

The site is a former paint works on the bank of the canal in an urban setting. A residential re-development scheme was proposed. Given the previous use and the slope of the site down towards the canal there was the potential for contaminated water or other pollutants to enter the canal during construction. A plan of the site can be found on page 2.

The Trust recommended that all excavated material stored in temporary stockpiles on the site be situated away from the canal to prevent contaminated run-off entering it; that the amount of exposed ground and soil stockpiles should be minimised and any existing drains be protected to prevent potential pollution incidents. A condition was recommended to the LPA to secure protection measures for the canal during the construction phase.

It was proposed that this should also include pollution prevention measures. The 'Phase 1 Desk Top Study' submitted as part of the application recommended that, should the LPA approve the scheme,

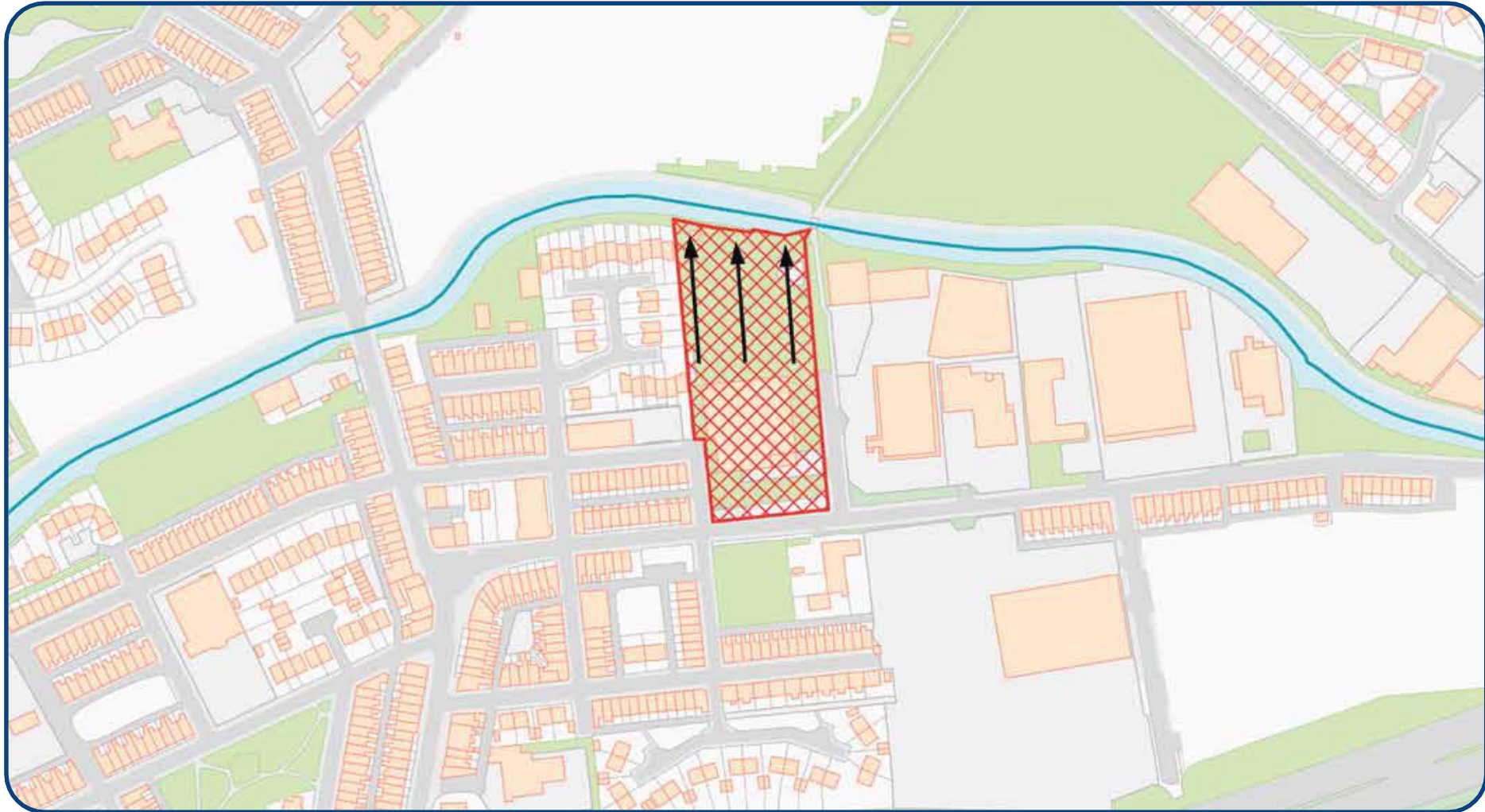
a condition specifying that a Phase 2 intrusive survey be submitted for approval to investigate the potential for contamination of the site and recommend remediation measures if required, should be imposed. Such a condition would be consistent with paragraph 170 of the NPPF which seeks to ensure that sites are suitable for development and should be remediated where necessary.

We recommended that such a condition be imposed. Such an investigation may involve the installation of boreholes which would also have the potential to impact on the canal's structural integrity. It was therefore advised that the applicant should consult with the Trust should any of the boreholes be located within 10 metres of the canal.

An informative note was requested to be added to the decision notice advising the applicant to contact the Trust to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

It is the developer's responsibility to provide sufficient information to the LPA to enable them to assess risks and ensure that any unacceptable risks can be avoided or adequately mitigated. Paragraphs 170 and 179 of the NPPF and NPPG: Land Affected by Contamination advise upon this.

The Trust will advise LPAs and Developers on the issues affecting the waterway, whether preapplication, as part of the planning application consultation or on application to discharge conditions.



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