

ITEM 1

RECONSTRUCTION OF THE CHESTERFIELD CANAL BETWEEN ECKINGTON ROAD AND HAGUE LANE INCLUDING LIFTING LEVEL OF EXISTING EARTH EMBANKMENT, INSTALLATION OF AQUEDUCT OVER RIVER DOE LEA CONSTRUCTION OF TWO VEHICULAR ACCESS BRIDGES, TWO PEDESTRIAN /CYCLE BRIDGES, A NEW LOCK AND ASSOCIATED INFRASTRUCTURE AT ECKINGTON ROAD TO HAGUE LANE, STAVELEY, CHESTERFIELD FOR CHESTERFIELD CANAL TRUST LTD.

Local Plan: Green Belt/Chesterfield Canal

Ward: Lowgates & Woodthorpe

Plot No: 2/2167

Committee Date: 19.04.2021

1.0 **CONSULTATIONS**

Ward Members	No representations received
Environmental Services	No objection
Leisure Services	No comments received
Yorkshire Water Services	Comments received – see report
Environment Agency	No objection – see report
CBC Drainage Engineers	Comments received – see report
Lead Local Flood Authority	Comments received – see report
DCC Highways Authority	Comments received – see report
HS2 Ltd	Comments received – see report
Network Rail	No objection – see report
Coal Authority	No objection – see report
DCC County Archaeologist	Comments received – see report
DCC Planning Policy	Comments received – see report
DCC Countryside Service	No comments received
Severn Trent WA	No comments received
British Gas	No comments received
North East Derbyshire DC	No comments received

Chesterfield Civic Society	Comments received – see report
CBC Conservation Officer	No comments received
Derbyshire Constabulary	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
Chesterfield Cycle Campaign	Comments received – see report
Trans Pennine Trail Partnership	Comments received – see report
Sustrans	No comments received
Ramblers	Comments received – see report
Peak & Northern F/P Society	No objection – see report
British Horse Society	No objection – see report
Staveley Town Council	No comments received
Neighbours, Advertisement and Site Notice	27 representations received in support – see report

2.0 THE SITE/SITE DESCRIPTION

- 2.1 The current restored and navigable length of the Chesterfield Canal within the Borough runs approximately north-east from Chesterfield centre, passing through Brimington and Hollingwood to Staveley, in the east of the Borough at which point it links to the recently constructed Staveley basin. Works on restoration of the canal are currently being undertaken in the vicinity of the Staveley Basin area where the canal passes beneath the Eckington Road roadbridge. Beyond and to the north east of this point the canal route, which was abandoned and filled in/removed a number of years ago runs through to the limits of Chesterfield Borough at Hague Lane Renishaw. The canal historically runs all the way to the River Trent at West Stockwith however significant areas require restoration from Staveley through North East Derbyshire to Kiveton Park at the Norwood Tunnel.
- 2.2 The proposed works start at Eckington Road and proceed initially east. The site lies between Staveley and the Hartington Industrial Estate, and runs alongside and under Ireland Close and the Staveley-Seymour railway line. Further east the environment becomes progressively more rural and from the northern end of Bellhouse Lane the proposals are in open countryside.

- 2.3 At the northern end of Bellhouse Lane, the canal alignment turns roughly north-east, and crosses the Doe Lea valley on a raised embankment. Remains of the historic embankment are still visible, particularly adjacent to the River Doe Lea. Over the years several deep cuts have been made through the embankment for services and to open out the river (which used to flow through twin brick culverts under the canal), and the whole valley has suffered due to past mining subsidence. The result is that the original embankment is now up to 3m lower than it was originally and which will require raising as part of the proposed works.
- 2.4 From Bellhouse Lane to the junction with the Norbriggs Cutting the canal forms the natural divide between the arable farmland to the north west and the Norbriggs Flash Local Nature Reserve to the south east. The majority of the adjacent length of the Nature Reserve is farmed. From the junction with the Norbriggs Cutting, the canal turns north until it reaches the end of the proposed works on the south side of the access track from Hague Lane to the sewage treatment works which is the Chesterfield Borough boundary. Throughout this length, the canal runs through arable farmland on both sides.



Looking towards Eckington Road bridge from west



Looking towards Eckington Road bridge from east



Looking east from Eckington Road bridge



Uncovering of railway bridge under DCC Licence



Looking north east along route of former puddlebank



Looking towards puddlebank from south east (from Nature Reserve direction)



Puddlebank showing later cut through



Existing Doe Lea bridge crossing



View to north from Huggester Farm crossing

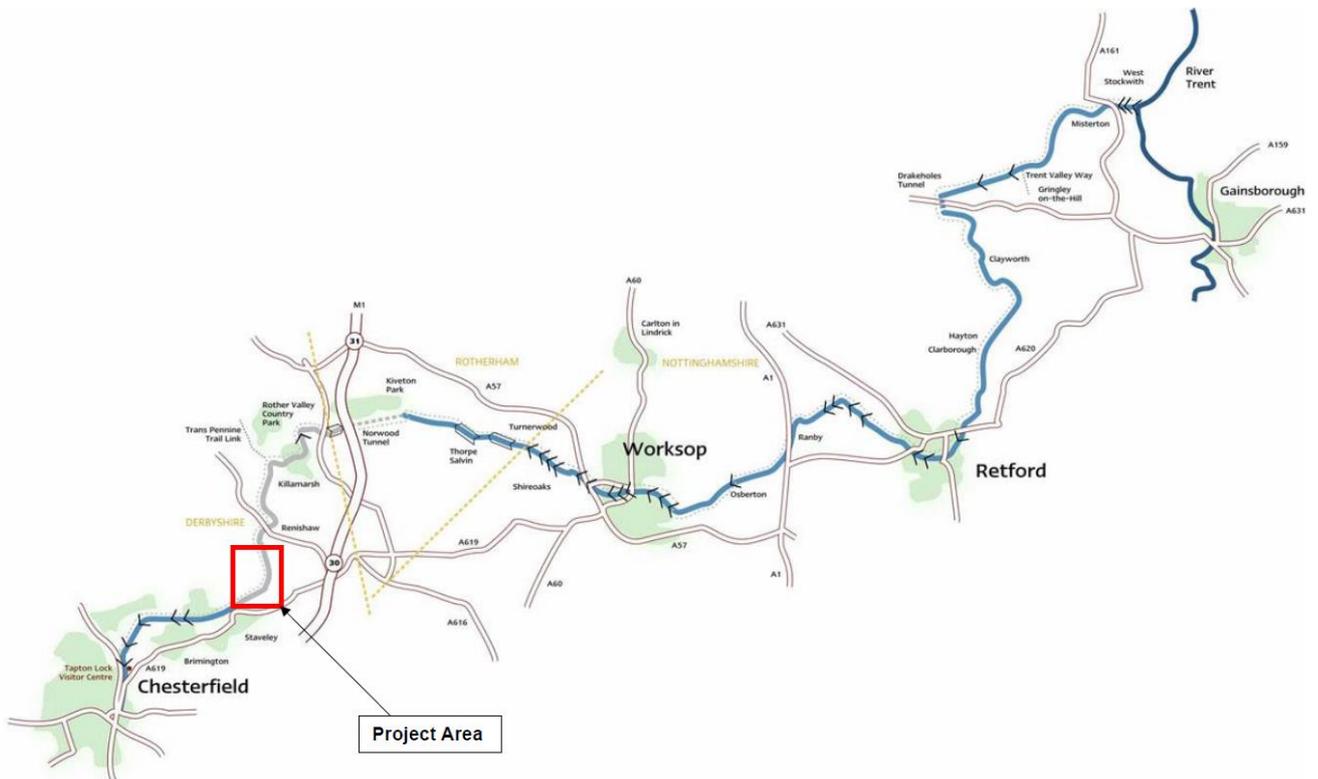
3.0 **SITE HISTORY**

3.1 CHE/20/00213/EIA – Screening request for scheme concluded that an Environmental Impact Assessment was not required – dated 17/04/20.

