



**Canal &
River Trust**

Making life better by water

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

Your Ref HPK/2024/0298

Our Ref CRTR-PLAN-2024-42163

Wednesday 31 July 2024

Dear James Stannard,

Proposal: Proposed rear extension to increase kitchen, provide UA WC and accessible entrance, replacement fire escape and external works

Location: The Cock Hotel, Buxton Road, Whaley Bridge

Waterway: Coombs Feeder

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 Coombs Feeder Channel, which provides a water supply from Coombs Reservoir to the Peak Forest Canal, passes through the application site. The feeder is carried in an open channel for about 20m from the southern edge of the site before entering a culvert as it passes immediately east of the location of the proposed rear extension.

The main issues relevant to the Trust as statutory consultee on this application are the potential risks of damage to or blockage of the feeder channel and the consequent effect this could have on water levels in the canal and the risk of flooding occurring upstream of the application site should water no longer be able to pass along the feeder.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded **conditions are necessary** to address these matters. Our advice and comments follow:

The proposed extension is set immediately adjacent to the line of the culverted section of the feeder channel and as such there is a significant risk that construction operations could result in damage to the culvert unless measures are in place from the outset to ensure its protection both during and after construction of the extension. This risk could arise from the creation of land instability as a result of the imposition of additional loading on the channel structure, whether from construction plant or machinery or from the extension itself. There is also a risk of damage to and/or blockage of the channel from debris, material or silty runoff entering the open section of the channel and being carried into the culverted section during construction operations.

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The effect of such damage could not only be the obstruction of the water supply to the Peak Forest Canal and the risk that adequate water levels cannot be maintained but also that any blockage could result in the culvert surcharging and the open channel overtopping, causing potentially significant flooding of the application site or other land. We therefore consider that it is essential that these risks are appropriately minimised in order to ensure that the feeder channel can continue to function as required. It is also important to ensure that access to the feeder channel for maintenance and periodic inspection is also possible once the development is completed.

As you will be aware, land stability is a material planning consideration and is referred to in paragraphs 189 and 190 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 risks. In particular, paragraph 190 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. This advice is also reflected in Policy EQ10 of the adopted High Peak Local Plan 2016.

We therefore consider that it would be appropriate and justified to secure submission of a detailed construction methodology for the works to construct the proposed extensions along with a Construction Environmental Management Plan (CEMP) for the development. This will ensure that the development is carried out in an appropriate manner which does not risk the creation of land instability which might adversely affect the integrity of the feeder channel and thus minimise the risk of damage which could affect the ability to transfer water along it and potentially cause flooding of adjacent land.

The Trust is happy to provide technical assistance to the Local Planning Authority in dealing with any future application to discharge the requested conditions.

We also strongly recommend that the Applicant liaises with the Trust's engineers over these works and how best to undertake them and we further recommend that they consider signing up to our Code of Practice for Works Affecting the Canal & River Trust as this will allow advice to be provided to them on a formal basis. More information on the Code of Practice can be found on our website at <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice> or by contacting our Infrastructure Services Team on 0303 0404040.

Condition

No development shall take place until a Method Statement detailing the means of construction of the extension and associated works hereby permitted (including details of foundation design and construction methods), together with any other proposed excavation works or any works to the canal feeder channel within the application site, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate measures to avoid the risk of adversely affecting the stability or the structural integrity of the canal feeder channel (both the open feeder channel and the culverted channel) passing through the application site, such as vibration monitoring or establishment of stand-off distances from the channel for operating plant or machinery during construction operations. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

Reason

In the interests of avoiding the risk of adverse impacts on the stability or structural integrity of the canal feeder channel passing through the application site from construction work, excavations or other operations which could result in a blockage of the channel, leading to a risk of creating flooding and or land instability and reducing the water supply required to maintain adequate water levels in the Peak Forest Canal, and to accord with Policy EQ10 of the adopted High Peak Local Plan 2016 and the advice and guidance on land stability contained in paragraphs 189 and 190 of the National Planning Policy Framework and in the National Planning Practice Guidance.

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Condition

No development shall take place until a Construction Environmental Management Plan (CEMP) has first been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures to minimise the risk of dust, debris and silty or otherwise contaminated runoff entering the canal feeder channel during construction operations. The development shall thereafter only be carried out in accordance with the agreed CEMP.

Reason

In order to minimise the risk of damage to or blockage of the canal feeder channel by debris or other material entering it during construction operations or adverse impacts on water quality in the channel and to accord with Policy EQ10 of the adopted High Peak Local Plan 2016

Should planning permission be granted we request that the following **informative** is appended to the decision notice:

The applicant is recommended to contact the Canal & River Trust's Infrastructure Services Team to discuss measures to secure the protection of the canal feeder channel passing through the site during construction operations and to ensure that any necessary consents from the Trust can be obtained and that all works comply with the Trust's current Code of Practice for Works Affecting the Canal & River Trust. Please contact the Infrastructure Services Team on 0303 0404040 for further advice.

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

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

Yours sincerely,

Ian Dickinson MRTPI
Area Planner

Canal & River Trust Planning Team