



**Application for Prior Approval – Part 18 of the Town & Country
Planning (General Permitted Development) Order 2015**

April 2025

Contents

- 1.0 Introduction
- 2.0 Site Description
- 3.0 The Proposed Development
- 4.0 Planning History
- 5.0 Permitted Development Rights
- 6.0 Pre-application Engagement
- 7.0 Application for Prior Approval
- 8.0 Other Matters of Importance (but not relevant to prior approval)
- 9.0 Conclusion

1.0 Introduction

- 1.1 This is an application for Prior Approval made under Part 18 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (GPDO). Part 18 allows development that has been authorised by a local or private Act of Parliament, which specifically allows the type of development proposed and specifies the land upon which it may be carried out.
- 1.2 The scope for consideration by the Local Planning Authority (LPA) in determining this application is set out in Part 18 of Schedule 2 of the GPDO, as follows and relates to two matters; *‘prior approval is not to be refused nor are conditions to be imposed unless the local authority is satisfied that:*
- a) *that the development ought to be and could reasonably be carried out elsewhere on the land; or*
 - b) *the design and external appearance of any building, bridge, aqueduct, pier, or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.’*
- 1.3 The GPDO, Schedule 2, Part 18 is set out in full below.

PART 18 Miscellaneous development

Class A – development under local or private Acts or Order

Permitted development

A. Development authorised by—

- (a) *a local or private Act of Parliament,*
- (b) *an order approved by both Houses of Parliament, or*
- (c) *an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours)(1),*

which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Conditions

A.1 Development is not permitted by Class A if it consists of or includes—

- (a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or
- (b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

A.2 The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—

- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Interpretation of Class A

A.3 For the purposes of Class A, “appropriate authority” means—

- (a) in Greater London or a metropolitan county, the local planning authority;
- (b) in a National Park, outside a metropolitan county, the county planning authority; and
- (c) in any other case, the district planning authority(2).

1.4 This statement provides:

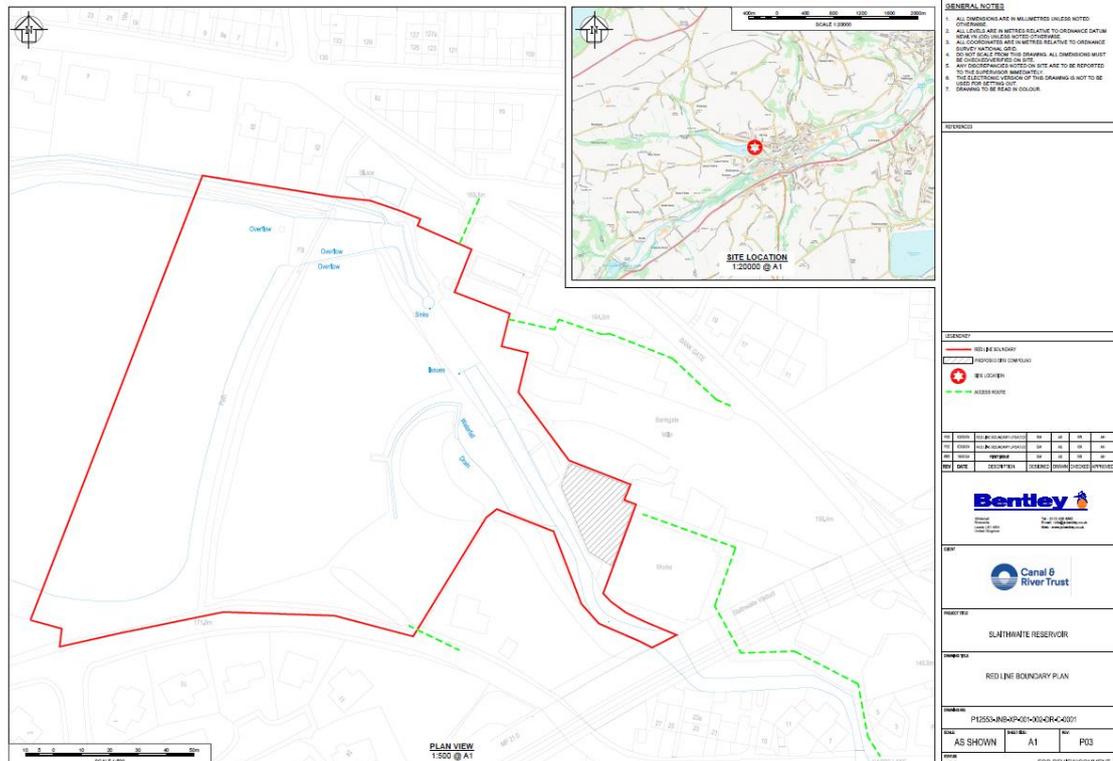
- A site description and an explanation of the proposed development.
- Information to explain permitted development rights in Schedule 2, Part 18 A of the GPDO;
- A summary of the pre-application engagement carried out by the Trust;
- Information to demonstrate that the scheme benefits from permitted development rights in Schedule 2, Part 18 A of the GPDO; and
- Assessments of the potential impacts of the design and external appearance of the 'as built' scheme on 'amenity' of the neighbourhood including operational noise, access and adjacent land uses.