3.2 There is no other relevant planning history regarding the application site.

4.0 **BACKGROUND TO PROJECT**

4.1 The Chesterfield Canal originally opened in 1777 and ran for 46 miles (approx. 74km) from Chesterfield to West Stockwith on the River Trent north of Gainsborough, passing through the towns of Worksop and Retford. The arrival of the Great Central Railway in 1891 in Staveley sealed the fate of the Chesterfield Canal which had until then managed to maintain operation as an extension of the railway network. The construction of the Great Central Railway created a direct competitor to its operations which it was unable to match in speed, and as a consequence its trade dramatically fell. In 1907 a collapse in the Norwood Tunnel close to Kiveton severed the length from Chesterfield to Killamarsh from the national network. The canal further declined in the early 20th century, until in 1968 only the 26 miles (approx. 42km) from Worksop to the River Trent was still navigable. The low profitability of the canal at this time meant it was not financially viable to repair the Norwood tunnel, and as a consequence all trade ceased west of the tunnel between 1914-18. The canal remained open as a source of water for agriculture for a period, but lack of maintenance led to it becoming silted up and overgrown and it was gradually sold off and infilled through the 1960s and 1970s.



4.2 Since 1989, 12 miles (approx. 19km) of the canal have been restored, along with 37 locks, 11 major bridges and 2 new marinas. Navigation has been extended westward from Worksop as far as the eastern portal of the Norwood Tunnel at Kiveton Park. This section is fully navigable and linked to the national canal network via the River Trent. In Derbyshire, over 5 miles (8km) has been restored between the start of the canal in Chesterfield and Eckington Road, Staveley leaving approximately 8.5 miles (14km) to be restored. The current proposal concerns a length of 2.6 km within the Borough.

4.3 The restoration efforts to date have all been completed by the committed partnerships of local and national organisations. The Chesterfield Canal Trust (CCT) is the successor to the Chesterfield Canal Society, formed in 1976 with the aim of restoring the Chesterfield Canal to full navigation. It is a membership organisation, currently with over 1900 members from the local area and all over the world and which has the following objectives:

- To promote the restoration to good navigable order of as much as is considered possible of the Chesterfield Canal and to maintain and improve the Waterway for the use and benefit of the public
- To promote the fullest use of the Waterway for the benefit of the public
- To promote, and educate the public, in the history, use of and associated wildlife of the Waterway

- 4.4 The Chesterfield Canal Partnership (CCP) is a group of organisations that have an interest in achieving the following aims:
- To restore the Chesterfield Canal to full navigation using, wherever possible, the historic route
 - To explore the potential to create and develop a new navigable link between the Chesterfield Canal and the Sheffield & South Yorkshire Navigation
 - To protect, conserve and enhance the natural and built heritage of the canal
 - To improve and widen all forms of public access to the canal
 - To promote the sustainable economic and social regeneration of the Chesterfield Canal corridor in order to improve the quality of life in the surrounding communities
- 4.5 The membership of CCP includes CCT, the Canal & River Trust, all District & County level local authorities along the full route of the canal and the Inland Waterways Association. Previously, CCP has been the coordinating body managing and delivering on the restoration aims however this role is now transitioning to CCT due to the ongoing budgetary pressures placed on local authorities.
- 4.6 Since the CCP was formed in 1995, a significant amount of theoretical work has been done to examine the practicality and the benefits of the restoration. This has included high-level feasibility studies and more detailed examination of the technical feasibility, economic and social benefits, hydrology and ecology. The outcome of all of this work was collated into an overall plan for the restoration, presented in two volumes: Next Navigation West (Staveley to Killamarsh) and Next Navigation East (Killamarsh to Kiveton Park) and which set out all

aspects of the restoration in detail and form the backbone to this application and the wider restoration strategy.



New Lock at Staveley Town Basin

5.0 THE PROPOSAL

- 5.1 The full planning application proposes the restoration of 2.6km of the Chesterfield Canal between Eckington Road & Hague Lane which is the remaining length of the Chesterfield Canal to be restored within the boundaries of Chesterfield Borough. To facilitate the works, temporary access roads and compounds will be required and several lengths of Public Rights of Way (PROW) will need to be realigned through the scheme.
- 5.2 The scheme will provide a restored length of canal in furtherance of the partnership goals and be a step towards their long term goal of complete restoration of the Chesterfield Canal in time for the 250th anniversary of the original opening in 2027.
- 5.3 Revised plans have been provided during the course of consideration of the application in an attempt to overcome concerns expressed by

HS2 Ltd. regarding the length of the canal between Eckington Road and Bellhouse Lane and in particular the details of the interface with the Staveley-Seymour railway line that is planned to be reinstated as part of the HS2 Phase 2B eastern leg.

- 5.4 Starting at Eckington Road, the scheme will briefly consist of:
- Construction of a new combination bridge (13b) to allow the railway and towpath users to cross over the canal;
 - construction of Railway Lock (no. 5c) - revised as a deeper lock;
 - construction of an additional lock underneath Eckington Road, to be known as Eckington Road Lock (new no. 5b);
 - construction of an additional discharge weir on the dropped pound between Eckington Road Lock and Railway Lock;
 - changes to the proposed layout for the Public Rights of Way to retain the existing layout west of the new bridge 13b, with only a boater access and emergency path at towpath level between Eckington Road Lock and Railway Lock
 - construction of the 2.6km of canal channel, including approximately 2.1km on a raised embankment, with the formerly embanked central section known as the Puddlebank;
 - construction of 4no. overbridges: Arkwright Trail bridge (no. 13c), Bellhouse Bridge (no. 14), Packsaddle Bridge (no. 15) and Red Bridge (no. 16);
 - construction of a new aqueduct over the river Doe Lea.
- 5.5 The scheme divides into two lengths with different characteristics:
- 5.5.1 Between **Eckington Road and Bellhouse Lane**, the canal is within a short transport corridor, including the Staveley-Seymour railway line, Staveley Northern Loop Road and the canal. These run in close proximity and are all crossed by Eckington Road and the disused Great Central Railway route (now the Trans-Pennine Trail), which taken together make the length heavily engineered, with multiple structures and hard surfaces. Added to this, the situation is further complicated by the fact that the Staveley-Seymour railway line is the safeguarded route for the HS2 link to land to the west which is to be used as their Maintenance Depot site. The proposed HS2 link / crossing of the canal dominates this section of the route.

- 5.5.2 The railway line is currently disused, and the track bed has been taken up, however it is still considered to be live by Network Rail as various options remain for its re-use. This includes for use as access to the proposed HS2 Infrastructure Maintenance Depot on the former Staveley Works site. The historic bridge at this location was intended to be reused albeit with modifications and it has recently been excavated under licence from Network Rail in order to examine its condition (see photo above at 2.4). The bridge was infilled by Network Rail following their purchase of the derelict canal from the British Waterways Board in 1980. However, further consultation with HS2 Ltd since the original planning submission has indicated that this will no longer be possible and a completely new structure will be required. The water level through this structure will also need to be lower than the 54.1mAOD originally intended. The amended design therefore starts with an additional lock underneath Eckington Road, before it passes underneath HS2 in a new box culvert structure. Immediately east of the railway, the canal will return to the historic water level of 55.8mAOD using a new lock. Proceeding east, the canal will then pass underneath a new Trans-Pennine Trail high-level bridge, along a short length of engineered channel suitable for visitor moorings and underneath a new access bridge at the northern end of Bellhouse Lane.
- 5.5.3 The intention is that the original historic bridge abutments will be reused in the restoration project.
- 5.5.4 From **Bellhouse Lane to Hague Lane**, the canal is largely on a raised earth embankment with a rural countryside setting. Historically, the canal initially followed the contour of the land, before striking out on a raised embankment, known as the Puddlebank. This carried the canal from one side of the Doe Lea valley to the other, with the river passing underneath the canal through a pair of brick culverts. The canal then followed the contours of the land once again from the north end of the Norbriggs cutting.
- 5.5.5 The structure of the Puddlebank largely remains, although it has suffered from mining subsidence and local breakthroughs for the river

and utilities. The banks of the canal were bulldozed out and used in an attempt to address some of the mining subsidence issues on adjacent farmland. The resulting effect is that the existing structure is now substantially lower than the original water level at up to 3m in places.

5.5.6

The proposal involves new material being imported to raise the height of the Puddlebank to the historic 55.8mAOD water level. This will also mean that the length of embanked canal will be extended in both directions from the original Puddlebank. The brick culverts carrying the Doe Lea through the Puddlebank were removed in the 1970s. They will not be reinstated but replaced by a clear-span aqueduct over the river, in order to suit modern flooding and ecological requirements. This section will include a new pedestrian & cycle bridge to connect the towpath to the multi-user trail along the former Norbriggs cutting, along with a private farm access bridge at Huggester Farm. There will be a weir and spillway opposite the Norbriggs cutting to return excess water to the river Doe Lea, as per the historic arrangement at this location.



