



**Canal &
River Trust**

Making life better by water

Paul Singleton,
Examining Inspector
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref TR050005

Our Ref IPP-22 WMI NSIP

Friday 5th July 2019

Dear Mr Singleton,

Application by Four Ashes Limited for an Order Granting Development Consent for the proposed West Midlands Interchange

Examination deadline 5 submission

Please find below our response to your second round questions in so far as they relate to the Trust.

Statement of Common Ground update

The Trust have continued to work with FAL on a SCG and a final draft will be provided by FAL to the ExA today. The Trust hope to complete its internal sign off process next week and proceed to providing a completed and signed version. We apologise for the delay in achieving this.

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

Yours sincerely,

Ailith Rutt MRTPI

Planning Manager

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Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

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Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB



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<i>ExA Q reference</i>	<i>Question matter</i>	<i>Trust response</i>
2.9.4	Prevention of flushing through drainage system to canal	We await the applicant's response and will comment further as necessary
2.12.2	SWD application update	<p>The Trust received an application in late February this year to discharge surface water to the canal network. This was for discharge from Area D and an option to discharge from Areas A-C. (The application also included provision for a culvert under the canal to carry other service, and surface water if not discharged to the canal.)</p> <p>The application was assessed, and further questions asked of the applicants. Additional information to respond has been received from the applicants w/c 24 June and this has allowed us to agree to the principles of the discharge subject to a maximum flow rate. Heads of terms are now with the applicant for consideration and agreement.</p>
2.12.3	Hydraulic continuity	<p>In cases where there is the potential for water to be found on development sites adjacent the canal network via hydraulic continuity, it is normal for the Trust to require that ground investigation occurs to assess the likelihood and extent of water egress. This can then inform mitigation plans and construction methodologies, in order that the canal can be protected and where necessary, any remediation works can be required. Where this is as a result of development proposed via a planning application, this is usually assessed and controlled via the development management process in liaison with the Trust.</p> <p>In this case, these details can be requested, assessed and agreed through the Code of Practice.</p>
2.13.3	Noise impacts on boaters and towpath users and how to assess this	<p>There appear not to be specific user types that are categorised when assessing noise impacts, and thus no definition of transient, or alternative classifications from which to choose. However, given the information provided previously by the Trust and contained in our statement of common ground in relation to moorings and boat usage along the whole stretch of canal through the extent of the order limits, transient does not appear to be an entirely appropriate classification.</p> <p>We consider that the potential quantity, length and nature of stays, both daytime and overnight, are likely to be such that usage would be greater than just transient.</p> <p>The Trust can confirm that the annual licences for the leisure moorings can be renewed by the licence holder and often are, often for many successive years. In response to the second part of the ExA's question, the Trust do not consider that such users should be considered transient.</p>

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2.13.4	Clarity on height of landscape bunds	<p>The GI parameters plan (4049-1050 Rev7) gives the heights of the bunding relative to the adjoining development zone's finished floor levels as shown on the floor levels and heights plan (4049-1040 Rev 6). The FFL plan gives a 0.5m vertical deviation allowance as well as a 1500mm range of FFLs. Thus, it appears that the given heights could vary up to 2.5m. It also gives a maximum building height of 20m, also yet to be confirmed, and not until after the DCO application is completed.</p> <p>However, it also includes a note referring to the mounding 'to the eastern side of the canal', which is undefined on the plan. It suggests that this bund height would be set relative to the road levels. The road levels are shown on the plan and have a note that there is a 0.5m vertical deviation applied to them. Further, there are varying heights noted on the bund west of the spine road, and thus it is unclear as to how much of this bund the text would apply.</p> <p>No cross-sections appear to have been provided to demonstrate these heights relative to the canal corridor. The road heights do seem to be indicated, but not in relation to the bunds or other matters to which these relate.</p> <p>Therefore, it is difficult for the Trust to assess the potential impacts, or even the potential maximum and minimum impacts, on the canal corridor of the bunds in visual terms. We suggest that a min and max section E-W across the site showing the canal, bund, road heights, development zone FFL and max building height would assist greatly.</p> <p>These bunds form a visual and a noise buffer to the canal corridor. It is therefore of importance to the Trust that they are implemented early, ahead of other developments, in order that they fulfil their function adequately during construction as well as operation; but it is also important that they do not become greater in height than is necessary to screen future development, in order that they do not result in visual intrusion.</p> <p>There needs to be a mechanism within the DCO process where this sequence of events can be accommodated in relative terms, in order to allay any concerns that we may have. This requires further information on the potential visual impact of the bunds, and also on their benefit for screening construction and operational noise from the canal corridor. It may be necessary that the DCO sets out that once the bund heights are set, FFL and building height maximums are also set relatively, although there must also be other mechanisms for addressing this point.</p>
2.14.1	Towpath assessment beyond order limits	<p>There has been no further discussion on this matter between the applicant and the Trust – it is regularly reviewed as the SCG moves forwards, but no change in position has been agreed. It is addressed in the SCG.</p>

		<p>The applicants have made it clear that they do not intend to extend the scope of the Canal Enhancement Scheme beyond the order limits, and that this is the mechanism where a towpath assessment would be considered/included.</p> <p>The Trust has made it clear that we do not agree with this, as set out in our representation referenced in this ExA Q.</p>
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