

Amber Valley Borough Local Plan Examination

Hearing Position Statement by the Canal & River Trust

Matter 13: Housing Growth Sites

k. Asher Lane Business Park (South), Ripley (Representation No. 051)

Inspector's Question iii- Has full consideration been given to the impact of the development on the Butterley Reservoir and Butterley Tunnel (part of the disused Cromford Canal)?

The Canal & River Trust does not object to the principle of allocating this site for housing development. However, the Trust does not consider that Policy HGS10 adequately considers the potential impact of the development on the Butterley Reservoir and Butterley Tunnel (please see Representation No. 051).

The Trust's position regarding Butterley Reservoir is addressed in relation to Question v, below.

The Trust's position regarding Butterley Tunnel comprises two issues- the potential risk of damage to the tunnel structure through increased loading imposed by new development, and the need for the Trust to continue to have vehicular access to Air Shaft No. 1 within the site to permit access to the tunnel to meet its statutory requirement to undertake inspections. The Council's Regulation 22 Statement of Consultation does not summarise this second issue.

The Trust considers that Policy HGS10 should explicitly identify the need for applicants to undertake ground investigations to identify the exact line and depth of the tunnel, whether any construction shafts are present and to demonstrate that any proposed development within the area of influence of the tunnel can be undertaken without risk to the tunnel structure, or that appropriate mitigation measures can be incorporated to allow development within the area of influence without risk to the tunnel.

The Trust further considers that it is essential that Policy HGS10 also identifies the need for any development of the site to make full provision for the Trust to have vehicular access to Air Shaft No. 1 within the site. This is necessary to permit the Trust to continue to meet its statutory requirement to undertake inspections of the length of tunnel beneath Butterley Reservoir.

Inspector's Question v- Should Policy HGS10 require the development of this site to include upgrading safety measures at the Butterley Reservoir?

The Canal & River Trust does not object to the principle of allocating this site for housing development. However, the Trust does not consider that Policy HGS10 fully identifies the potential constraint posed by the proximity of Butterley Reservoir.

Policy HGS10 only states that proposals to develop the site must take into account "*the potential risk of flooding from the Butterley Reservoir immediately adjoining the site and which retains appropriate access to the reservoir dam and spillway to enable its on-going inspection and maintenance*".

Policy HGS10 does not identify the potential need for off-site safety upgrades to be undertaken at Butterley Reservoir (please see Representation No. 051).

The Trust considers that Policy HGS10 should explicitly require any planning application for the development of this site to be accompanied by an assessment of the adjacent Butterley Reservoir, identifying whether any safety upgrades to the reservoir will be necessary as a result of the proposed development of this site. If safety measures are required, they should be included with the planning application.

The responsibility for undertaking such an assessment and any safety upgrades as may be identified as being necessary should be clearly identified as falling to the applicant/developer.