



**Canal &
River Trust**

Making life better by water

Sandwell Metropolitan Borough Council
Sandwell Council House
PO Box 2374
Oldbury
West Midlands
B69 3DE

Your Ref DC/21/66208

Our Ref CRTR-PLAN-2021-34320

Monday 24 January 2022

Dear Mr Carl Mercer,

Proposal: Proposed remediation works including re-profiling of site, installing cap above underlying waste material to uplift site by 1.4m, with new sub-surface cut off boundary wall along eastern boundary and landscaping.

Location: Land Adjacent Former Sportsground (The Gower Tip), Lower City Road, Tividale, Oldbury

Waterway: Old Main Line

Thank you for your consultation on the additional information.

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.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:

The Trust has reviewed the additional information provided though it is considered that there is still insufficient detail provided in relation to the following:

- Construction Methodology - canal boundary
- Surface Water drainage details
- Site investigation – former canal basins

Additional detail to address these matters should be submitted prior to determination and the Trust wish to be reconsulted when this information is available. Our advice and comments follow:

The submission indicates that to the north of the existing culvert across the site, excavation of up to 1m would be undertaken with the slightly deeper 1.4m excavation/fill being at least 10m from the canal boundary. The detail provided though is not clear and dimensioned plans and site sections to the canal should be submitted which clearly show the extent of the 1m fill, the French drain and detention pond.

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The scheme would also still involve excavation within close proximity to the canal boundary to remove made ground, construct the French drain and create a detention basin. There are however no details as to the condition or construction of the canal bank and therefore it cannot be determined with any certainty that the works would not have an adverse impact upon its structural integrity. It is important that development does not adversely affect the stability of the canal wall or lead to additional loadings, as this could significantly increase the risk of damage to the adjacent canal, adversely impacting on its structural integrity, water quality, biodiversity and safe navigation of the waterway.

The details of the French drain within the FRA show the proposed drain at 1.4m depth, it is assumed that this depth will be reduced for the drain proposed close to the canal though this should be clarified with the applicant /developer. In addition, the details on proposed site levels should also be clarified with the applicant /developer as the site sections within the FRA appear to show ground levels would be raised. Clarity on any existing or proposed boundary treatment to the canal should also be provided.

We would also reiterate our previous comments in relation to the proposed drainage strategy and site investigation which do not appear to have been addressed. These are copied below for convenience:

In addition, further information on the proposed drainage strategy is required prior to determination. The scheme proposes detention features and French drains to the site perimeter with surface water being discharged via an existing culvert. Whilst full detailed designs of the drainage system could be required by condition, further detail on the siting and design of any perimeter drains is required to ensure these would not adversely impact on the integrity of the canal wall or result in any discharge to the canal. The applicant/ developer should also provide sufficient information to demonstrate that the attenuation features are of sufficient size and there would be no overtopping to the canal.

It is also not clear which culvert the site would discharge to, and the applicant / developer should therefore provide further clarity on this matter. There are existing culverts in the vicinity of the site which pass under the canal and are within the ownership of the Trust. Any proposals to utilise these culverts would need to assess their current condition and demonstrate that the culverts could accommodate additional flows.

An assessment has not been undertaken into whether or not the infilled canal basin could be providing a pollutant linkage between the site and the canal. Whilst this basin is not included within the footprint of the works, very little consideration has been given to this or whether it was once associated with the former tip. There has been no assessment of the potential for horizontal migration off site towards the basin/canal. It has been assumed that the canal is clay lined though this is not a valid assumption in this case.

Therefore, prior to determination further details to address these matters and provide information on the proposed works to the canal boundary and surface water drainage strategy should be submitted for consideration. This is necessary to ensure the potential impacts on the structural integrity, water quality and biodiversity of the adjacent canal and wider canal network can be properly quantified and assessed and any necessary mitigation measures secured. The Trust wish to be reconsulted once this detail is available.

The Construction Environmental Management Plan is detailed though it only briefly refers to the canal. Considering the proximity to the canal further details, more focused on the potential impacts to the canal network and necessary mitigation measures, are required. Whilst full details could be addressed by condition the applicant /developer should provide sufficient detail prior to determination to demonstrate the impacts on the canal have been considered and that overall, the works could be carried out without adversely impacting on the stability, water quality, biodiversity or safety of waterway users.

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Any landscaping should be set back from the waterway to allow for future growth and should ensure biodiversity net gain. Any planting should be native species, appropriate to this waterside setting with consideration for oak trees to be included in an open woodland grassland type habitat for maximum carbon sequestration.

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

Yours sincerely,

 MRTPI
Area Planner


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

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