Image of Canal on Puddlebank before infilling and bulldozing

5.6

The application is accompanied by the following supporting documents:

- Planning, Design and Access Statement by Chesterfield Canal Trust – June 2020 and revised 1st February 2021;
- Geo-Environmental Assessment – phase 1 plus Historical Mapping and Environmental data Report by Geomatters Consulting Engineers – February 2020;
- Plans (the full of list of plans is itemised in condition 2 of recommendation);
- Flood Risk Assessment by JBA Consulting – February 2020;
- Chesterfield Canal Framework Directive Assessment by Horritt Consulting – March 2020;
- Heritage Statement by The Jessop Consultancy dated March 2020;
- Protected Species Survey by Peak Ecology Ltd – November 2019;
- Ecological Impact Assessment by Peak Ecology Ltd – Confidential – June 2020 and revised August 2020;
- Phase 1 Habitat Survey and Preliminary Ecological Appraisal by Susan White – June 2019;
- Great Crested Newt eDNA Survey by AECOM – July 2019;
- Coal Mining Risk and Mitigation Report by Geomatters Consulting Engineers – March 2020.

6.0 CONSIDERATIONS

6.1 Planning Policy

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

6.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development

- CLP7 Tourism and Visitor Economy
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP18 Chesterfield Canal
- CLP19 River Corridors
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

6.3 Other Relevant Policy and Documents

National Planning Policy Framework (NPPF 2019)

- Chapter 12 – Achieving Well Designed Places;
- Chapter 13 – Green Belt
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change;
- Chapter 15 – Conserving and Enhancing the Natural Environment;
- Chapter 16 – Conserving and Enhancing the Historic Environment.

6.4 Key Issues

- Principle of development – National and Local Policy;
- Design and Appearance and Impact on HS2 route;
- Heritage Impact – Archaeology and Setting of Listed Buildings;
- Highways safety including Impact on Footpaths, Bridleways and Cycle network;
- Drainage and Flooding Impact;
- Coal Mining and Ground Stability;
- Biodiversity and impact on Ecology;

6.5 Principle of Development

- 6.5.1 A key consideration in the assessment of the application is that the majority of the canal restoration scheme would be located within the North East Derbyshire Green Belt notwithstanding the fact that the proposals map does not show the green belt notation over the CLP18 canal reinstatement area. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open since the essential characteristics of Green Belts are their openness and their permanence. Paragraph 145 of the NPPF indicates that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt however exceptions to this are:
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy CLP15 Green Infrastructure, also requires that development proposals should not conflict with the aim and purpose of the Green Belt.
- 6.5.2 It is considered that the canal restoration scheme would accord with this policy background and would not compromise either the main purposes of the Green Belt or the openness of the Green Belt in this location. Furthermore, the proposal is covered by a specific Chesterfield Canal allocation on the new local plan (policy CLP18) within which the proposals fall. In green belt terms it is considered that the canal restoration scheme would fall to be considered as an exceptional use that was not inappropriate within the Green Belt under paragraph 145 b) of the NPPF, which includes land that would be used for outdoor sport and recreational uses. The priority is to create a new waterway corridor on the original route, and to endow it with a similar character to that which the original canal would have had if it had survived. The canal would be a linear structure that crosses land within the Green Belt at a very low level within the corridor of the original route of the canal. The main visual impacts would be in the section of the scheme where the restored canal crosses the Doe Lea Valley and would require the reinstatement of the 'Puddlebank, which would need to be raised in height slightly and carried across the valley on a new embankment, raising the canal above the floodplain. It is considered

that the restoration scheme would not have a harmful impact on the openness of the Green Belt or harm any of its key purposes as set out above.

- 6.5.3 Paragraph 8 of the NPPF sets out the principle that achieving sustainable development means that the planning system has to deliver on three overarching objectives, which are interdependent and which need to be pursued in mutually supportive ways. Reference is made to economic, social and environmental objectives.
- 6.5.4 Waterway projects across the UK have a proven record of delivering substantial benefits to the communities through which they run and to the wider surrounding area. There will be undoubted and significant positive effects that restoration of the Chesterfield Canal will have on the quality of life in the area, acting as a focus and catalyst for social, economic and environmental regeneration.
- 6.5.5 In so far as the social benefits are concerned the restored Chesterfield Canal will be a linear water park and greenspace which will be open and accessible to all and which will support a strong, vibrant and healthy community. The canal is already well used for walking, cycling, fishing and canoeing – all activities which will be enhanced and developed as the project proceeds and which will be an enhanced accessible open space area reflecting on the current and future needs which would support local communities. Dedicated events such as the Chesterfield Canal Festival and the Walking Festival also encourage local communities to enjoy the canal, including the opportunity to take a trip on the two trip boats that the Chesterfield Canal Trust operates in the area (from Tapton Lock and Hollingwood). The scheme would support strong, vibrant and healthy communities, by ensuring that a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and which would support communities' health, social and cultural well-being.
- 6.5.6 A restored Chesterfield Canal would also create a range of economic opportunities and benefits. The developments at Staveley Town Basin, the Staveley Works corridor and the Chesterfield Waterside site all take advantage of a waterside location to improve the attractiveness of businesses and residential properties. The Coffee Shop which

operates out of the Chesterfield Canal Trust's headquarters at Hollingwood Hub, is a successful example of the economic benefits.

- 6.5.7 Whilst direct economic benefit is unlikely from the proposed scheme (other than the benefits derived from the construction process), the application is a key link to getting the remainder of the Chesterfield Canal restored and realising the significant benefits of the completed project. Smaller economic benefits are possible through cycle/boat hire and similar activities. The proposed scheme will contribute to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.5.8 The restored canal will become an integral element of the landscape which has previously existed for almost 250 years and which will have considerable environmental benefits. The canal will form both routes and barriers, and their presence has strongly influenced the environment in which locals live. Restoring the rural stretch of canal from Staveley to Renishaw will contribute to the protection and enhancement of the local landscape, whilst also providing an increased diversity of inter-connected terrestrial and aquatic habitats. This connectivity is why waterways form an integral part of the green infrastructure of multi-functional open spaces and natural assets.
- 6.5.9 The NPPF makes it clear that all open space of public value, includes not just land, but also areas of water such as rivers, canals, lakes and reservoirs and which offer important opportunities for sport and recreation and which can act as a visual amenity.
- 6.5.10 In so far as Chesterfield Borough is concerned the adopted CBLP 2018 - 35 contains a specific policy for the Chesterfield Canal under Policy CLP18. The policy states that:
The Council will safeguard the route of Chesterfield Canal as shown on the Policies Map. Development which prejudices the existing character of and/or the future potential for the improvement and

enhancement of the Chesterfield Canal, including public access, environment and recreation, will not be permitted.

Proposals for development associated with the recreation and leisure potential of the canal will be permitted close to its route provided that they do not have an adverse impact on habitats, the environment or public health and accord with other relevant policies of the plan.

Where new development, including infrastructure, is proposed adjacent to the canal, it will be required to conserve and enhance the route of the canal, including restoring the canal along its original route wherever possible. New developments should include provision for safe and convenient walking and cycling access to the canal.

On land at Staveley Basin, as shown on the Policies Map, and subject to an approved masterplan for the whole site, the council will support planning applications that assist in the delivery of:

- an events area adjacent to the canal; and*
- moorings and facilities for visiting boats; and*
- a mix of uses including residential (C3) (as set out in policy CLP3, site H21), food and drink uses (A3 and A5), and/or business and light industrial use (B1(a) and B1(b)).*

- 6.5.11 In setting out support for the principle of such a proposed scheme as above the NPPF and local plan recognise that such projects will also have a range of environmental impacts that may need to be mitigated to make them acceptable. Such matters are dealt with in the sections of the report below.

6.6 Design and Appearance including impact on HS2

- 6.6.1 Policy CLP20 of the Local Plan states in part that:
All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context. The Council will support outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, provided that they complement the character and appearance of their surroundings.
All development will be expected to:
....a) promote good design that positively contributes to the distinctive

character of the borough, enriches the quality of existing places and enhances the quality of new places;

....b) respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style,

landscaping, scale, massing, detailing, height and materials;

....f) provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings;

....g) provide adequate and safe vehicle access and parking;

....h) provide safe, convenient and attractive environment for pedestrians and cyclists;

....i) preserve or enhance the landscape character and biodiversity assets of the borough;

....j) be designed to be adaptable and accessible for all;

....k) have an acceptable impact on the amenity of users and neighbours;

....l) be designed to be safe and secure and to create environments which reduce the potential for crime;

n) be able to withstand any long-term impacts of climate change.

6.6.2 The design rationale for the scheme has been based on four key design constraints – water levels, utilities, the supply of water and the railway crossing.

