

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

Your Ref HPK/2025/0145

Our Ref CRTR-PLAN-2025-44052

Tuesday 29 April 2025

Dear Agatha Dutton,

Proposal: Proposed replacement dwelling and garage (self-build)

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 and 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 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 a critical 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. As such, the channel is an essential safety asset which helps to reduce the risk of flooding in the locality by managing water levels in both the river and the reservoir. Toddbrook Reservoir is also designated as a Site of Special Scientific Interest (SSSI).

The main issues relevant to the Trust as statutory consultee on this application are:

- a. **The potential risk to the structural integrity and operation of the adjacent reservoir bywash channel**
- b. **Proposed drainage arrangements**

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 potential risk to the structural integrity and operation of the adjacent reservoir bywash channel

The existing bungalow is elevated well above the bywash channel, and we note that the replacement dwelling is proposed to be sited in more or less the same location with ground levels on the site appearing to remain similar. Both demolition and construction operations here will have significant potential to affect the bywash channel. There is a risk that operation of plant or machinery close to the channel either during demolition or construction could impose additional loading on it and adversely affect the stability of the structure. There is also a risk of material,

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debris or silty/contaminated surface water runoff entering the channel during these operations and potentially blocking it or reducing water flows along it. Finally, there is also the potential for the replacement dwelling itself to increase loads on the bywash structure and thus adversely affect its stability. 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.

Particular care will be needed in operating any plant or machinery during demolition and construction work and potential risks to the stability and structural integrity of the bywash channel must be considered at all stages. We consider that it will be necessary to see site-specific demolition/construction methodologies and risk assessments for all proposed works which demonstrate that no loading will be imposed on the bywash structure by earthmoving/ground reprofiling (including alterations to existing, or installation of new, retaining wall structures), the new dwelling itself or any temporary works including operation and movement of plant across the site.

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 National Planning Policy Framework (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 197 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 we are justified in asking the Local Planning Authority to require the provision of this information via the imposition of a planning condition and recommend that the following wording is used; we can also confirm that we are happy to provide technical assistance in dealing with any subsequent applications to discharge this condition.

Condition

No development (including demolition and site clearance operations) shall take place until a demolition and construction method statement including full details of the intended method of demolition of the existing bungalow, all site clearance and associated earthworks and the method of construction of the new dwelling, has first been submitted to and approved in writing by the Local Planning Authority. The details shall include the design, depth and means of construction of any foundation works together with details of any other proposed earthmoving or excavation works required in connection with the development (including works to existing retaining structures and construction of new retaining structures on the site) and shall identify and incorporate any measures necessary at all stages of demolition, site clearance and construction to minimise the risk of adversely affecting the stability of the adjacent reservoir bywash channel (such as vibration monitoring if piling operations are required or the establishment of stand-off distances from the bywash channel for operating plant or machinery). The development shall thereafter only be carried out in accordance with the approved details.

Reason

In the interests of avoiding the risk of creating land instability arising from any adverse impacts from demolition, construction, earthmoving, excavations or other associated operations which could adversely affect the stability of the adjacent reservoir bywash channel in accordance with the advice and guidance on land stability contained in paragraphs 187, 196 and 197 of the National Planning Policy Framework and in the National Planning Practice Guidance and to comply with the requirements of Policy EQ10 of the adopted High Peak Local Plan 2016. A pre-commencement condition is necessary as the information is required to inform demolition and construction operations from the outset.

We also consider that a detailed Demolition/Construction Environmental Management Plan (D/CEMP) for the overall development should also be secured via a planning condition. The D/CEMP should be a bespoke site-specific document and should identify measures to minimise the risk of debris, dust, material and contaminants entering the bywash channel during all demolition and construction operations.

Condition

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

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Reason

In order to minimise the risk of contaminants, debris or other material entering the reservoir bywash channel during site clearance, demolition and construction operations and damaging or blocking the channel, which could adversely affect the ability to control water levels and potentially lead to flooding of surrounding land, or adversely affecting water quality in Toddbrook Reservoir and/or the Todd Brook and the ecological value of the Toddbrook Reservoir Site of Special Scientific Interest and to comply with Policy EQ10 of the adopted High Peak Local Plan 2016. A pre-commencement condition is necessary as the information is required to inform all operations on the site from the outset.