1.5 In addition to this statement, the Trust has submitted the following plans and documents to accompany this application for Prior Approval:

- **Scale Plans.** Location Plan; Access Track Plan and Sections; Spillway Sections; Site Plan
- **Visualisations.** Indicative images illustrating the replacement spillway structure and vehicular access across the reservoir embankment in situ.
- **Access & Lifting Report.** Document to assess potential vehicular access options against the plant, material, practicality and deliverability criteria.
- **Arboricultural Impact Assessment.** This report addresses the likely impacts of the proposed works on trees on and adjacent to the site. An arboricultural method statement is included to provide guidance on tree protection measures during construction.
- **Replanting Specification.** This report establishes the proposed replanting plan, including replanting ratio, replanting locations and species.

2.0 Site Description

- 2.1 The application site (the site') is located at Slaithwaite Reservoir, off Bank Gate in Slaithwaite, Huddersfield HD7 5XE. The location and extent of the site is shown edged red in the image below.



- 2.2 The site is approximately 2.2 hectares in size and incorporates the eastern section of the reservoir, including the dam, embankment, bywash, spillway and a small amount of water space at the crest. The site will also incorporate a temporary site compound area shown on the image above with diagonal shading. All access routes that have been considered are shown highlighted in green.
- 2.3 The remaining main body of the reservoir extends to the west from the site towards an inflow stream connected to Merry Dale Clough.
- 2.4 The site and the wider reservoir are located on the north-eastern edge of Slaithwaite with adjacent land uses consisting of a vacant former mill premises, some light industrial commercial uses, and residential properties. Further western end of the reservoir towards the inflow stream and Merry Dale Clough, the landscape becomes far more rural in character.

3.0 The Proposed Development

- 3.1 The Trust is the 'Undertaker' (owner or main operator) of Slaithwaite Reservoir, which is designated as a High Risk, Large Raised Reservoir under the Reservoirs Act 1975 ('the Act'). Rishton Reservoir is regulated under the Act and the Trust is therefore responsible for ensuring its structural integrity and strict compliance with the Act.
- 3.2 The Act requires that inspection and maintenance must be carried out by Panel Engineers. These are Qualified Civil Engineers appointed to a panel by the Secretary of State in consultation with the institution of Civil Engineers. Statutory inspections by the Panel Engineers are required at least every 10 years under Section 10 of the Act.
- 3.3 Slaithwaite Reservoir was subject to a statutory inspection under Section 10 of the Act on the 27th of April 2022 resulting in Measures in the Interest of Safety (MIOS) mandated by the independent Engineer as essential for the safe operation of the reservoir. The MIOS measures are given final dates for completion – completion of the leak mitigation works is 4th of January 2026, whilst completion of the reservoir spillway is the 4th of January 2027.
- 3.4 To fully address the requirements of the MIOS, the Trust must increase the capacity of the spillway at Slaithwaite Reservoir. The upgraded spillway will be constructed predominantly within the footprint of the existing spillway and will involve the following scope of works to complete the project:
- Refurbish upper drop shaft and culvert;
 - Refurbish the concrete surface of the upper spillway and minor works to spillway walls;
 - Improve the operation of the upper penstock;
 - Stabilisation of any loose material on the bank sides of the existing 'rocky gorge';
 - Remove the existing vegetation, which has self seeded within the 'rocky gorge';
 - Concrete fill of approximately 5m depth into the lower end of the rocky gorge and new walls on either side of the channel to contain flows;
 - Existing dwarf wall to be removed and walls along the right side (looking downstream) of the spillway over the tunnel to be removed;
 - New pedestrian accesses for inspection and maintenance;
 - New vehicular access across the reservoir embankment for construction and ongoing operation, inspection service and maintenance access.
 - Works to infill existing tunnel under spillway channel and second drop shaft;
 - New 'U' shaped channel constructed on top of existing spillway channel, widened to 5 metre width at upstream end and to tie in with existing spillway at downstream end (approximately 3.15m) external visible walls will be clad with a natural stone finish;
 - Existing vegetation along the top of the adjacent north-eastern embankment to remain undisturbed where possible (any bank stabilisation works TBC at the application stage);
 - Potential repairs required downstream from the final culvert weir.
- 3.5 During construction, a work compound area will be required to facilitate the proposed development. Land is currently identified at the toe of the embankment to accommodate the works compound requirements, which is accessed off Nabbs Lane and Holme Lane.