Water Levels:

6.6.3 The relevant water levels are 54.1mAOD at Eckington Road and 55.8mAOD at Renishaw and there is a need therefore to raise the water level by 1.7m by means of one or more locks between these two points.

Utilities:

6.6.4 There are five known utilities that cross the line of the canal between the railway and Bellhouse Lane. Allowing for 1.5m water depth and 0.4m of additional protection slab over the utility, any service with a crown level within 1.9m of the proposed water level at the crossing point would need to be diverted. The five known utility services include: a 450mm diameter sewer with a crown level of approximately

52.8mAOD; a 900mm diameter sewer with a crown level of approximately 53.1mAOD; a 700mm diameter water pipe with a crown level of approximately 51.5mAOD; a 500mm diameter water pipe with a crown level of approximately 53.6mAOD and a 200mm diameter gas main with a crown level of approximately 53.7mAOD.

Supply of Water:

6.6.5 There needs to be a supply of water to the section of canal at Renishaw. The long pound between Hollingwood and Killamarsh was the low point of this length and water was predominantly supplied from two feeds: the River Rother, which supplies the canal in Chesterfield and from where water cascades down the canal at each lock; and the River Doe Lea, which supplied the canal via a lengthy take-off channel that fed into the southern end of the Norbriggs Cutting. The latter has suffered from subsidence and reinstatement of this supply is not currently practical. Therefore, the primary feed to the canal at Renishaw must come from the canal at Staveley, and so water must be supplied around or through any dropped pound. This will necessitate either a passive siphon or active pumping depending on the scheme.

Railway Crossing:

6.6.6 Previously, the railway crossing was not considered as a direct constraint to the design of this section of the canal since the water level at the crossing point had been previously set by the Staveley Town Basin application based on discussions with Network Rail. However, HS2 Ltd objected to the initial proposal based on the water level in the canal being too close to the proposed track levels and the necessity to require the track bed to be lifted, which would in turn require the road bridges over the railway at Eckington Road and Lowgates (the A619) to be lifted. HS2 Ltd has confirmed the highest soffit level they can accept would be 55.595mAOD which is only 1.495m above the existing water level at Eckington Road and which is insufficient for any access underneath the HS2 railway line by boats or towpath users.

6.6.7 The applicant has considered three design options for the water level across the Puddlebank and which were all based on raising the water

level from 54.1mAOD at Eckington Road to 55.8mAOD at Renishaw using locks at different locations. With the additional constraint of the headroom underneath HS2, it has been necessary to reduce the level of the canal further than the existing level at Eckington Road but then to raise the levels to the east of Eckington Road to take account of the clearance required from the utilities which pass through this area. The design option which is being pursued is to adopt a water level across the Doe Lea valley of 55.8mAOD, matching the historic level. This always entailed installing a lock immediately east of the Staveley-Seymour railway and meant that there would be no need for diversion of utilities based on the level.

- 6.6.8 The main design issue in relation to the HS2 concerns has therefore been how the water level is reduced from the existing 54.1mAOD to pass underneath HS2 to achieve a water level of approximately 52.9mAOD which would be required (a further drop of 1.2m from the existing water level). East of the railway, this additional lowering in water level would need to be incorporated into Railway Lock to avoid the need to divert the sewers and this would necessitate a lock with a rise of approximately 2.9m.
- 6.6.9 The applicant has concluded that substantial restoration works have already been completed between Staveley basin and Eckington Road which would preclude use of a single lock anywhere on this stretch and so the additional lowering of the water level from 54.1mAOD to 52.9mAOD must be carried out independently of Staveley Town Lock. The scheme being promoted to resolve the HS2 concerns is to site an additional lock directly underneath Eckington Road.
- 6.6.10 Immediately underneath Eckington Road, the new Eckington Road Lock will lower the water level down to 52.9mAOD. After the lock, there will be a short length of engineered channel before the canal enters a large concrete box culvert to pass underneath the HS2 maintenance line. As the canal enters the culvert, users of the towpath (also the Trans-Pennine Trail) will cross over the canal and take a separate route back to the canal east of HS2. Immediately east of the HS2 box culvert, Railway Lock will raise the water level back to the

original 55.8mAOD. At the head of the lock, the Trans-Pennine Trail will cross the canal on a high-level bridge.

- 6.6.11 When the railway was originally constructed, a bridge was built to carry it over the canal. This was later widened however after the canal fell into decline, Network Rail purchased the canal underneath the structure to enable it to remove the steel girder bridges and infill the canal to form an earth embankment. The railway line is currently mothballed and the track removed however in 2017, a licence was obtained by Derbyshire County Council to enable volunteers of the Chesterfield Canal Trust work party to excavate and investigate the condition of the original bridge structure. It has been found to be in excellent condition, only requiring some minor remedial repairs and given the condition, it was originally proposed to reuse the original structure, however, the design criteria for the proposed use of the line by HS2 has required removal of the original structure and replacing it with a box culvert.
- 6.6.12 The applicant has considered the means to discharge the excess water when the locks are emptied, ideally by gravity to avoid the need for pumping. This has considered the risk of flooding and the need to fit a discharge pipe with a non-return valve to prevent flood water from the river Rother backing up into the canal. The applicant has also taken account of then risks of sudden gate failure where water would be released and which could flood the towpath.
- 6.6.13 The scheme includes two new locks (Eckington Road Lock (No. 5b) and Railway Lock (No. 5c, previously numbered No. 5b). The lock construction for both locks will be very similar in appearance to that of the recently completed Staveley Town Lock (No. 5a), located approximately 450m to the west at Staveley Town Basin with red brick faced walls and topped off with a stone copings. Lock gates will be constructed in timber, with mitred double gates at the bottom end and a single gate at the top end. Both locks will have a standard 22m x 2.3m chamber to allow a single full-length narrowboat to change between pound water levels.

6.6.14 HS2 Ltd has undertaken an internal technical review of the revisions and confirmed their view that the revised proposals do not appear to preclude the HS2 current design on environmental grounds. From an engineering point of view the revised proposals would have no significant impacts on the HS2 scheme that could not be overcome at detailed design. HS2 comment that the applicants acknowledge that Bridleway 47 (BW47) will be replaced and located immediately adjacent to its existing location. However, the exact final location of BW47 will be dictated by HS2 vertical and lateral clearance requirements, while allowing for BW47 to be reconstructed offline and maintaining a right of way within maximum permitted gradients. Given the above, HS2 consider there would be moderate impact on HS2 as the BW47, PRow, earthworks and landscape may be affected however they consider such impact can be overcome during the detailed design stage. Accordingly, the proposed canal restoration scheme is unlikely to have significant implications on the HS2 engineering implications. In so far as **water and flood risk** the proposed reinstatement of the canal follows the low point and as such any land drainage would be captured by the canal and would flow within the canal system. HS2 comment that land drainage ditches proposed at the toe of HS2 embankments may need to discharge into the canal system via formal outfall structures but it is anticipated that where required this would be designed and agreed at the detailed design and construction stage of HS2 and would have limited impact on the operation of the canal. Given the relative levels of the HS2 rail level and the canal pound level, it is unlikely that fluvial or surface water flows will be an issue.

6.6.15 HS2 Ltd recognise the importance of the Chesterfield Canal Trust's aspiration to restore the Chesterfield canal at Staveley and they acknowledge that multiple stakeholders in the area have invested time and resources into the project. They confirm that they are pleased that the applicant has developed an alternative design for canal restoration to work in parallel with the railway. Although the headroom's and levels between the canal, HS2 alignment and the box culvert at this stage of the proposed canal restoration design are now compatible with HS2 scheme, there remains a moderate impact on BW47, PRow,

earthworks and landscape that will need to be overcome during HS2 detailed design. HS2 Ltd confirm that they now have no objection to planning permission being granted for the application proposals in their amended form.

