

Rochdale MBC
Number One Riverside
Smith Street
Rochdale
OL16 1XU

Your Ref 24/01007/FUL
Our Ref CRTR-PLAN-2025-43863
Monday 31 March 2025

Dear Michael Atkinson-Smith,

Proposal: Amended Plans: Erection of 158 affordable dwellings including 2no. three-storey apartment blocks, with associated access, car parking, private gardens, open space, play facilities, and landscaping, together with new pedestrian to Rochdale Canal towpath.

Location: Land at Trub Farm, Manchester Road, Rochdale

Waterway: Rochdale Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The Trust has reviewed the application but is **unable to make a substantive response** under the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) due to the **absence of the following information**:

- Detailed slope stability calculations, including retaining wall details, to confirm that the excavation into the canal cutting slope will not result in an increased risk of land instability.
- Submission of cross section details to the south of the site (within the areas of Public Open Space surrounding the attenuation pond/swale) and the relationship of this area to the canal embankment structure.

We will make a substantive response within 21 days from the date of receipt of this information.

More details upon this are provided below:

Slope Stability Calculations and Retaining Wall Details

Our previous comments, made on 15th November 2024, highlighted that the proposed development would be sited upon land that steps down from the canal, which is supported via an embankment structure. Works in proximity to the toe of the embankment could result in destabilisation of the slope, and an increased risk of land instability which, in the worst-case scenario, could result in a canal breach into the site.

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We requested the submission of existing and proposed cross sections for the parts of the development closest to the canal, so that we could ascertain if the development would pose a potential risk to the stability of the canal embankment.

In line with the aims of paragraphs 187 (part e) and 196 (parts a and c) of the National Planning Policy Framework (NPPF), planning decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions, any risks from land instability. This is further reinforced by the Planning Practice Guidance (PPG), which confirms the important role of the planning system in considering land stability by minimising the risk and effects of land stability on property, infrastructure and the public (Paragraph 001; reference ID: 45-001-20190722). Policy G9 from the adopted Rochdale Core Strategy also states that any risks from land instability should be identified and assessed prior to any development taking place, consistent with the approach from the NPPF.

The submitted details show that the development would require significant excavation into the embankment slope towards the north of the site (Section A-A). A retaining wall is also shown in the submitted details. These works have the potential to significantly affect the stability of the embankment slope.

To ensure that the works can be undertaken without adversely impacting the stability of the embankment, we request that slope stability calculations should be provided. In addition, details should also be provided to demonstrate that the retaining wall shown will be capable of accommodating loading from the embankment slope behind.

We consider that these details need to be provided prior to the determination of this application as any findings could have an impact on the in-principal acceptability of the scheme shown or the layout of the development to be approved.

Cross-Sections to the South of the Site

The Topographical Survey submitted alongside the revised details show that the earthworks relating to the embankment may extend into the area where works to construct an attenuation pond and swale are proposed.

We therefore request that a further cross section should be provided to detail the extent of any excavation works that may be required in this area to facilitate the development.

Should the details show that the existing slope is to be regraded to facilitate these works, or that excavation is proposed at the base of the embankment slope, then slope stability calculations by an appropriately qualified person, would likely be required to demonstrate that the reprofiled land will be stable and will accommodate loading from the canal.

Other Comments

In addition to the additional information requires above, the Trust also wish to make the following comments with regards to the proposed scheme.

Revised Layout

Revisions to the site plan show that a new parking area and access road is proposed to the north of the site, in proximity to Lock 52 and a towpath bridge that are grade II listed. These additional works have the potential to adversely impact the setting of these assets. To reduce the impact, we request that the layout should be amended to provide space for soft vegetation to help soften and reduce the prominence of the hardstanding areas required.

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We consider that this is necessary to ensure compliance with the aims of Policy P2 from the adopted Rochdale Core Strategy seeks to ensure that development conserves, enhances or promotes the setting of key heritage assets, including both statutory and non-statutory assets, including consideration of their wider setting. Part 2 a(vi) identifies canals as a key heritage asset for consideration. Policy E5 from the Core Strategy requires development adjoining the canal to improve the canal corridor's setting and visual amenity.

Comments made by the Trust on 15th November 2024

The Trust provided a series of other comments in our letter dated 15th November 2024. These still apply to the scheme, and are repeated for clarity below:

Excavation for Sewers shown on Site

The submitted details show that a 900mm wide foul sewer is to be installed at the toe of the embankment of between 4 and 6 m below current ground level. The excavations associated with installing this drainage (however temporary) will have the potential to undermine the embankment and pose a risk to the canal if not installed and supported properly. It is necessary for the applicant to demonstrate that the works to install this proposed drainage layout can be done safely and would not pose a risk to the stability of the embankment and the canal. This would require a detailed report to inform how this part of the development will be constructed, included details on how land will be shored to support the excavation as well as the embankment. **Details could be reserved through the use of appropriately worded condition(s).**

Measures to Protect the Culvert associated with the Old Arm of the Rochdale Canal

The proposed access road would extend over a canal culvert associated with the old arm of the Rochdale Canal. These works are situated within the Rochdale Canal SAC/SSSI and any damage to or obstruction of the culvert would adversely affect the water supply to the old canal arm which provides a reserve for the European protected species of floating water plantain *Luronium natans*.

