



**British
Waterways**

29 March 2011

Calderdale Metropolitan Borough Council
Planning Department
Northgate House
Northgate
Halifax
W Yorks
HX1 1UN

Our Ref BWYS-PLAN-2011-07705-2
Your Ref 11/00200/FUL

Dear Mr Peter Melhuish

**The Town & Country Planning Act 1990 (as amended)
Planning & Compulsory Purchase Act 2004
Application No: 11/00200/FUL**

Proposal: 1.Highway link, new canal & river bridges, preparation of site levels, flood alleviation measures, provision of allotments, open space & nature reserve. 2. Access, scale, appearance,layout & landscaping reserved; forming a mixed use development.

Location: Fmr Sterne Mill & Sewage Works Wakefield Road, Sowerby Bridge, West Yorkshire

Waterway: Calder & Hebble Navigation

Thank you for your consultation dated 04 March 2011 in respect of the above.

British Waterways (BW) is a public body set up to maintain and develop the network of canals and other inland waterways in a sustainable manner so that they fulfil their full economic, social and environmental potential. In addition to statutory navigation and safety functions, British Waterways has to:

- Conserve our waterway heritage and environment
- Promote and enable rural and urban regeneration
- Maintain and enhance leisure, recreation, tourism and education opportunities for the general public and
- Facilitate waterway transport

After due consideration of the application details, British Waterways has **no objections** to the proposed development, **subject to** the imposition of suitably worded **conditions** and the applicant first entering into a **legal agreement** relating to waterway infrastructure, visual and ecological impact, design and access. These are in accordance with circulars 11/95 and 05/05:

Waterway Infrastructure

We are aware of a leak in the canal embankment and retaining wall of the Calder & Hebble Navigation and as the application site is below the level of the canal, the leak will have an impact on the development. We recommend that the retaining wall and embankment are surveyed and any issues resolved prior to commencement of any building works.

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In respect of this information British Waterways request imposition of the following condition to offset this loss.

- Notwithstanding details on the submitted plans, prior to the commencement of development details of the location, scale and external appearance of bats boxes located within available soffits on the bridge structure shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure that the proposed development contributes to the preservation and enhancement of the wildlife habitat in the area and waterway corridor, in accordance with Calderdale Replacement Unitary Development Plan Policies GP1, GBE1, GNE2, NE17 and NE18.

British Waterways would be happy to participate in the design and implementation of the replacement tree scheme and/or bat box installations. As such, if the Council is minded to grant planning permission, it is considered appropriate to include the following informative to provide the applicant with the opportunity to liaise with British Waterways.

"The applicant/developer is advised to contact British Waterways Senior Ecology Manager, Jonathan Hart-Wood (0113 2816800) if involvement is required in respect of replacement planting and bat box installations. Furthermore, information is available in respect of British Waterways Biodiversity Framework if required.

Design and Access

We note that it is the Applicants intention to connect the residential zone with the towing path. We welcome this approach as improved access and usage of towing paths create better leisure and recreational opportunities for local residents which in turn generate health and wellbeing benefits. The towing path is also part of the national cycle network and provides a sustainable transport route connecting nearby Sowerby Bridge. We advise the applicant to contact us regarding the proposed connections to our land.

British Waterways do not receive specific funding for the upgrade and maintenance of the towing paths; therefore we recommend that the developer enters into a s106 agreement to upgrade and maintain the towing path to a standard agreed with ourselves. Towpath improvements have already taken place within the Copley area and this stretch adjacent to the application site would connect with already improved sections. Again we recommend that the applicant contact us to discuss this matter.

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

"The applicant/developer is advised to contact third party works engineer, Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways".

In addition, in order for British Waterways to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Should you have any queries please contact me at this office

Yours sincerely

Martyn Coy
Area Planner
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- Notwithstanding the plans submitted prior to the commencement of development, the canal retaining wall and embankment should be independently surveyed to ascertain its current condition. Details of any necessary works or works shall be submitted to and agreed in writing by the Local Planning Authority and British Waterways and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: The works will have an impact on the structural integrity of the waterway.

- Notwithstanding the plans submitted prior to the commencement of development, details of the proposed excavations/earth removal/foundations to be undertaken shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: Excavation, earth removal and/or construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure.

Visual impact on canal corridor and Natural Environment

The waterways have a rich biodiversity and all development, no matter how minor, could have an adverse ecological impact. It is therefore important to consider measures to mitigate all the likely impact.

We must reiterate that no trees should be removed, altered or damaged on our property. In relation to the proposed development, many trees will be removed along the boundary with the canal which will have a significant impact on the visual and ecological character of the Calder and Hebble Canal. British Waterways would expect to see the loss of any tree cover tree cover offset by replacement planting of suitable native species. Have the Applicant considered amending the layout so that the residential properties do not come to the edge of the site with the canal. If the properties were set further back less trees would need to be removed.

- No development shall take place until a replacement tree planting scheme is submitted to and agreed in writing by the Local Planning Authority to mitigate the loss of existing trees within the application site. The scheme shall indicate the size, location and species of the replacement trees. Any replanted trees included in the scheme, which within a 5 year period of implementation, dies, becomes seriously damaged or diseased shall be removed and replaced in the next available planting season, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented prior to completion of the development.

Reason: to ensure that the proposed development contributes to the preservation and enhancement of the area and waterway corridor in accordance with Calderdale Replacement Unitary Development Plan Policies GP1, GBE1, GNE2, NE15, NE17 and NE18.

The loss of trees on site will also impact upon bats within the area. It is noted that the applicant's Ecology Report failed to record any bat roosts in the area, however did indicate that the canal corridor is recorded as a 'commuting and foraging resource' for bat species.

British Waterways consider that the loss of trees on site will impact upon Daubenton's, Noctule and Pipistrelle bats that use the canal corridor and particularly the tree line between the canal and river for foraging. A reduction of tree cover will reduce the quality of habitat for feeding bats but replacement planting will go some way to offset the overall loss. A further measure to mitigate this concern is the inclusion of bat boxes under suitable soffits on the newly constructed bridge.