If planning permission is granted, we strongly recommend that the Applicant considers signing up to our Code of Practice for Works Affecting the Canal & River Trust as a means of providing a formal arrangement for liaising with our engineers over all works so that potential risks and issues likely to affect the bywash channel or any other aspect of the reservoir operation, can be identified and appropriately managed. 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>.

Proposed drainage arrangements

The application form indicates that surface water from the new dwelling will discharge to soakaways, but the submitted plans do not show their location or provide any indication of how surface water run-off from the wider site will flow. The proposed development appears likely to alter and increase surface water run-off from the site. We consider that a detailed drainage plan will be required to show that the redevelopment of the site will have no adverse impacts on the reservoir SSSI or any other potentially harmful impacts from surface water run-off water entering the by-wash channel.

Although the plans indicate that foul sewage is to discharge to an existing package treatment plant, they do not show any associated drainage field/wastewater soakaway; it is not clear whether changes to retaining walls in proximity to the package treatment plant will necessitate alterations to any existing wastewater soakaway infrastructure.

We consider that it is essential to ensure that all drainage infrastructure is appropriately designed and located. Concentrated water discharges from soakaways/drainage fields can lead to erosion, flooding or land/slope instability and in this location, there is a risk that this could affect the bywash channel.

We therefore ask that submission of a detailed foul and surface water drainage scheme for the development (including details of all surface water run-off from the site) is secured via a planning condition. The scheme should include a plan showing the design and location of all drainage infrastructure (existing and proposed) and shall demonstrate that the drainage arrangements will not present a risk to the stability and continued safe operation of the reservoir bywash channel or to water quality in the channel. We can confirm that we are happy to provide technical assistance in dealing with any subsequent applications to discharge the requested condition.

Condition

No development shall take place until a detailed scheme for the disposal of surface water and foul sewage for the site has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details and drawings of the design, construction and location of all drainage infrastructure and shall clearly demonstrate that it will not present any risk of adversely affecting the stability or safe operation of the reservoir bywash channel adjacent to the site. The development shall thereafter only take place in accordance with the approved scheme.

Reason

In order to minimise the risk of adverse impacts on the stability or operation of the reservoir bywash channel arising from the operation of the surface water drainage and foul sewage disposal systems required to serve the development and to comply with Policy EQ10 of the adopted High Peak Local Plan 2016. A pre-commencement condition is necessary as the information is required to demonstrate that all necessary drainage infrastructure can be installed without presenting unacceptable risks to the stability or future operation of the reservoir bywash channel.

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Any discharges to the bywash channel, including any surface water run-off entering the channel, will require the Trust's prior consent in the form of a commercial agreement. The Trust does not normally accept foul discharges, including treated effluent, and it is extremely unlikely that we would be willing to allow any discharge from the treatment plant to the bywash channel. The Applicant should contact the Trust's Utilities Team direct via utilitiesenquiry@canalrivertrust.org.uk if they do wish to discuss matters further.

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

- 1. The Applicant is recommended to contact the Canal & River Trust to discuss the proposed development and how to minimise potential risks to the adjacent reservoir infrastructure during all works. The Applicant is further recommended to consider signing up to the Trust's current Code of Practice for works affecting the Canal & River Trust to ensure that such risks can be appropriately managed in consultation with the Trust's engineers. Please contact the Trust's Infrastructure Services Team at Enquiries.TPWNorth@canalrivertrust.org.uk for further advice.*
- 2. Any discharges to the reservoir bywash channel, including any surface water run-off entering the channel, will require the prior consent of the Canal & River Trust. Please note 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 Trust does not normally accept foul discharges, including treated effluent, and it is extremely unlikely that any discharge from the treatment plant to the bywash channel would be permitted. The Applicant should contact the Trust's Utilities Team direct via utilitiesenquiry@canalrivertrust.org.uk 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

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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