

A steep sloping site forming the canal cutting slope adjacent to a road bridge. The proposed dwelling had the potential to cause significant loading of the ground adjacent to the canal. The planning application was not accompanied by sufficient data regarding the ground conditions or the foundations proposed.

The applicant had not shown that the stability of the land could be assured during or after development. The Trust therefore objected to the proposal on the grounds of safety. Land stability is a material planning consideration as referred to in

paragraphs 170 & 178 of the NPPF and is the subject of more detailed discussion in the NPPG (Land Stability). The Trust 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.

Paragraphs 006 and 012 of the section on land stability in the NPPG advise in cases such as this that investigation of potential issues should be undertaken by the developer and a slope stability report should be requested by the LPA.

The Trust considered that this was important because damage to the adjacent canal could have adverse impacts, not only on our infrastructure, but also on the development itself.

In the absence of such information it was not possible to quantify the risk of creating land instability or determine whether or not adequate mitigation of any risks identified could be secured via planning conditions. The application was refused by the local authority on land stability grounds.



**Developers should be aware that digging foundations or building close to canal structures requires careful consideration, including the likely effect on ground conditions. Assessing these risks, as part of a pre-application discussion with the Trust will allow the design/application process to be fully informed.**

**The LPA in consulting the Trust will receive specific advice upon waterway related land stability issues where this is a material planning consideration.**