- 6.6.16 Beyond the area affected by the HS2 crossing the Puddlebank is a large earth embankment that allows the canal to cross the Doe Lea valley without having to descend to the valley floor. It was a pioneering structure when first constructed and is believed to be the last part of the Chesterfield Canal to be completed in 1777. Significant elements of the original Puddlebank remain however the landscape in this area has suffered drastically from mining subsidence, and in places the valley floor has dropped by over four metres. In combination, the canal banks were bulldozed out in the 1970s, with the resulting material used to compensate for subsidence in the surrounding farmland, and several channels were cut through for drainage and a pipeline. As a result this means that extensive earth works are necessary to raise the height of the Puddlebank to its historic level.
- 6.6.17 The Puddlebank will begin almost immediately after Bellhouse Lane with the dominating structure extending to the junction with the Norbriggs Cutting, however the remainder of the section will also be on an embankment, albeit much smaller. The raised Puddlebank will utilise imported clay material combined with the existing materials.
- 6.6.18 The Doe Lea Aqueduct (No. 14a) will cross the river Rother and will have a 37m clear span, in order to maintain the current embankment profile. Retaining the existing profile means that the flood profiles remain unchanged and the existing habitat connectivity either side of the Puddlebank will not be affected by the scheme. The new aqueduct will be constructed from concrete or steel subject to detailed design and contractor involvement. It will bear onto piled foundations at either end and will have no intermediate piers. The towpath will be integral to the aqueduct, and as such this will replace the existing steel footbridge across the river at this location.
- 6.6.19 There will be five new bridges over the canal along this section:
- Rail Bridge (No. 13b)

- Trans-Pennine Trail Bridge (No. 13c)
- Bellhouse Bridge (No. 14)
- Packsaddle Bridge (No. 15)
- Red Bridge (No. 16)

The Rail Bridge (No. 13b) will allow the proposed HS2 maintenance link to cross over the canal. Public users of the towpath, which is also the Trans-Pennine Trail, will cross over the canal on an integrated structure.

The Trans-Pennine Trail Bridge (No. 13c) will cross the canal just beyond the head of Railway Lock (No. 5b). This will provide a route for pedestrians, cyclists and equestrians between the Arkwright Trail to the south and the Trans-Pennine Trail (TPT) to the north, replacing the existing circuitous system of ramps and paths that crosses the canal line at approximate towpath level.

Bellhouse Bridge (No. 14) will be located at the end of Bellhouse Lane and replaces an original bridge that has since been demolished. Its primary purpose is to facilitate landowner access to the farmland to the north of the canal, but it will also provide pedestrian, cycle and maintenance vehicle access from Bellhouse Lane onto the canal towpath and also to the TPT. The bridge will be suitable for agricultural vehicles, requiring a wide bridge with a relatively flat deck. The structure will be constructed from reinforced concrete with a brick facing, similar to the style previously used for the reinstatement of Bilby Lane bridge.

Packsaddle Bridge (No. 15) is located across the main line of the canal at the junction with the Norbriggs Cutting. It replaces an original bridge that has since been demolished, and will be a pedestrian and cycle bridge to connect the multi-user trail along the Norbriggs Cutting to the canal towpath. It will be similar in style to Foundry Bridge, Renishaw, with a reinforced concrete structure faced in red-brick, and ramped approaches.

Red Bridge (No. 16) will be sited on the existing farmer's access track north of the Norbriggs Cutting. It replaces an old bridge that has since been demolished. It will be very similar in style and construction to Bellhouse Bridge. An access track will be included linking the towpath

around the bridge, which will only be utilised by maintenance vehicles that cannot access under the bridge. There will be no public access to the farmland.

6.6.20 The design of the proposed scheme is led in the main by the technical requirements typical of canal construction with specific consideration given to the achievement of a navigable canal route replicating what historically ran through this area. The materials are to be salvaged materials and materials typical of canal construction and which will appear entirely appropriate in their context.

6.6.21 The scheme is designed to accommodate boaters but at the same time for those using the walking and cycling routes and for the major rail intervention of the HS2 route which crosses the site. The scheme, as amended, allows for an operational and connected canal whilst also allowing for the provision of the HS2 route through to the maintenance depot site on the Staveley Works land to the west. Whilst the revised plan involving the addition of major engineering works is likely to be a more expensive option, what is proposed allows the scheme to work in operational terms and allows the applicant to proceed with a workable solution. In the event that the HS2 project does not materialise, and the safeguarding direction is lifted, then there is an opportunity for the applicant to seek amendment to the scheme to revert to the original designed scheme (a single lock option). The appropriateness of such a revision would be considered at such a time in the future however because the water level of the proposed canal to the east remains at the same 55.8AOD level in both options then there is an opportunity to proceed now with the restoration project in the areas to the east first leaving a final decision on the area affected by HS2 until later in the restoration scheme when the certainty of the HS2 project has become clearer.

6.6.22 Either way the design and appearance of the scheme is considered to be appropriate and which complies with the requirements of policy CLP20.

6.7 **Heritage Impact**

- 6.7.1 The National Planning Policy Framework sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (paragraph 189). At paragraph 190 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise and that they should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 6.7.2 The Councils adopted Local Plan includes policy CLP21 which states that when assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.
- 6.7.3 The applicant has provided a Heritage Statement by The Jessop Consultancy which refers in detail to the canal which was constructed between 1775-1777 utilising the contours of the landscape to minimise the requirement for large engineering solutions; a practice that was typical of the time and common to those canals already designed by its original chief engineer, James Brindley. The most significant

engineering achievement of the scheme was a singular large embankment known as the Staveley Puddle Bank, that carried the canal over the Doe Lea valley. The structure was designed to avoid extraction of water from the river, which was needed at the time by mills further downstream, and was a pioneering structure at its time. The known structures along the section of canal affected by this scheme include four bridges, a waste weir, and two wharfs. The canal is, as a whole, considered to be of national significance on account of its historical technological interest in achieving a number of firsts in building the longest tunnel, longest flight of locks and largest puddle bank known at the time.

- 6.7.4 The Heritage Statement considers the archaeological potential of the site to be the likely survival of remains of the canal and its structures, the majority of which were cleared during the mid 20th Century. The remains of these structures are considered in the statement to be of local significance, rising to regional significance in respect to the Staveley Puddle Bank, in possessing potential to enhance an understanding into its appearance and details of construction practice.
- 6.7.5 The proposed scheme comprises the restoration of the canal along its former route, including the reinstatement of earthworks and cuttings, and the construction of lost bridges and ancillary structures. Such works will have a direct impact on archaeological resource resulting in partial loss or destruction of its heritage significance. The potential presence of non-designated archaeological remains should, in accordance with para. 197 of the National Planning Policy Framework (NPPF), be taken into account in determining an application, although a balanced judgment should have regard to the wider benefits to the historic environment arising from the restoration of the canal.
- 6.7.6 Section 7 of the Heritage Statement considers the impact of the proposal on the overall historic environment resource of the canal corridor. It is considered that:
The construction of the canal is to principally be constrained by the existing boundaries of the canal track such that the impact arising from the scheme will be constrained to the surviving remains of the 1770s

canal. Any archaeological remains within the area of excavation will be impacted such that their significance would be partially or totally lost. The largest impacts are likely to be to the remains of the canal cut, remains of its associated embankments, and the remains of bridge structures as proposed works will require their direct replacement. It is uncertain whether footings of historic structures will be in a suitable condition for reuse, and it is assumed that total reconstruction will be required necessitating the removal of historic fabric.

- 6.7.7 On this basis the DCC Development Control Archaeologist recommends that an archaeological strategy be produced in support of this application and which would assess, in detail the impact of proposed works on each of the heritage assets identified in the Heritage Statement. Such a strategy would include proposals for the archaeological evaluation of each of these features and recommend appropriate archaeological interventions depending on the results of field evaluation and which could be reflected in an appropriately worded planning condition attached to any grant of planning permission for the scheme.
- 6.7.8 The Chesterfield Civic Society comment that the application is accompanied by an exceptionally thorough, well-informed and well-written Planning Statement, setting out what works are to be carried out and the reasoning behind the decisions taken, bearing in mind that the restoration will remove some features dating from the construction of the canal in the 1770s. The Society also comment that on the other hand the Heritage Statement is poorly written and ill-informed and lacks substance and the Society do not agree with some of the claims set out therein and that the Society considers in these circumstances there is no need to burden the applicant with an obligation to pay for further archaeological investigation. The Society also comment that the Archaeology Section of Derbyshire County Council, has no specialist knowledge of waterways history and they offer no evidence of their own to support the claims made however they still recommend that the applicant should be required to produce an 'archaeological strategy'. The Civic Society assume that both members and officers of the Borough Council will realise that an 'archaeological strategy'

involving two modern bridges, some long demolished older bridges and a culvert is a waste of time and money since none of these features are of the slightest historical interest. The Civic Society make this comment on the basis that archaeology is a method of enquiry where findings are used to interpret the past and for historians of Roman Britain and the early Anglo-Saxon period it is the main method. For historians of any later period it is an ancillary source of evidence to be used alongside written sources. The extent to which archaeology can contribute to the interpretation of the past diminishes as the quantity and quality of written sources increases. The Civic Society comment that it falls to virtually nothing with the onset of the Industrial Revolution in the late 18th century, when the quantity of documentary sources increases enormously. This means that the archaeological investigation of the remains of a canal built in the 1770s contributes little if anything to an understanding of canal building technology and nothing at all to the wider study of transport history. The Chesterfield Civic Society recommend as strongly as possible that the Borough Council ignores both the 'recommendations' of the Heritage Report and the comments of the County Council Archaeology Service and grants consent for the work on the Chesterfield Canal to go ahead on the line proposed by the Canal Trust. The Civic Society cannot imagine that anyone can object to what is clearly a very important step in the reopening of the canal from Chesterfield to the Trent.