4.0 Planning History

- 4.1 A search of Kirklees Council's online planning application database did not establish any evidence of relevant planning history at this site.

5.0 Permitted Development Rights

Part 18 of Schedule 2 of the GPDO

- 5.1 As a Statutory Undertaker, the owner, custodian, and operator of over 2000 miles of canal network and over 70 reservoirs in the UK, much of the Trust's work to improve, repair and maintain its infrastructure can benefit from permitted development rights in the GPDO, Schedule 2, Part 18 (Miscellaneous development) on the basis that Acts of parliament were authorised for the construction of canals, including its associated infrastructure.
- 5.2 The GPDO, Schedule 2, Part 18 is set out in full below.

PART 18
Miscellaneous development

Class A – development under local or private Acts or Order

Permitted development

A. Development authorised by—

- (a) *a local or private Act of Parliament,*
- (b) *an order approved by both Houses of Parliament, or*
- (c) *an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours)(1),*

which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Conditions

A.1 Development is not permitted by Class A if it consists of or includes—

- (a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or
- (b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

A.2 The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—

- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Interpretation of Class A

A.3 For the purposes of Class A, "appropriate authority" means—

- (a) in Greater London or a metropolitan county, the local planning authority;
- (b) in a National Park, outside a metropolitan county, the county planning authority; and
- (c) in any other case, the district planning authority(2).

- 5.3 To benefit from the permitted development rights, the local or private acts or orders must authorise the development proposed be undertaken.

The Acts of Parliament

- 5.4 The acts of parliament, which authorised the construction and maintenance of the canals are private acts. These are often referred to as 'enabling acts'. The enabling acts authorise the construction and maintenance of the canal and associated works including reservoirs.
- 5.5 The primary function of Slaithwaite Reservoir is to hold water for provision to the Huddersfield Narrow Canal (HNC). There are several enabling acts relevant to the HNC. The canal was originally authorised under an Act, which is referred to as the Huddersfield Narrow Canal Act 1794. Relevant detail from the 1794 Act is provided in **Appendix A** and also in the scanned extracts from the 1794 Act.

5.6 The Canal & River Trust is the successor to the canal company originally authorised by the Act. All assets and navigational responsibilities for the majority of inland waterways in England and Wales (which includes the Huddersfield Narrow Canal) were transferred to the Trust in July 2012.

5.7 Of relevance to the current proposals, the Act authorises the canal company:

- *'Make any reservoir or reservoirs, and to supply the same with water as herein-after mentioned;*
- *Make such and so many soughs, tunnels, feeders, aqueducts, and channels for supplying reservoirs and for conveying water from any such reservoir or reservoirs to the said Huddersfield Narrow Canal as by the [canal company] shall be deemed necessary and proper; and also for effecting the purposes of aforesaid, to cleanse, scour, and dig, open, deepen, enlarge, vary, and make straighter the streams, brooks, or watercourses, which come near or may be brought into or communicate with the said Huddersfield Narrow Canal, and to dig, cut or raise the banks of any of the to make such proper trenches or passages for water in, upon or through the lands or grounds adjoining or near to the said Huddersfield Narrow Canal or such streams or water courses as aforesaid, or any of them, as the [canal company] shall think fit;*
- *Bore, dig, cut, trench, sough, get, remove, take, carry away, lay, use, and manufacture, any earth, clay, stone, soil, rubbish, trees, roots, roots of trees, beds of gravel, or sand, or any other matters or things which may be dug or got in making any reservoir or reservoirs, or out of the lands and grounds of any person or persons adjoining or being convenient or contiguous thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining or repairing, or other works for making, completing, extending and maintaining such reservoirs as shall be necessary and proper to convey water to the Huddersfield Narrow Canal according to the intent and meaning of this Act.*
- *Where the [canal company] shall think it necessary and convenient for the purpose of the said navigation and also **from time to time, alter repair, amend, divert, widen and extend any reservoirs.**'*

