

The canal is supported on the hillside through a town by a substantial embankment. This major housing redevelopment of a lorry depot was proposed on a site bounding 200 metres of this embankment. A plan of the site is on page 2. As well as new dwellings the proposal included the removal of a large concrete pad which was immediately adjacent to the embankment.

The potential vibration from works to remove the concrete pad and the ground works to provide the new foundations could affect the structural integrity of the embankment. A breach of the canal was a major concern for the Trust and would have had significant implications for public and site safety.

Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in paragraphs 170 & 178 of the National Planning Policy Framework (NPPF) and is the subject of more detailed discussion in the National Planning Practice Guidance (NPPG: Land Stability).

As part of the planning application consultation process the Trust requested that any grant of consent should include pre-commencement conditions requiring submission of details of the foundations; existing and proposed cross sections; and a method statement to show how the canal embankment would be protected during the construction of the development.

Such conditions would be consistent with paragraph 170 of the NPPF which seeks to prevent new development from contributing to land instability and paragraph 179 which states that where a site is affected by land stability issues, the responsibility for securing a safe development rests with the developer.

Advisory notes to ensure that the developer could contact and work with the Trust to protect their site from a potential breach were also recommended and included on the decision notice by the LPA.

Although the Trust's Length Inspectors walk the network several times a year to identify defects or issues with towpaths, embankments and other assets, this only identifies problems when they have arisen, whereas the planning application process presents an opportunity to prevent this from happening.

**The Developer should be mindful of the risks associated with land instability through the operation of demolition and construction machinery. As a neighbouring landowner the Trust seeks to minimise the potential for a breach through engagement with the Developer both at the pre-application stage and when the development is about to be carried out.**

**The LPA in attaching the requested conditions may seek further advice from the Trust upon the information later submitted by the developer to discharge the condition/s.**



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