

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

Your Ref HPK/2024/0281

Our Ref CRTR-PLAN-2024-42103

Monday 29 July 2024

Dear Jennifer Robb,

Proposal: Extension and Alterations to dwelling and replacement garage

Location: Stonygate, Reservoir Road, Whaley Bridge

Waterway: Toddbrook Reservoir

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.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following advice:

The application site is located on the north side of Toddbrook Reservoir, which is owned and operated by the Trust to provide a water supply to the Peak Forest Canal. The southern site boundary directly adjoins the reservoir bywash channel. This channel is an important element of the reservoir infrastructure, used for controlling water levels both within the reservoir and in the river feeding it by allowing some of the water flows that could enter the reservoir to be instead diverted around it and discharged into the river downstream. This helps reduce the risk of flooding in the locality by managing water levels in the river and the reservoir.

The proposed extension and replacement garage are set well back from the reservoir and the bywash channel and as such should not affect the bywash or its operation. However, construction operations, primarily those associated with the proposed extension, do have the potential to affect the bywash channel. The application site is elevated above the bywash channel and there is a risk that operation of plant or machinery close to the channel could impose additional loading on it and adversely affect the stability of the structure. There is also a risk of material, debris or silty/contaminated surface water runoff entering the channel during construction operations and potentially blocking it or reducing water flows along it. We consider that it is essential that these risks are appropriately minimised in order to ensure that the bywash channel can continue to function as required.

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.

Canal & River Trust Planning Team

Canal & River Trust, National Waterways Museum, Ellesmere Port South Pier Road Ellesmere Port Cheshire CH65 4FW

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. 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 extension along with a Construction Environmental Management Plan (CEMP) for the overall 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 reservoir bywash channel and thus minimise the risk of damage which could affect the ability to control water levels and risk potential 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.

No surface water from the development should be discharged to the bywash channel without the prior consent of the Canal & River Trust.

Condition

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

Reason

In the interests of avoiding the risk of creating land instability arising from any adverse impacts from construction, earthmoving, excavations or other operations which could adversely affect the stability or structural integrity of the adjacent reservoir bywash channel in accordance 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.

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 adjacent reservoir bywash 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 adjacent reservoir bywash channel or adverse impacts on water quality in the channel in accordance with Policy EQ10 of the adopted High Peak Local Plan 2016

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

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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 National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire CH65 4FW