5.8 As established above, the Act clearly provides for the alteration of the reservoirs that supply water the canal.

6.0 Pre-application Engagement

Local Planning Authority

6.1 In June 2024, the Trust submitted a formal pre-application enquiry to Kirklees Council in relation to the proposed reservoir safety works at Slaithwaite Reservoir. Kirklees Council Ref: 2024/20686. The aim of the pre-application enquiry was to establish:

- An agreement on the principle that the scheme benefits from permitted development rights in Schedule 2, Part 18 A of the GPDO subject to the Trust obtaining formal Prior Approval of relevant matters before commencement of development.
- The Council's confirmation upon the scope of information considered necessary to address the grounds on which the application for Prior Approval will be made.
- Feedback on the information submitted as part of the pre-application enquiry on these matters relevant to prior approval. In this case, design and external appearance.

6.2 In respect of the above, relevant points from the Council's response to the pre-application enquiry are summarised below and are addressed in this application for Prior Approval:

- Agreement that the Council is satisfied that the Huddersfield Canal Act 1794 meets the tests under Part 18 of the GPDO, which is the relevant part of the GPDO for determining whether the proposed development is permitted development.
- More information about access routes is requested in support of a Prior Approval application.
- The use of natural stone/artificial stone for external facing materials is suggested.
- It is recommended that as many trees retained as possible as possible are retained.

6.3 Section 7 (Application of Prior Approval) below, accompanied by the scale plans, visualisations, Access & Lifting Report, Arboricultural Impact Assessment and Replanting Specification present a comprehensive and up-to-date assessment of the proposed development, including matters raised by the Council through the pre-application stage, such as visual impact, tree loss and site access details.

Public engagement

6.4 In November 2024, the Trust began to engage with members of the public regarding its proposals at Slaithwaite Reservoir. The purpose of which was raise awareness, provide information and gather feedback about the planned works to the reservoir.

6.5 On the 4th of November 2024, the Trust issued 1043 letters to local residents within an identified catchment area in Slaithwaite around the reservoir. The purpose of the letter was to inform local residents of forthcoming works to Slaithwaite Reservoir, including the likely timescales involved including contractor presence on site.

6.6 On the 7th of November, the Trust issued a press release and update its website to inform the public of forthcoming works to Slaithwaite Reservoir, including the likely timescales involved.

6.7 Additionally, the Trust's social media channels were updated to announce the forthcoming works at Slaithwaite Reservoir, as well as the 'Slaithwaite Community Centre' social media page.

6.8 On the 13th of November, the Trust held an in person 'drop-in' event at Slaithwaite Community Centre from 2.30pm – 8pm for local residents, the wider local community and other interested members of the public to discuss the proposed works and provide feedback on the proposals.

6.9 The Trust also has ongoing channels of two-way communication with members of the public, which will remain available throughout the programme of works. There is a dedicated project page set-up on the Trust's website that provides the latest on demand information about the project and will continue to be regularly updated as works commence and progress. There is a freephone telephone line and a specific email address available to provide comments and feedback.

6.10 The Trust has received comments about the accessibility of the public footpath across the crest of the reservoir during construction works, the external appearance of the spillway structure with natural stone suggested and requests for replacement planting where trees are lost. All of which have been addressed and proposal for which are included in the supporting information accompanying this application. The Trust will continue to monitor and address any comments and concerns received throughout the entire project.

7.0 Application for Prior Approval

- 7.1 In the case of the proposed works at Slaithwaite Reservoir, the proposed works are permitted under Part 18, subject to the Council's prior approval to the detailed plans and specifications of the alterations proposed to the dam and the alterations proposed to the vehicular access.