6.7.9 It is accepted that there is a limit to the archaeological interest of a former structure which only dates from 1770s and there is a limit on the available finances to carry out such further investigation however it is considered appropriate to proceed on the basis of the way in which the Canal Trust has proceeded with the preceding restoration works to date. On the basis that the canal is being reinstated on its original line it is inevitable that a process of revealing structures which may remain from the original structure, such as the ongoing exposure of the structures through the area immediately east of the Eckington Road bridge (as referred to in paragraph 6.6.11 above), is essentially a process of archaeological investigation. Such careful excavation also allows for the prospect of reusing parts of structures which are revealed. The applicant has provided a Planning Statement along with

the Heritage Statement and which promotes further investigations and it is considered appropriate therefore to proceed on this basis. Whilst a condition requiring a strategy may not be necessary it is appropriate in line with the NPPF to require a scheme of investigation to be agreed and which can be followed in the same way as earlier phases of restoration as the works proceed.

6.7.10 It is considered, with regards to above-ground built heritage and archaeology, that there will be impacts however any potentially adverse impacts should clearly be weighed against the significant public benefits arising from the scheme and on balance, it is concluded that the benefits of restoring a canal along the original line significantly outweigh any harm. Furthermore, the harm can be mitigated as far as possible through the agreement of an archaeological scheme of investigation so that any heritage significance of the site can be safeguarded as far as possible. It is considered that on this basis the proposed development complies with policy CLP21 and is acceptable in so far as impact on heritage assets is concerned.

6.8 Highways Safety including Impact on Footpaths, Bridleways and Cycle network

6.8.1 Policy CLP20 on Design states that all development will be expected tog) *provide adequate and safe vehicle access and parking*. Policy CLP22 (Influencing the Demand for Travel) focusses on reducing congestion, improving environmental quality and encouraging more active and healthy lifestyles by seeking to maximise walking, cycling and the use of public transport. The policy goes on to state that development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.8.2 It is considered that due to the nature of the proposal, only a very limited number of vehicle trips would be generated by the scheme post completion and which would have an insignificant impact on highway safety. The main issues to be considered relate to the impacts during the construction phase, which is also expected to be relatively limited

and the impact on the Public Rights of Way which cross and run along the length of the site.

Construction:

- 6.8.3 The primary construction access points will be from the south-western corner of the scheme, divided into transporting of clay along the railway and road access from Ireland Close. From these access points, the intention is to move materials along the route of the canal. If it is not possible to transport clay along the railway, the clay would need to be transported by road from its origin at the Foxlow tip site to the west. Additional road access may be obtained from the northern limit of the scheme off Hague Lane via an existing access route used for lorries into the Sewage Treatment Plant. Access to the site for the project will require coordination within a suitable Traffic Management Plan which can be secured by a condition of any approval. The applicant has confirmed that no construction access will occur along Bellhouse Lane other than that already approved under scheme CHE/18/00602/FUL for the Chesterfield Canal Trust volunteer work party compound.

Maintenance Access:

- 6.8.4 The restored canal will require access for routine maintenance, typically including grass cutting and vegetation clearance, bin emptying, management of water control and statutory inspections. Throughout the scheme, the towpath will be suitable for maintenance vehicles with access points to be gated and padlocked to ensure that no unauthorised vehicles can access the towpath.
- 6.8.5 Bellhouse Lane is also currently used for maintenance access to the Trans-Pennine Trail and this route will be preserved, but in order to minimise regular interaction between maintenance vehicles and users of the footpaths, a separate access route will be provided between Bellhouse Lane and the TPT, which will be for maintenance vehicles only. The area between this maintenance access route and the Bellhouse Lane moorings will be retained for silt deposition in the course of routine dredging works along the canal.

Public Rights of Way (PRoW):

- 6.8.6 The canal towpath is dedicated as the Cuckoo Way for the entirety of the 46 miles of the Chesterfield Canal. For the majority of this scheme, the footpath is a public right of way, dedicated as Staveley Footpath No. 71. As part of the proposal the towpath is to be on the left of the canal when travelling from Eckington Road towards Renishaw. This maintains the historic relationship with the canal but does mean that the towpath is on the far side of the canal from the primary adjacent housing areas at Lowgates and Mastin Moor. The water therefore forms a barrier to access from these communities, and so dedicated access points will be provided. This has the benefit of controlling access and not encouraging deviation from the existing footpaths, which is especially beneficial in the Norbriggs Flashes local nature reserve.
- 6.8.7 The towpath from Bellhouse Lane to Hague Lane will primarily be used by walkers, as the Trans-Pennine Trail provides an alternative and preferable route for cyclists and mounted horses. However, some cycling use is to be expected from users joining the towpath at Packsaddle Bridge (from the existing multi-user trail along the Norbriggs Cutting). A 3m wide towpath is therefore proposed for the cycle route proceeding north from Packsaddle Bridge (since this is expected to dominate), with a slightly narrower 2.5m wide towpath across the Puddlebank in order to minimise the earth-moving required.
- 6.8.8 From the restored canal west of Eckington Road, access will continue along the towpath directly from the previously restored canal. This is the existing Staveley FP1 and part of the Trans-Pennine Trail (TPT) and which is also for use by horses and cyclists. From Franklyn Drive, there is an existing undedicated path connecting the canal corridor with the junction between Franklyn Drive and Eckington Road. This will be partially realigned during the scheme and connect into the canal towpath and the TPT and which will be suitable for pedestrians, horses and cyclists. The existing access arrangements from the Trans-Pennine Trail (TPT) and the Arkwright Trail will be the most altered as part of the scheme. At present, the length of the canal towpath designated as part of the TPT connects to the Arkwright Trail via Staveley FP50 & Staveley FP49. Together they connect to the northbound TPT via Staveley BW48. As part of the scheme, Staveley

FP50 will be diverted through the railway crossing to connect with Staveley FP71 (the canal towpath heading east). The existing connections from Staveley FP71 to the northbound TPT will be reprofiled, and a new access bridge will be constructed to connect the Arkwright Trail to the northbound TPT. Therefore, access and will be maintained for all routes and the connections from the Arkwright Trail and the canal towpath to the northbound TPT will be simplified. All of these connections will be suitable for pedestrians, horses and cyclists.

- 6.8.9 At the northern end of Bellhouse Lane, access will be available to pedestrians and cyclists over Bellhouse Bridge, connecting into the canal towpath. This will also maintain the existing connectivity between Bellhouse Lane and the TPT. At the junction with the Norbriggs Cutting, Packsaddle Bridge will be constructed which will allow pedestrians and cyclists to cross over the canal and connect to the towpath from Staveley FP22. The latter is the multi-user trail along the Norbriggs Cutting, and other footpaths within the nature reserve and surrounding farmland connect into this prior to its junction with the main line of the Chesterfield Canal. White Bridge is located immediately to the north of the scheme within the NEDDC area. At present, the access track from Hague Lane to the sewage treatment plant is designated as Eckington FP153 and the canal towpath continuing north is designated as Eckington FP162. Access to both will be available from the end of the restored canal path and will be maintained when White Bridge is constructed as part of any future scheme.
- 6.8.10 Throughout, the canal corridor there will be no steps and gradients will be restricted to a maximum of 1 in 20 to allow for wheelchair access. The paths will typically be constructed from compacted stone similar to the towpath on the existing restored lengths of canal.
- 6.8.11 The plan below shows the proposals for footpaths, bridleways and trail networks in the Eckington Road to Bellhouse Lane area

Lane would be considered against the best interests of safe operation of the public highway.

- 6.8.14 In so far as the proposed diversions of existing public rights of way the Highway Authority comment that the routing of these is generally acceptable but which will need to be dealt with as part of a legal process.
- 6.8.15 Derbyshire Constabulary (DC) refer to community safety measures and the need to respond to risk. They comment that the risks are offences against persons using the trail network, nuisance and anti-social behaviour and misuse by motor cycles generally. The DC considers that the risks to persons using the trails will be low and will actually be enhanced with improved visibility. In so far as the issue of nuisance and ASB potential, reference is made to possible graffiti bridge crossings however this would also be low level. The applicant could consider surface treatment which lends itself to cleaning or overpainting as part of the management process. On the issue of access the DC comment that there is always a balance to be made in preventing motor cycle nuisance whilst allowing wider public access to public cycle routes. DC note that there are current motor cycle restrictors in the area however they comment that future problems can be addressed retrospectively if risks increase. The DC support the proposal as a potentially valuable public amenity, with a perceived low risk of community safety problems.
- 6.8.16 The applicant has considered the need for safety and to provide an appropriate width to the network of routes across the scheme and comments that the towpath from Bellhouse Lane to Hague Lane will primarily be used by walkers since the Trans-Pennine Trail provides an alternative and preferable route for cyclists and mounted horses. Whilst some cycling use is to be expected from users joining the towpath at Packsaddle Bridge, from the existing multi-user trail along the Norbriggs Cutting, a 3m wide towpath is therefore proposed for the cycle route proceeding north from Packsaddle Bridge to link to the TPT with a narrower 2.5m wide towpath across the Puddlebank in order to minimise the earth-moving required. Furthermore, an

increase to 3 metre width will have implications for the aqueduct section which would make it a larger and more costly structure. The TPT confirm they support the opportunity to extend the navigable section of the Canal but comment that upgrades from footpath status be considered throughout this application to a minimum of 3m width however the reasoning set out by the applicant above is a legitimate one and is considered to be a reasonable basis on which to proceed and which will provide an appropriate standard of route.

- 6.8.17 The towpath at the Hague Lane end of the works will follow very broadly the route of Staveley FP71 which will link directly to Staveley FP17, The Trans Pennine Trail and Eckington FP153. The current connection shown on the map provided in the TPT comment is incorrect since the TPT is on a bridge over the PROW at this point. However, a connection is available via an undedicated and suitable link for pedestrians / carrying of bicycles only. This connection point is outside of the CBC Borough boundary and is no more than 150 metres from the end of Staveley FP71. Additionally, the canal towpath continuing north from the end of the scheme provides direct access to the TPT approximately 150m north. Whilst the addition of a restored canal may well attract additional walkers to the scheme it is also very clear that there are no opportunities for parking in the vicinity of the Hague Lane without either obstruction of the access to the Sewage Works site or Hague Lane to the extent that such parking is highly unlikely. The walking route will be as existing with no significant change to the definitive routes as they currently are.
- 6.8.18 The County Council Countryside Service welcomes the efforts made by Chesterfield Canal Trust to secure access across and along the canal and Trans Pennine Trail for horses, pedestrians and cyclists. They comment that the detailed design of the TPT crossing of Rail Bridge (No. 13b) must pay particular attention to the needs of equestrian use and should mitigate against visual or audio interference in that specific area (e.g. from HS2 trains) that may pose health and safety concerns for horses and riders.
- 6.8.19 The impact on equestrian use is also a point made by the TPT with

consideration being given to determine the specific design requirements. The British Horse Society has however responded to the latest scheme commenting that as long as the new bridge conforms to the BHS guidelines stated therein and associated infrastructure and paths meet the criteria for public rights of way bridleways and are dedicated as such, that they are very happy to endorse the revised plans. Such detail is a matter which can be addressed as part of the subsequent statutory diversion order.

6.8.20 The TPT comments that it has yet to determine who will subsequently own and maintain the proposed bridges. They understand that there will be no public access through the HS2 bridge but that the TPT/canal towpath would cross over the canal on a combined structure with the HS2 bridge. The TPT acknowledge that such a design can potentially accommodate all users subject to appropriate width, surface, gradient approach and sensitivity to visuals and sounds which may spook horses. The Chesterfield Cycle Campaign also support the proposals subject to the design detailing comments which have also been made by the TPT.

6.8.21 With respect to the HS2 box culvert there is a narrow range of acceptable water levels which enable a gravity discharge and the safety of path users and which has concluded that it was not possible to accommodate a towpath suitable for all users of the Trans-Pennine Trail, in particular horses and cyclists. A separate route is therefore provided for towpath users and there will be no Public Right of Way through the box culvert. Preliminary design showed that the box culvert would need to be approximately 60m long and for safety and for the convenience of boaters, an access is still required through the box culvert for pedestrians but as this is not to be a Public Right of Way, it is only 2m wide. Access to this pedestrian route from the towpath will be stepped, and public access is prevented by a padlocked gate for which boaters will have keys. Public users of the towpath will therefore cross over the canal and follow the current (pre-restoration) route to rejoin the towpath east of Railway Lock. The crossing will be integrated with the HS2 culvert, with most of the path constructed on the roof of the culvert. A small triangular section of the

path will be cantilevered from the roof of the culvert.

- 6.8.22 The Ramblers confirm that they can see no reason to offer objection but comment that every effort should be made to keep interruptions to the footpath network to a minimum.
- 6.8.23 The Peak and Northern Footpath Society (PNFS) welcomes the restoration of another section of the historic Chesterfield Canal commenting that it can only encourage a wide range of canal users to get out into the countryside, with a resultant improvement to people's health, both mental and physical. They comment that the restoration will boost the local economy, as people visiting the area to use the newly restored section in boats, to fish, walk or bike will spend money locally.
- 6.8.24 The PNFS comment on anomalies in the routes shown on the definitive map and what is available on site. Reference is made to the link from Franklyn Drive, Staveley Bridleways 47&48 which seem to be cul de sacs and a gap between the adopted section of Bellhouse Lane and the definitive footpath Staveley 71. They also make comments regarding the adoption and future maintenance of all the routes and bridges as part of the scheme. The opportunity to correct the Definitive Map to reflect the proposed routes will be available as part of the formal diversion order which will be required in the event that the scheme is proceeded with.
- 6.8.25 It is clear that the traffic impacts of the proposal are very limited and can be accommodated within highway limits such that the impacts are not regarded as severe. There will be changes to the footpath, bridleways and cycle route network to reflect the proposal and which will be dealt with as part of a formal diversion order process however the end result will be an enhanced offer for all users of the trails which exist within the local area. The proposal therefore accords with policy CLP20 and CLP22 in this respect.

6.9 Drainage and Flooding Impact

- 6.9.1 Policy CLP13 (Managing the Water Cycle) of the Local Plan states that *“The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.*
Development proposals and site allocations will:
a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;
b) be directed to locations with the lowest impact on water resources;
c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.
- 6.9.2 The application is supported by a Flood Risk Assessment by JBA Consultants and which refers to the fact that parts of the site are located within Flood Zone 2 and Flood Zone 3, though large areas of the proposed canal are situated within Flood Zone 1. The areas of Flood Zone 3 are around the River Doe Lea and are considered to be functional floodplain area.
- 6.9.3 The embankments of the canal in the area around the River Doe Lea will extend slightly to the north and south into land that is currently predicted to flood during the 1 in 25 year event. As a result, flood compensatory areas have been designed to ensure there is no net loss of floodplain storage. There are two compensatory storage areas, located either side of the embankments to account for losses of storage to the north and south. The flood compensatory area to the north will result in a total net storage volume gain of 85m³ and the area to the south a gain of 422m³. Therefore, the development of the canal with the excavation of the proposed compensatory areas will result in a net increase of floodplain storage, and not increase flood risk elsewhere. The current outline design of the floodplain compensation scheme is for planning purpose only (i.e. not for construction) and it is recommended that the design is revised as part of the detailed design phase to account for additional information on site constraints. It is considered that this can be dealt with by condition in the event of a planning approval.

