

The site lies immediately adjacent to the entrance to a canal tunnel that is situated below a lock as the canal passes through a city centre. The canal is set in a cutting, formed by retaining walls, significantly below the site (located on land in the top right of the photo) and the mixed use development required the construction of foundations close to the cutting wall and tunnel entrance.

The Trust were concerned that demolition work, vibration from on-site machinery (including piling of foundations) and the position of the proposed building on the site all had the potential to affect the stability of the canal structures.

Such works, if carried out in an inappropriate way,

would have potential to cause the collapse of these structures with implications for public safety and neighbouring land as well as the site itself.

The Trust requested that planning conditions to secure agreement of both a method statement and a monitoring regime for construction operations be attached to the planning permission by the LPA to ensure that land stability would be assured through assessment of the risks of the works of demolition/construction prior to the commencement of development.

The NPPF (paragraphs 170 & 178) and NPPG confirm that land stability is a planning matter. The LPA agreed that the conditions were necessary and

reasonable, and included them on the planning permission.

The planning system works alongside other regimes on the issue of land stability. Building regulations safeguard the building but not the adjacent land, hence the request for conditions.

Developers should be aware that digging foundations close to canal structures requires careful consideration. 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.

