds at the top of batters were previously proposed, but the slope stability report concluded that such an approach would be unstable”*. This is confirmed on plan MPG/GM/22-03 Rev A which shows that the excavated material would be stored away from the canal corridor.

However we note that the separate slope stability assessment includes plan MPG/GM/22-03 which includes a bund to be created along the boundary with the canal. It is unclear if this plan is included in error, or whether the bund is still proposed as it would appear to have been included in the slope stability assessment. We assume this is just submitted for completeness and has now been superseded. We would however welcome clarification that the bund is no longer to be created along the canal cutting as shown on plan MPG/GM/22-03 Rev A to avoid any ambiguity going forward.

As set out above we welcome that the stability analysis has been carried out even though it doesn't have the canal footprint in the model. The details show that there are potentially unstable slopes in about two sections. We would welcome details of the mitigation measures that will be employed around these areas to demonstrate that the slope will be stable once remedial measures have been implemented. This is especially the case if the bund is to be created as the details now confirm that the bund poses some risk to the stability, how is this going to be managed? What is the proximity of the excavation works to the canal cutting and how does this affect stability? We would also welcome details of the mitigation measures to protect the stability of the canal infrastructure, for example will temporary fencing being installed with an easement to the crest (top) of the cutting to prevent excavation/plant and machinery too close to the canal infrastructure?

As set out above, it may be the case that the bund is no longer being created along the canal corridor and that an easement to the top of the cutting would be provided. If this is the case then our concerns would largely be addressed, but due to the discrepancy in the details we would welcome clarification. We would also welcome the plan being updated to show this easement/buffer to the canal corridor/top of the cutting where there would be no excavation or tracking of plant and machinery and how this will be delineated.

Comment as Landowner

Based on the red line of the application site it still appears to include a section of land on the canal cutting which is within the ownership of the Canal & River Trust. As previously advised 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.



Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

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

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>

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN
T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk