

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

Your Ref HPK/2025/0465

Our Ref CRTR-PLAN-2025-45765

Tuesday 23 December 2025

Dear James Stannard,

Proposal: New agricultural building, new access track and associated engineering works

Location: Randall Carr Brook Farm, Manchester Road, Tunstead Milton, 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 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.

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 adjacent to the Coombs Feeder Channel which carries a water supply from Coombs Reservoir to the Peak Forest Canal. The proposed building is to be constructed about 5m to the north of the feeder, which is in an open channel at this point. The land slopes gently towards the feeder channel and the scheme will involve some degree of reprofiling of the land to create a level base to build off.

The proposed levelling off of the land alongside the feeder will improve access for any future maintenance of the channel but it is important that the works can demonstrate that there will be no loading to the feeder channel walls by any vehicular usage of the area either during construction/site levelling works or subsequently as part of the operational use of the building as this may affect the stability of the channel structure. The Applicant should note that the Trust offers no right of support from the feeder channel structure.

As you will be aware, land stability is a material planning consideration and is referred to in paragraphs 187 and 196 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.

Canal & River Trust Spatial Planning Team

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

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.

We therefore consider that the potential effect of construction operations in proximity to the channel is a material planning consideration and that should planning permission be granted, submission of a construction method statement for the development should be secured via a planning condition to demonstrate that the development can be undertaken without creating instability likely to affect its structural integrity.

We can confirm that we are happy to provide technical advice to the Local Planning Authority to assist in the subsequent discharge of the requested condition.

Condition

No development shall take place until a construction method statement for the development has first been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of all construction methods together with details of any earthmoving or excavation works required in connection with the development and shall identify and incorporate any measures necessary to be able to demonstrate that the risk of adversely affecting the stability of the adjacent canal feeder channel can be adequately minimised (such as vibration monitoring or the establishment of stand-off distances from the channel for operating plant or machinery, storing construction materials or erecting scaffolding). 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 construction, earthmoving, excavations or other associated operations which could adversely affect the structural integrity of the adjacent canal feeder 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. A pre-commencement condition is necessary as the information is required to inform construction operations from the outset.

Due to the proximity of the feeder channel, it is also likely that measures to mitigate the risk of debris, construction materials or silty/contaminated run-off entering the channel will be needed to avoid the risk of either damage to the channel or adverse effects on water quality in the channel. To help reduce such impacts, we ask that a detailed Construction Environmental Management Plan (CEMP) for the development is secured via a planning condition. The CEMP should be a bespoke site-specific document and should identify measures to minimise the risk of debris, dust, material and contaminants entering the feeder channel during construction operations as well as measures to prevent silty or otherwise contaminated run-off entering the channel.

We recommend that the applicant/developer considers signing up to the Trust's Code of Practice for Works Affecting the Canal & River Trust as the most appropriate means of ensuring that potential risks to the feeder channel throughout the construction period can be managed and to facilitate liaison with our engineers. 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>.

The application documents provide limited information on the proposed surface water drainage arrangements. It will be important to ensure that suitable arrangements are in place to minimise the risk of contaminated run-off from the site entering the feeder channel, for example as a result of fuel/oil spills etc. from vehicles accessing or being stored in the building. We recommend that submission of detailed drainage arrangements to the LPA for approval are secured via a planning condition.

Although it seems likely that surface water from the site currently enters the feeder channel as run-off, it should not be assumed that a surface water discharge from the proposed building to the channel will not require further consent from the Canal & River Trust. We recommend that the Applicant contacts the Trust's Utilities Team to discuss any proposed discharges to the feeder channel to establish whether formal consent from the Trust will be required.

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

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1. The applicant/developer is recommended to consider signing up to the Canal & River Trust's Code of Practice for Works Affecting the Canal & River Trust in order to ensure that any potential risks of damage to the adjacent canal feeder channel during construction can be appropriately minimised and managed. More information can be found on the Trust's website at <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>. Please also note that any access to or oversailing of Trust property during construction will require the prior consent of the Trust. Please contact the Trust's Infrastructure Services Team at Enquiries.TPWNorth@canalrivertrust.org.uk for further advice on any of these matters.
2. The applicant/developer is recommended to contact the Canal & River Trust's Utilities Team if any discharge of surface water from the development is proposed to the adjacent canal feeder channel in order to establish whether any consents will be required from the Trust. Please note that the Trust is not a land drainage authority and discharges to Trust waterways/watercourses are not granted as of right; where they are granted, they will usually be subject to completion of a commercial agreement. Please contact the Utilities Team at utilitiesenquiry@canalrivertrust.org.uk for further advice.

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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