



Canal &
River Trust

24 August 2017

Mr Mark Ollerenshaw
High Peak Borough Council
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

Our Ref CRTR-PLAN-2017-23050
Your Ref HPK/2016/0580

Dear Mr. Ollerenshaw,

Proposal: Amended Plans- proposed holiday accommodation comprising 14 units, site manager's living accommodation, 2 detached dwellings and new vehicular access (resubmission of HPK/2015/0298)

Location: Land off Combs Road, Chapel en le Frith

Waterway: Bugsworth Arm (Peak Forest Canal)

Thank you for your consultation.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

The Trust has reviewed the amendments to the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based upon the information available we have the following advice to offer:

We note that the design and location of the proposed units have been revised, but the application appears otherwise unchanged. The advice contained in our previous response of 13th February 2017 therefore remains unchanged and is reproduced below:

The application site lies to the east of Combs Reservoir which is owned and operated by the Trust to provide a water supply for the Peak Forest Canal. The reservoir is also designated as a SSSI. Section 13 of the application form has therefore been completed incorrectly.

Drainage and Water Quality

We note that the submitted Drainage Report identifies existing drainage pipes on and around the application site which ultimately have an outfall to the reservoir, and recommends the use of this system for discharging surface water from the development. The report indicates that a balancing pond could be provided within the application site with flow control devices installed to restrict flows to greenfield run-off rates. The Design and Access Statement confirms the intention to discharge surface water to the reservoir at paragraphs 6.4- 6.5.

Canal & River Trust Fradley Junction, Alrewas, Burton-Upon-Trent,
Staffordshire, DE13 7DN

T 0303 040 4040 E planning@canalrivertrust.org.uk W www.canalrivertrust.org.uk

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The application does not include any detailed drainage scheme, and the design and location of the balancing pond, flow control structures or SUDS measures to provide appropriate attenuation of flows and/or water quality improvements are not provided, so it is difficult to assess the acceptability of the proposed drainage arrangements either in terms of the volume and rate of discharge or the implications for water quality within the Reservoir SSSI. We recommend that you seek advice from Natural England regarding potential impacts on the Reservoir SSSI.

We would ask that these matters are adequately secured, either by provision of further details to demonstrate the acceptability of the scheme prior to determination or via a planning condition to require submission of detailed drainage arrangements.

Condition

No development shall take place until a scheme for the provision and implementation of a surface water drainage system to serve the development has first been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the design and operation of all attenuation and flood storage measures and details of the long-term management and maintenance arrangements for these and any other SUDS elements and also any measures required to ensure that any discharges to Combs Reservoir do not adversely affect water quality in the reservoir. The development shall thereafter only be carried out in accordance with the approved scheme.

Reason

To ensure that surface water from the site is disposed of in a safe and appropriate manner which minimises the risk of flooding to adjoining land and ensures that any proposed discharge to Combs Reservoir does not adversely affect water quality within the reservoir, which is designated as a Site of Special Scientific Interest (SSSI) and to comply with the advice and guidance contained in the National Planning Policy Framework. It is necessary to agree these details before development commences in order to ensure that the approved surface water drainage arrangements can be properly integrated within the development.

As noted above, Combs Reservoir is owned by the Trust and consequently any discharge to the reservoir will require our prior consent. We would advise that the Trust is not a land drainage authority and such discharges are not therefore granted as of right; where they are granted, they will usually be subject to completion of a commercial agreement. The applicant/developer should contact the Trust's Utilities Team for further advice and to establish the acceptability of such discharges to us. In addition to assessing the acceptability of the volume and rate of discharge, we will also need to be satisfied that the proposal will not adversely affect water quality within the reservoir.

Ecology

The submitted Phase 1 Habitat Survey notes the presence of Himalayan Balsam, Montbretia and Japanese Knotweed, all of which are non-native invasive species. Particular care needs to be taken to minimise the risk of spreading these species during development of the site and we would suggest that suitable arrangements to ensure that the Reservoir SSSI is protected and a suitable scheme to manage or remove these species should be secured by condition.

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Condition

No development shall take place until a scheme for the containment, control and removal of Himalayan Balsam, Montbretia and Japanese Knotweed on the site has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.

Reason

In the interests of minimising the risk of spreading these non-native invasive species and adversely affecting the adjacent Combs Reservoir designated Site of Special Scientific Interest and to comply with Policy EQ5 of the adopted High Peak Local Plan April 2016.

Site Access

The visibility splay identified as being necessary at the site access onto Combs Road includes land to the south of the access which is owned by the Canal & River Trust. Establishment of the visibility splay will require the removal of existing vegetation on the Trust's land. It is essential that no works are carried out on Trust land without first obtaining our consent, as such works may affect the Reservoir SSSI. The applicant/developer should contact the Trust's Estate Team for further advice in the first instance.

Other Matters

As owner of Combs Reservoir, the Trust also owns the fishing rights, and these have been leased to the Prince Albert Angling Society. Should the applicant/developer want to investigate the potential for allowing future users of the holiday accommodation to fish at the reservoir, they should contact the Angling Society direct in the first instance, as the prior agreement of the Society will be required.

Should planning permission be granted we request that the following informatives are appended to the decision notice:

The discharge of surface water from the site to the adjacent Combs Reservoir will require the prior consent of the Canal & River Trust. Please contact John Thompson, Utilities Surveyor at john.thompson@canalrivertrust.org.uk or on 07887 545361 for further advice. Please be aware that the Trust is not a land drainage authority and such discharges are not granted as of right; where they are granted, they will usually be subject to completion of a commercial agreement.

The proposed visibility splay for the vehicular access onto Combs Road includes land owned by the Canal & River Trust. No works should be undertaken on the Trust's land without first obtaining formal consent and ensuring that all works comply with the Trust's current Code of Practice for Works Affecting the Canal & River Trust. Please contact the Trust's Estates Team at the Leeds office on 0113 2005732 for further advice.

The fishing rights at Combs Reservoir are owned by the Canal & River Trust, and have been leased to the Prince Albert Angling Society. Should the applicant/developer want to investigate the potential for allowing future users of the holiday accommodation to fish at the reservoir,

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they should contact the Angling Society direct in the first instance, as their agreement will be required.

If you have any queries please contact me, my details are below.

Yours sincerely

Ian Dickinson MRTPI
Area Planner (East and West Midlands)
ian.dickinson@canalrivertrust.org.uk
01636 675790

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