It is essential that the potential risks of these works to the culvert and the designated site are fully assessed and mitigated as part of the application. **In order to inform the assessment, it will be necessary to provide full construction details and a construction method statement relating to the works over the culvert. Details could be reserved through the use of appropriately worded condition(s).** We note that this would mirror Condition 17 on the appeal decision relating to a previous scheme on this site (Ref. 11/D54610 which sought to address this matter)).

Impact on the Rochdale Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The Rochdale Canal is designated as both a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC) in this location. These designations are in recognition of the special aquatic plant populations within the canal. Of note is the presence of floating water-plantain (*Luronium natans*), which is also a European protected species.

We note the submission of a Habitats Regulation Screening and Assessment (document reference 81-734-R3), which seeks to assess impacts on the designated asset. It is important to ensure that this submission is sufficiently robust so as to ensure that harm to the biodiversity of the associated ecological designations does not occur in line with the aims of policy G7 from the adopted Core Strategy.

Having reviewed the document, we consider that amendments to the report and assessment are necessary to ensure that the impact on the SSSI and SSSI are fully categorized to ensure that risks are fully mitigated against.

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Taking account of expert advice as necessary, the Local Planning Authority may also wish to consider whether the proposed buffer of 5m of works to the SAC is sufficient to limit harm to this asset, or whether the buffer needs expanding.

Measures should be undertaken during construction to reduce the risk of contamination to the water environment of the canal and the associated SAC; which could occur through exposure to dust and/or unmanaged runoff from stockpiles or exposed soils. This could help address risks identified in section 5.1.2. of the submitted Habitats Regulations Report. **A Construction and Management Plan could be undertaken to identify any risks and appropriate mitigation.** Due to the risk to the SAC habitat, the CEMP would need to address mitigation/management measures for dust/air quality measures, INNS control, water quality and pollution prevention, including measures to limit risks from contaminated/silty surface water run off during the works.

The provision of a CEMP could be reserved through the use of appropriately worded planning condition(s).

The Preliminary Ecological Appraisal identifies Himalayan balsam on the site. To avoid harm to neighbouring habitats, this should be controlled to limit its potential spread. Details to manage this species could be included as part of a CEMP. **Should herbicides be proposed, then this should be considered in the Habitats Regulations Assessment and CEMP to prevent impacts to the canal.**

Biodiversity Net Gain

The submitted Biodiversity Net Gain matrix details indicate a 73% loss in units on site from the development. The matrix does seem to indicate a need to provide new watercourse units to meet the requirements of the Environment Act.

Due to the designation of the canal as an SAC, it is recommended that the watercourse unit enhancement should be provided on site where possible, so as to ensure that the development does not degrade the biodiversity value of the watercourse.

Impact on Other Heritage Assets

The access road would cross the position of the original swing bridge over the former route of the canal. It is possible that the abutments of the bridge survive below the site. In accordance with the aims of paragraph 211 from the National Planning Policy Framework, developers should record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact. **The Local Planning Authority may wish to consider if a watching brief during excavation works here is required to help record the asset below the ground, especially if the works would result in its destruction.**

Landowner Comments

Access via Trub Farm Access Bridge (Bridge 65A)

The primary access to the site would be via Trub Farm Access Bridge. The existing bridge is owned and managed by the Trust, and was built to provide access to Trub Farm.

In our capacity as landowner, we wish to remind the applicant that appropriate legal rights would need to be sought for the use of the bridge prior to its eventual use as the access to the housing development. Contact should be made with the Trust's Estates section to ensure that any necessary legal rights are agreed, as this could be essential for the feasibility of the development. **Contact details for our Estates section are provided at the bottom of this letter.**

We understand from details provided by the applicant that there is an option for the bridge deck and road to be adopted by Rochdale Council. This would likely be an appropriate arrangement. However, we understand that

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this would leave the main bridge structure potentially under the ownership of the Trust. In our capacity as landowner, an agreement for future maintenance responsibilities for the structure would likely be required to accommodate the additional usage brought by the development. Adoption of the bridge by the Local Authority or the payment of a commuted sum to the Trust could be potential options. **We advise that further discussion is made with the Trust's Estates section to ascertain an appropriate approach.**

Code of Practice for Third Party Works

Due to the proximity of building works to the canal, development works may also need to comply with the Trust's "Code of Practice for Works affecting the Canal & River Trust".

The applicant and/or developer advised to contact the Canal & River Trust's Works Engineering Team via switchboard on 0303 040 4040 or at Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents under the Code are obtained prior to the commencement of any works on site.

Estates Consent for Works

Estates consent would likely be required for the use of, and any alterations to, Trub Farm Access Bridge (Bridge 65A). Consent and an agreement would also be required for any pedestrian connections to the Trust's land.

For further advice and guidance, we request that the applicant should contact the Trust's Estates section via switchboard at 0303 040 4040.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

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Area Planner

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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