It is explained in the Encyclopaedia of Planning Law that the permission (permitted development) under Part 18 resembles an outline permission in that for some types of development, prior approval is required. It is highlighted that the grounds upon which any prior approval may be refused are limited. Also, a private Act may grant wider planning permission than envisaged by Part 18.

- 7.2 It is stated in Part 18 of Schedule 2 of the GPDO that;

'A.2 The prior approval referred to in paragraph A.1 is not to be refused nor are conditions to be imposed unless the local authority is satisfied that:

a) that the development (other than the provision of or works to be carried out to and dam) ought to be and could reasonably be carried out elsewhere on the land; or

b) the design and external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.'

Condition '(a)' location

- 7.3 Works to a dam are excluded. As the proposals constitute works to Slaithwaite Reservoir dam, including the spillway, the Council would not need to consider the location of the works as part of application for Prior Approval process.
- 7.4 Nevertheless, it is worth noting that the proposed works need to take place at Slaithwaite Reservoir at the dam. Slaithwaite Reservoir is a well-established historic asset providing an essential water supply to the HNC. It is a 'non-footloose' asset and any improvement, maintenance and repair work to that asset must take place at this location.
- 7.5 The proposed reservoir works are essential works to the existing dam in order to keep the reservoir operational.

Condition '(b)' amenity

- 7.6 As part of the pre-application for Prior Approval process, the Trust seeks the LPA's agreement upon the scope of information requirements and the details submitted to address '(b)'. The Trust considers that it needs to provide information to enable the assessment of potential impacts on amenity of the 'as built' design and external appearance of the scheme.
- 7.7 It is acknowledged that 'amenity' of the 'as-built' scheme may go beyond visual impact and could include noise impacts, impact to access and any other uses of land in the surrounding area ('neighbourhood').
- 7.8 It is noted that the Council, as LPA, has dealt with other applications for Prior Approval under Part 18 A submitted by others and has, correctly, taken this approach in assessing amenity, i.e. of the as built scheme.

Design and external appearance

- 7.9 To fully address the requirements of the MIOS, the Trust must increase the capacity of the spillway at Slaithwaite Reservoir so that it can cope with the increased flows expected in the future due to climate change. The design must meet technical, reservoir safety,

requirements and requires approval, under Reservoirs Act procedures by an Independent Engineer appointed to a Panel by Government. The technical design has been approved by the Government appointed independent engineer.

- 7.10 Within the above context the scheme needs to meet technical parameters. To meet these, the design needs to include spillway walls of sufficient height, adequate channel width and an uninterrupted flow. The scheme as proposed addresses these requirements. At the same, time the aim has been to minimise wall heights and the footprint of the structure as far as possible within those parameters.
- 7.11 It is considered that the 'as built' scheme will not have any significant impacts on landscape character due to the localised scale and type of development. Due to the site characteristics and proposed design, there are unlikely to be any significant effects on the wider visual amenity once the new spillway is in place. Local visual amenity (i.e. within and adjacent to the site) is, however, more susceptible to change and temporary minor adverse impacts to the local visual amenity may be experienced during the establishment of the proposed surface mitigation measures for the retention and assimilation of the permanent vehicular access track across the reservoir dam.
- 7.12 The upgraded spillway will be constructed predominantly within the footprint of the existing spillway and will result in raised wall heights varying in height from circa 1.8 metres to circa 4.5 metres from ground level along the new spillway channel. As noted above, an aim has been to seek to minimise the wall heights as much as possible within the technical requirements of the spillway. The scale plans and visualisations submitted with this application help to illustrate this.
- 7.13 The spillway walls will need to be concrete to meet engineering and safety requirements, but a natural stone cladding arrangement will be used for the external spillway walls in order to mitigate the impacts to visual amenity and the setting of the listed Bank Gate Mill the listed viaduct where possible. External facing stone cladding materials for the visible external walls of the spillway have will be carefully selected to suit the character of the local area and surroundings.
- 7.14 The as-built layout and appearance would be different from the current spillway, although it is being constructed using the alignment of the existing spillway, its scale has been kept to a minimum within the technical requirements that need to be met and natural stone cladding is used on visible external facing elevations to minimise visual impact. Visualisation work submitted with this application includes an indicative image of the scale and appearance of the 'as built' scheme.

