

Tom Hiles
High Peak Borough Council
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

Your Ref	TBC
Our Ref	Toddbrook Reservoir NMA (Construction traffic)

Submitted via Planning Portal

13 December 2022

Dear Tom Hiles,

Application under Section 96A of the Town and Country Planning Act 1990 for a Non-Material Amendment to planning permission HPK/2021/0607 for the construction of replacement spillway and associated dam infrastructure works

Toddbrook Reservoir, Reservoir Road, Whaley Bridge

I am pleased to submit, on behalf of Canal & River Trust, an application under Section 96A of the Town and Country Planning Act 1990 for a Non-Material Amendment (NMA) to planning permission HPK/2021/0607 in order to regularise changes to the approved Construction Traffic Management Plan.

As a result of changes to the Construction Traffic Management Plan, consequential changes have arisen to the documents previously submitted to discharge conditions 7, 10 & 34 (previously discharged under reference TCH/DOC/2022/0029). The immediate application is therefore submitted alongside an application to re-discharge conditions 7, 10 & 34.

The application has been submitted via the Planning Portal (Reference PP-11526369) and the appropriate fee has been paid.

In addition to this covering letter, the following documents comprise the present application:

- Application Form
- Open Road Associates, "Construction Traffic Management Plan" (ref: ORA/009 – P11742 Version 2 Rev 1), updated October 2022

Canal & River Trust

National Waterways Museum, South Pier Road, Ellesmere Port,
Cheshire, CH65 4FW
T 0303 040 4040 E canalrivertrust.org.uk/contact-us

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792. registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

Non-Material Amendment

Section 96A of the Town and Country Planning Act 1990 was inserted by section 190 of the Planning Act 2008. Section 96A (1) gives a Local Planning Authority powers to make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

Section 96A (2) provides that, in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission originally granted.

It is confirmed that there have been no previous changes made under Section 96A which should factor into the Local Planning Authority's consideration of whether the change sought is material.

Background to this application

The approved Construction Traffic Management Plan (version 1.1 dated January 2022) details that heavy good vehicles will follow a one-way system within the site, with construction vehicles taking access from Reservoir Road at the Sailing Club entrance and egress via the first park entrance.

The Trust's appointed contractor, Kier, has commenced works of preparation on site, and has identified that it would be preferable to adjust the approved arrangements for vehicle movements within the site.

It is proposed that the majority of HGV movement would access and egress the site via the Sailing Club entrance, with a turning head created to enable HGVs to turn around within the site.

This has a number of advantages, including:

- With only very few HGV movements at the shared access, there would be an improvement to safety around the pedestrian route / segregation across the park.
- Significant modifications would not be needed to the first park entrance.

Pre-application engagement

We requested the view of the case officer, Tom Hiles, on how best to regularise the proposed changes to the construction traffic arrangements. We were advised, informally, that we should submit an application for a NMA to amend Condition 15, and that we should apply to re-discharge conditions 7 (construction surface water management) and 37 (arboricultural method statement).

The proposed changes to the approved construction traffic arrangements will necessitate consequential changes to the approved Water Quality Management Plan and Construction Environmental Management Plan. These documents were submitted to discharge Condition 7, 10 and 34 and approved under reference DOC/2022/0029 on 15 June 2022. In order to regularise these changes, the immediate application is in conjunction with an application to re-discharge conditions 7, 10 and 34 attached to planning permission HPK/2021/0607.

An Arboricultural Method Statement and Tree Protection Plan were submitted to discharge Condition 37, and approved under reference DOC/2022/0029 on 15 June 2022. It is not considered that any changes to the approved arboricultural methods and tree protection arrangements are required, and therefore an application to re-discharge Condition 37 is not considered to be necessary.

Amendment sought

Condition 15 attached to planning permission HPK/2021/0607 provides that

The construction phase of the scheme shall be undertaken in strict accordance with the updated Construction Traffic Management Plan version 1.1 dated January 2022, prepared by Open Road Associates.

The changes are contained within an updated "Construction Traffic Management Plan" (Version 2 Rev 1 dated October 2022) which is submitted as part of this application.

An amendment is sought to the wording of Condition 15, as follows:

The construction phase of the scheme shall be undertaken in strict accordance with the updated "Construction Traffic Management Plan" (ref ORA/009 – P11742 Version 2 Rev 1) dated October 2022, prepared by Open Road Associates.

Conclusion

I trust that this application provides all necessary information for the non-material amendment to be accepted. Should you have any queries please do not hesitate to contact me.

Yours sincerely,

James Dunn MRTPI

Planning Assistant

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