



Glandŵr
Cymru

The Canal & River Trust in Wales

18th October 2016

Mr Matthew Phillips
Wrexham County Borough Council
Lampit Street
Wrexham
LL11 1AR

Our Ref CRTR-PLAN-2016-21012
Your Ref P/2016/0923

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Dear Mr Philips,

Proposal: Demolition of existing dilapidated two-storey dwelling and erection of new two-storey dwelling and new independent double garage with self-contained annexe above together with external works

Location: Canal Cottage, Cadney Lane, Wrexham

Waterway: Llangollen Canal

Thank you for your consultation.

Glandŵr Cymru, the Canal & River Trust in Wales, cares for Wales' historic canals, made up of the Swansea, Llangollen, Montgomery and Monmouthshire & Brecon Canals. Our canals perform many different functions and are a haven for people and wildlife and a national treasure. We are a statutory consultee in the development management process.

Glandŵr Cymru has reviewed the consultation. This is our substantive response under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended. Based on the information available we have **concerns** relating to:

Land Stability

The application site is adjacent to the Llangollen Canal which is on an embankment relative to the site. Construction work in close proximity to the toe of the embankment has the potential to adversely affect the structural integrity of the embankment and the canal. It is therefore essential that structural integrity is not put at risk as part of any development proposal, including excavations for foundations or vibrations from plant or machinery which could, in the worst case scenario, result in the failure of the canal embankment.

Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set in Planning Policy Wales Chapter 13 which states at paragraph 13.5.1 that the "responsibility for determining the extent and effects of instability or other risk remains that of the developer," and at 13.8 that land instability must be considered by LPA to ensure that "new development is not undertaken without an understanding of the risks including those associated with subsidence, landslide or rock falls".

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Canal & River Trust Peels Wharf, Lichfield Street, Fazeley, Tamworth, Staffs B78 3QZ

T 0303 040 4040 **E** National.Planning@canalrivertrust.org.uk www.canalrivertrust.org.uk

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

Given the proximity of the proposed detached garage and oil tank coupled with the removal of trees and vegetation these may undermine the toe of the embankment and raise stability issues. The Council need to be satisfied that this would not occur. The applicant would also need to ensure that all works are carried out in accordance with our Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust". Furthermore, we recommend the following condition.

Prior to the construction of the detached garage details of the foundations of the detached garage shall first have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a method statement setting out how the canal embankment would be protected during the works. The development shall only be carried out in accordance with the agreed details.

Reason: To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with Chapter 13 of Planning Policy Wales.

The details of the foundation of the garage are required to be agreed prior to its construction to ensure that the integrity of the canal embankment would not be undermined.

Land ownership

It is noted that the plans are annotated stating that the canal embankment is within the ownership of the applicant. According to our records, the embankment to the canal is within the ownership of the Trust, notice has not been served on us, nor are there any agreements in place. You may wish to confirm with the applicant that the land is wholly within their ownership, or if not, to rectify the situation by serving notice as required by the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

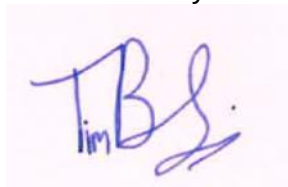
If the Council is minded to grant planning permission, it is also requested that the following informative is attached to the decision notice:

"The applicant/developer is advised to contact The Third Party Works Team ((01782 779909)) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

For Glandŵr Cymru to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice.

If you have any queries please contact me, my details are below.

Yours sincerely



Tim Bettany-Simmons (MRTPI)

Area Planner North West & North Wales / Cynlluniwr Ardal Gogledd Orllewin a Gogledd Cymru

Tim.Bettany-Simmons@canalrivertrust.org.uk

07342 057926

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