Trees and replanting

- 7.15 The proposed scheme will require the removal of some trees, which are mainly category C and U trees. However, it may also require the removal of some 'Moderate quality' B category trees and tree groups to facilitate the works. The majority of 'Moderate quality' and all the 'High quality' 'Category A' trees will be retained.
- 7.16 Some trees within a group TPO (ID: 37/91/w1) need to be removed in order to facilitate operational to the spillway. This work includes the removal of a total of 16 trees over 75mm in diameter and the crown reduction of the remaining trees in the group. This tree removal work will be carried out under the Trust's 'statutory powers'. Full consultation and appropriate notification with the Council's Tree Officer has been undertaken. It consists of removing the low-value trees and saplings only.
- 7.17 For further detailed information, this application is accompanied by the Arboricultural Impact Assessment (AIA) and the Replanting Scheme.

- 7.18 To prevent damage to the remainder of the TPO area, which falls outside of the access track suitable protection measures (e.g. fencing and root protection) will be implemented to prevent any further impact.
- 7.19 New tree planting on site is proposed as part of compensation measures for the loss on site. A ratio of 1:5 will be undertaken for any tree removed within the TPO area and 1:3 for any tree removed elsewhere on site. All replacement trees will be native and of local provenance.
- 7.20 Therefore, the replacement planting will lead to a net increase in tree cover and mitigate impacts on amenity.

Vehicular access

Permanent access for construction and ongoing operation, inspection and maintenance

- 7.21 The proposed development will involve the improvement of an existing vehicular access point from Holme Lane for access across the reservoir embankment.
- 7.22 A new drop kerb will be required and the new permanent vehicular access track will be constructed from compacted crushed stone to provide a level running surface across the reservoir embankment to the spillway. The access track route and cross section profiles are shown on the submitted plans drawings P12553-ARC-00-XP-DR-CE-004 P01 (Upper Access Track and Sections).
- 7.23 The following images show the existing vehicular access of Holme Lane.



Existing vehicular access point from Holme Lane.



Existing vehicular access into the site from Holme Lane.

- 8.24 The vehicular access track will initially be used during the construction new replacement spillway and provide an adequate access point specifically for the concrete wagons to access the site and location of the spillway. The vehicular access will then subsequently be retained on a permanent basis for ongoing operation, inspection service and maintenance access by Trust where there is currently no such vehicular access to the spillway available.
- 8.25 Post construction of the spillway the permanent access track will be laid with topsoil and seeded to establish a grass surface finish, effectively reinstating the existing surface finish on the reservoir embankment. Visualisations, which include the reinstated grass surface are shown below. It is considered that there is no significant amenity impact through this change.



A view looking from the bottom of the reservoir embankment toward the spillway structure – the track is visible in the middle of the embankment above the valve tunnel and pedestrian access



An elevated view across the top of the spillway structure across the reservoir embankment – the track is visible in the middle of the embankment above the valve tunnel and pedestrian access

- 8.26 For further detailed information, this application is accompanied by the Access & Lifting Report, which has been prepared by JN Bently to assess all potential access options against plant and material criteria required to deliver the scheme and a Visualisation Document.

Noise

- 8.27 In terms of noise impact, the as-built scheme will not have any additional impact upon the surrounding area than the existing reservoir and spillway. The day-to-day noise generated from the ‘as built’ scheme is the sound of water passing through the spillway channel, which will be ‘de minimis’ as a result of the proposed development.

Adjacent land uses

- 8.28 Land uses surrounding the application site (red line boundary) are a mixture of residential, business, light industrial, and recreational uses including a public footpath. Further west beyond the red line boundary but adjacent to the reservoir water space, there are semi-natural habitats with well-established tree coverage with open public access creating a popular walking route. The reservoir is also used by the local Angling Club.
- 8.29 On completion of the development, these uses, as they function now, will be unaffected including use and alignment of the public footpath. The reservoir use will be fully reinstated and will continue to operate in the same way as it does now.

9.0 Other Matters for Information (but not relevant to prior approval)

Temporary access for construction only

- 9.1 The proposed development will require two temporary vehicle access points to the site, which are required during the construction phase only. Neither of which will require any alterations or changes to the connection with the public highway and do not involve any new routes being created from the public highway either. Both of which will be managed through the appointed construction contractor.

