



Friday 3 November 2017

Mr Nick Hirst  
Kirklees Metropolitan Council  
PO Box B93  
Civic Centre 3  
Off Market Street  
Huddersfield  
HD1 2JR

**Our Ref** CRTR-PLAN-2017-23503  
**Your Ref** 2017/93396

Dear Mr Hirst,

**Proposal:** Demolition of existing industrial buildings and erection of 18 apartments with associated landscaping works to form vehicular parking, cycle parking and refuse storage areas (within a Conservation Area).

**Location:** Vale Works, 25 Morley Lane, Huddersfield

**Waterway:** Huddersfield Narrow Canal

Thank you for your consultation on the above application.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that “living waterways transform places and enrich lives”. We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

We note that the adjacent waterway is identified in the application documents as the River Colne. To avoid confusion, this is the Huddersfield Narrow Canal, whilst the River Colne lies further to the south.

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

- a) Impact on the structural integrity of the canal due to the proximity of the building to the canal.
- b) Impact on the water quality of the canal.
- c) Impact on the biodiversity of the waterway corridor.

On the basis of on the information available our advice is that suitably worded **conditions are necessary** to address these matters. Our advice and comments are detailed below:

### **Impact on the Structural Integrity of the Canal**

The proposed new building would be situated upon the top of a cutting next to the Huddersfield Narrow Canal. The proposed development has the potential to impose additional loading onto the cutting and the canal wash wall below, and there is a need to ensure that the development

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will not result in an increased risk of slope failure into the canal. It is essential that structural integrity is not put at risk as part of any development proposal, including excavations for foundations or vibrations from plant or machinery.

In line with paragraph 120 of the National Planning Policy Framework, there is a need for planning decisions to ensure that new development is appropriate for the location in order to prevent unacceptable risks from land instability. The Planning Practice Guidance (PPG) confirms the important role of the planning system in considering land stability by minimising the risk and effects of land stability on property, infrastructure and the public. (Paragraph: 001 Reference ID: 45-001-20140306).

We therefore request that, prior to the commencement of development, details including loading calculations should be provided to demonstrate that the development will not result in a loss of slope ground stability, or any additional loading upon the canal wash wall below.

If the Council is minded to approve the application we would request the following condition is included:

***Prior to the commencement of development, information shall be provided to and approved by the Local Planning Authority to demonstrate that the development will not result in additional loading onto the canal cutting or wash walls that would harm the structural integrity of the waterway infrastructure. Thereafter, development shall be carried out in accordance with the approved details. Details should include calculations to demonstrate that additional loads from the foundations of the development will not harm the slope stability of the cutting, or result in additional loading upon the wash wall of the canal.***

**Reason:**

***In the interest of health and safety and to prevent harm or the potential collapse of the wash wall of the adjacent Huddersfield Narrow Canal, in accordance with Paragraph 120 of the National Planning Policy Framework.***

### **Water Quality of the Canal**

The planning system should prevent new development contributing to pollution in line with paragraphs 109 and 121 of the National Planning Policy Framework.

The former use of the site for industrial purposes means that there is the potential for on-site contamination, which could expose the canal to pollution during the construction works. We therefore request that an assessment of ground conditions (contamination) is made, with remediation measures identified, prior to the commencement of development. Any identified required remediation measures should be carried out prior to the commencement of development. The canal should be included as a potential receptor within any such report and the presence of any existing drains to the canal must be considered and, where present, these should be included into the list of potential pathways.

In addition to the above, we request that a Construction Management Plan is also provided in order to limit the potential for accidental contamination of the canal during construction works.

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Measures should include siting stockpiles away from the canal, measures to suppress dust migration, and measures to prevent the runoff of silty water from the site.

### **Ecology**

The waterway provides a green corridor through the borough, which is of importance to wildlife conservation. In line with saved policy D6 of the Kirklees Unitary Development Plan, development proposals on land adjoining a Green Corridor should demonstrate that the Green Corridor will be safeguarded with no detriment to wildlife. Paragraph 109 from the National Planning Policy Framework states that development should result in net ecological gain.

In the case of this site, we request that consideration to ecology is made alongside any landscaping plan as it is developed for the site. We request that a landscaping scheme and management plan are provided in order to secure net benefits (alongside native planting) to safeguard and strengthen the adjacent Green Corridor. This could be secured by condition.

In addition to the above, lighting alongside the canal has the potential to disturb protected species, notably bats, which commonly utilise our network. We therefore request that lighting upon the canal-side of the building is controlled in order to limit the potential for light pollution exposure towards the canal.

### **Other Matters**

Works that affect the waterway are required to abide by the Trust's "Code of Practice for Works affecting Canal & River Trust".

Should permission be approved, we recommend that the following informative is included in the event of a future positive determination:

"The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 0404040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

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

If you have any queries please contact me, my details are below.

Yours sincerely

Simon Tucker MSc MRTPI.  
Area Planner  
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