Bank Gate Mill

- 9.2 Bank Gate Mill is located to the north of the site. The Bank Gate Mill access point is required to facilitate the ‘Concrete fill of approximately 5m depth into the lower end of the rocky gorge and new walls on either side of the channel to contain flows’ phase of the scheme and will require access from Bank Gate across the adjacent third-party land. Agreement has been secured for access rights with the third-party landowner.
- 9.3 Utilising this land as a site access point does not involve any changes to the existing connection or the creation of a new route from the public highway, it does not involve any alterations to the existing access alignment. Once construction is complete, this temporary construction access will no longer be used by the Trust. Further details are included in the Access & Lifting Report, which is submitted as a separate document with this application.
- 9.4 The following images illustrate the Bank Gate Mill temporary construction access.



Access route from Bank Gate and access point to the site in the Bank Gate Mill car park and turning area



Access route from Bank Gate into Bank Gate Mill. Connection to the public highway will not be changed.

Cole & Wilson

- 9.5 The second temporary construction access point will be taken from land to the east of the site via an existing third party owned commercial premises, which is accessed off Nabbs Lane. This existing route from the public highway will be utilised to provide access to the toe of the reservoir embankment. Agreement has been secured for access rights with the third-party landowner.
- 9.6 Similarly, this does not involve any changes to the existing or the creation of new routes from the public highway. There will be some ground surface alterations required to temporarily bridge the river feeder channel and provide a temporary adequate running surface towards the lower crane pad. These temporary surface works will take place on land within the Trust's ownership at the toe of the reservoir embankment. All land affected will be reinstated to its current existing condition following construction. Further details are included in the Access & Lifting Report, which is submitted as a separate document with this application.
- 9.7 Temporary construction access from Cole & Wilson to the east is shown in the images below.



Access route from Nabbs Lane and access point to the site in the Cole & Wilson car park and turning area



Access route from Nabbs Lane. Connection to the public highway will not be changed.

10.0 Conclusion

- 10.1 This is an application for Prior Approval made under Part 18 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (GPDO).
- 10.2 It is established that the relevant Act clearly provides for the alteration of the reservoirs that supply water to the canal.
- 10.3 In the case of the proposed works at Slaithwaite Reservoir, it is considered that the proposed works are permitted under Part 18, subject to the Council's prior approval to the detailed plans and specifications of the alterations proposed to the dam and the alterations proposed to the vehicular access.
- 10.4 It has been highlighted that the grounds upon which this prior approval may be refused are limited.
- 10.5 The Trust has provided information to demonstrate that the impact on amenity of the surrounding area has been minimised as far as possible through the design and external appearance of the 'as built' scheme.
- 10.6 The Trust believes that it has fully responded to the Council's advice provided in the pre-application enquiry response through the use of natural stone cladding on external facing elevations of the replacement spillway structure, minimal tree loss with a replanting plan and additional information about vehicular access
- 10.7 The Trust respectfully requests that the application is granted in a timely manner so that the legally binding MIOS deadline can be met. If any additional information is required to assist in the assessment of this application, then please do not hesitate to contact the Trust.

Appendix A

The Huddersfield Canal Act 1974

(Part 1, pdf p4) "The [canal company] is authorized and empowered...by Cuts, Tunnels, Aqueducts, or otherwise to make and complete a Canal, to be called the Huddersfield Canal...and to supply the said Huddersfield Canal whilst making, and at all Times for ever after the same shall have been made, with Waters from all such Brooks, Springs, Streams, Rivers, Rivulets, Waters and Watercourses, as are or shall flow or be found in digging or making the said Huddersfield Canal, or within the Distance of Two Thousand Yards from the same, **and also to make any Reservoir or Reservoirs, and to supply the same with Water as herein-after mentioned, and to erect One or more Fire Engine or Fire Engines, or other Machines, for the supplying the said Huddersfield Canal, or any Part of Parts thereof, or any such Reservoirs with Water, and also to make such and so many Soughs, Tunnels, Feeders, Aqueducts, and Channels for supplying the said Fire Engines, Reservoirs and Canal with Water, and for conveying Water from any such Reservoir or Reservoirs to the said Huddersfield Canal as by the [canal company] shall be deemed necessary and proper; and also for effecting the Purposes aforesaid, to cleanse, scour, and dig, open, deepen, enlarge, vary, and make straighter, the Streams, Brooks, or Watercourses , which come near or may be brought into or communicate with the said Huddersfield Canal, and to dig, cut, or raise the Banks of any of the said Streams, Brooks, or Watercourses, for bringing Water into the said Huddersfield Canal, and to make such proper Trenches or Passages for Water in, upon, or through, the Lands or Grounds adjoining or near to the said Huddersfield Canal, or such Streams, brooks, or Water courses as aforesaid, or any of them, as the [canal company] shall think fit...**¹

(pdf p5) "...and also to bore, dig, cut, trench, sough, get, remove, take, carry away, lay, use, and manufacture, and Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand , or any other Matters or Things which may be dug or got in making the said Huddersfield Canal or other Works, or in making any Reservoir or Reservoirs, Feeders or Aqueducts, or out of the Lands and Grounds of any Person or Persons adjoining or being convenient or contiguous thereto, and which may be proper, requisite, or necessary , for making, carrying on, continuing, maintaining or repairing, the said Huddersfield Canal or other Works, or which may hinder, prevent or obstruct, the making, using , or completing, extending or maintaining , the same respectively, or making, using, completing, extending, and maintaining of such Reservoirs as aforesaid or for such Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, **as shall be necessary and proper to convey Water to or from the said Huddersfield Canal, according to the Intent and Meaning of this Act;..**"

"...and also to make, build, erect, and set up, in, over, under, or upon, the said Huddersfield Canal, or upon the Lands adjoining or near to the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Floodgates, Weirs, Pens for Water, Water Stanks, Dams, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, Wet Docks, and other Works, Ways, Roads and Conveniencies, **as and where the [canal company] shall think necessary and convenient for the Purpose of the said Navigation, and also from Time to Time to alter, repair, and amend, or discontinue the same, and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Reservoirs, Aqueducts, Trenches, Sluices, or other Works or Conveniencies, as well for the carrying and conveying of Stones, Coals, Minerals, Goods, Wares, Merchandize, and other Articles to and from the said Huddersfield Canal, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging, the said Huddersfield Canal and the Works of or belonging to the said Navigation, or which may be useful for any the purposes thereof, and also to place, lay, work, or manufacture, the said Materials on the Lands or Grounds near to the Place or Places where**

¹ For information, the enabling act includes the power to survey, but this is not considered in this memo: *to enter into and upon the Lands and Grounds of any [persons]...to survey and take Levels and ascertain such Parts thereof as they shall think necessary and proper for making the said Huddersfield Canal, and any such Reservoir or Reservoirs, Feeders [etc]...and all such other Works, Matters, and Conveniencies, as they shall think proper and necessary for making, supplying with Water, effecting, preserving, improving, completing, maintaining, and using, the said Huddersfield Canal and other Works,*

the said Works, or any of them, shall be or are intended to be made, erected, repaired, or done, and also to make, maintain, repair, and alter, and to turn any Roads, Fences or Passages, over, under, through, or along, the Sides of the said Huddersfield Canal, or the Reservoirs, Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively, which shall communicate therewith"

(pdf p6) *"...doing as little Damage as may be in the Execution of the several Powers to them hereby granted , and making full Satisfaction in Manner herein-after mentioned to the Owners or Proprietors of, and all Persons interested in any Lands, Tenements, Mills, or other Hereditaments, Falls of Water, Millsteads, Waters, Watercourses,, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act..."*

(pdf p8) *"[for the supplying the canal with water and avoiding impacts on mills] at their own Expencc, to make, and for ever hereafter to maintain and keep in Repair, Reservoirs, for Water for the Supply of the said Huddersfield Canal, which will contain Twenty thousand Locks full of Water, each Lock to contain One hundred and eighty cubick Yards, which Reservoirs shall be made in the Situations described on the Plan to be authenticated and deposited as aforesaid, or some of them, or on the Commons or Waste Grounds lying within the Distance of Three Miles from the Line of the said Huddersfield Canal: Provided nevertheless that nothing in this Act contained shall extend, or be construed to extend to authorize or impose the [canal company] to make any Reservoir on or upon any of the present inclosed Lands, except in the Situations described in the said Plan as aforesaid, without the Consent in Writing of the respective Owner or Owners of such inclosed Lands respectively..."* The Commissioners (decision-makers set up by the Act) had the power to authorise reservoirs in other locations.