- 6.9.4 The proposed development of the canal for navigation and recreational purposes is considered a 'water compatible' development under the NPPF and is deemed to be acceptable in Flood Zones 1, 2, 3a and 3b. Model results from a detailed hydraulic modelling study carried out by JBA Consulting in 2016 for the Environment Agency were used to assess the fluvial flood risk to the canal. The model results show that most of the canal is at a 'very low' risk of fluvial flooding. In the area designated as Flood Zone 3b where the proposed canal will cross the River Doe Lea, modelled flood levels are at least 8.11m below the proposed canal embankments and at least 5.7m below the proposed soffit level of the aqueduct crossing. The flood risk to users along the canal is therefore considered to be 'low', and the canal will be able to remain operational and safe for users in times of flood from the River Doe Lea. Additionally, the aqueduct will not impede water flows or increase flood risk elsewhere. Furthermore, the model results also were subject to an uplift in 35% to take account of climate change.
- 6.9.5 Additionally, the Assessment recommends that culverts are built under the canal at locations where the risk of flooding from surface water mapping currently shows surface water flow paths to cross the route of the canal. This will prevent flows backing up upslope of the canal embankments and ensure the surface water flow paths can be maintained, meaning there will be no increase in flood risk to the surrounding areas. This is the case to the south of Huggester Farm.
- 6.9.6 The Assessment also considers that it is unlikely that the proposed development will significantly increase surface water runoff rates, given that much of the canal will be built along existing embankments, will have a relatively narrow footprint, and not consist of large areas of hardstanding. The risk of flooding from sewers and groundwater flooding is considered to be 'low'.
- 6.9.7 When the canal is restored it will require water. It is also the case that canals lose water through evaporation, seepage and operation of locks. Additionally, management of water levels means it is necessary to discharge water over side weirs at periodic intervals along the canal. Water for the operation of this section of canal will be from the existing restored length above Staveley Town Lock, fed via the siphon pipe

that will discharge at the head of Railway Lock. This water is supplied primarily from the River Rother at Chesterfield, along with a smaller supply where Trough Brook discharges fully into the canal at Hollingwood. No new water supplies will be developed as part of this application.

- 6.9.8 The operating authority will manage water levels within the canal through the operation of spillways and locks and will be responsible for maintaining the embankments of the canal. The flood risk from the reconstructed Chesterfield Canal to the surrounding areas is considered to be low.
- 6.9.9 The applicant has provided a Water Frame Directive (WFD) prepared by Horritt Consulting and which considers the potential to affect water quality and flow conditions in the water bodies feeding the canal and the discharge from the canal. The WFD concludes that the effects on water quality in the rivers is likely to be small however the effects on flow in the River Rother are potentially significant at low flows but it is possible to reduce the impacts to acceptable levels through management of the abstraction. Furthermore, the impact of the abstraction on low flow conditions would be separately managed by the Environment Agency as part of the licensing process. The WFD concludes that the existing abstraction is sufficient for the purpose of supplying water to the proposed canal extension.
- 6.9.10 Consultation with the Environment Agency (EA) confirms they have no objection to the proposal subject to imposition of conditions as follows:
1. The development shall be carried out in accordance with the submitted flood risk assessment (ref February 2020 / CKJ -JBAU-XX-00-RP-HM-0001-S1-P02-Chesterfield_Canal_FRA / JBA Consulting) and the following mitigation measures it details. The Aqueduct soffit levels shall be set at a minimum of 53.85m AOD and such mitigation measures shall be fully implemented prior to an operational use of the canal within the application site and which shall subsequently be retained and maintained thereafter for the life of the development.
 2. The development hereby permitted shall not be commenced until such time as a scheme to ensure a detailed design for the compensatory storage has been submitted to, and approved in writing

by, the local planning authority. The agreed scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 6.9.11 The precise wording of condition 2 notes that current FRA shows compensatory storage on the left bank only and that as losses of storage occur on both banks, compensation should also be provided on both banks. The applicant comments that the in times of flood, water will run to the lowest elevation and will most likely favour one side of the river rather than the other. Furthermore, to require compensatory storage on the eastern bank of the Doe Lea, to the south of the canal line, would require works in the most sensitive area of the local nature reserve and should thus be avoided. There is a need to detail the options and design for the compensatory storage and this can be required by condition however it is agreed with the applicant that it is unnecessary to provide storage on both banks as indicated by the EA.
- 6.9.12 The Lead Local Flood Authority has also raised no objection subject to conditions detailing the compensatory flood storage areas, the location and design of culverts to be built under the canal, a management and maintenance plan for the canal and submission of a verification report to demonstrate that the drainage system has been constructed as shown in the agreed scheme. The Councils own drainage engineers support the proposal.
- 6.9.13 The DCC Countryside Service comment that they have considerable experience in controlling water across the restored section between Mill Green in Staveley and Chesterfield. Where the siphon pipe and discharge weir on the dropped pound propose an engineering solution for water control they comment that this design may require substantial and regular intervention by personnel to maintain safe and effective operation, particularly in respect of blockages to the syphon pipe, weir inlet and associated culvert.

6.9.14 It is clear that the proposal can be developed without adverse impact on the flooding environment and which can be supplied with water with low impact. Much of this detail will need to be agreed through imposition of conditions as recommended by the statutory consultees however much detail will not be material to planning since it will be covered by permits and licensing requirements set out in other legislation. On this basis the proposal is considered to satisfy policy CLP13 of the local plan.

6.10 Coal mining and land stability

6.10.1 Policy CLP14 of the Local plan refers to Unstable and Contaminated Land and states *Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*

- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
- b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
- c) a strategy for any necessary mitigation and/or remediation and final validation.*

A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.

6.10.2 The planning application includes both a Geo-Environmental Phase 1 report and a Coal Mining Risk and Mitigation Report prepared by GeoMatters Consulting Engineers.

6.10.3 The Phase I Geo-Environmental report considers the potential for land contamination in so far as the potential for contamination where the canal has been backfilled, and particularly around the former gas works on Bellhouse Lane. With regard to the backfilling of the canal the report refers to the fact that when the canal was decommissioned across the Puddlebank, the primary means of doing so was to bulldoze the banks outwards (rather than infilling the channel), as the resulting

material was used to raise other local areas suffering from mining subsidence. Thus, for the large part of the route, the actual amount of backfill material is very limited. In so far as contamination the report recommends that chemical testing of soils will be required.

- 6.10.4 The site sits entirely within a Coal Mining Reporting Area, and significant lengths are within a Development High Risk Area. Past mining is recorded with 31 no. coal seams recorded to have been worked beneath the site from a depth of 5m to 352m and the last of which was worked in 1985. There are likely to be numerous unrecorded shallow workings present along the site and it is known that the land along the Doe Lea valley has been subject to mining subsidence of up to 4.5 metres in places. There is also a recorded mine entry in the south east of the site. A desktop enhanced Coal Mining Risk Assessment has been carried out which concludes that there remains a risk of surface movement due to recorded and possible unrecorded mine workings and recommends intrusive ground investigations to be undertaken prior to the detailed design.
- 6.10.5 The Councils Environmental Health Officer has considered the reports provided and has confirmed that no objections arise.
- 6.10.6 The Coal Authority confirm that their records indicate that the site is in an area of recorded and likely unrecorded coal mine workings at shallow depth and that a part of the site falls within a boundary of a site from which coal has been removed by surface mining methods and that the recorded mine entry to the southern corner of the site may have been removed by these works. The Coal Authority support the Geo-Investigation report and Coal Mining Risk Assessment which identifies a potential risk to the development proposals from past coal mining activity and which states that in order to wholly discount any risks posed by past coal mining activity intrusive investigations should be carried out on site. On this basis the Coal Authority raise no objection subject to the imposition of conditions requiring:
1. *intrusive site investigations to be carried out to establish the exact situation in respect of coal mining legacy.*

2. Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been agreed.

6.10.7 It is considered that the issues in relation to ground conditions and coal mining legacy has been appropriately considered and which can be dealt with by conditions and which satisfies the requirements of policy CLP14.

6.11 Biodiversity and Impact on Protected Species

6.11.1 Local Plan policy CLP16 Biodiversity, Geodiversity and Ecological Network states;

‘The council will expect development proposals to:

- protect, enhance and contribute to the management of the borough’s ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and*
- avoid or minimise adverse impacts on biodiversity and geodiversity; and*
- provide a net measurable gain in biodiversity’*

6.11.2 The application is accompanied by an Ecological Impact Assessment (Peak Ecology Ltd), Protected Species Survey, (Peak Ecology Ltd) Phase 1 Habitat Survey and Preliminary Ecological Appraisal (Susan White) and Pond testing for Great Crested Newt DNA (Aecom/SureScreen Scientifics).

6.11.3 The site lies adjacent to Norbriggs Flash Local Nature Reserve (LNR), a small part of which will directly be impacted by the proposed development. Appropriate survey work has been undertaken and which confirms that there will need to be an area of compensatory habitat works along the Nature Reserve boundary with the proposed canal and that a badger sett will be affected and further survey work is

required. The surveys confirm there are no issues in so far as bats, Great Crested Newts, reptiles, amphibians and birds (provided vegetation is removed outside of the bird breeding season). Overall, the impact of the canal on the local biodiversity is considered to be relatively low so long as the mitigation and compensation measures are followed.

- 6.11.4 The restoration of the canal does however represent an opportunity to increase the biodiversity value of the area and provide a green corridor for local wildlife. The works will involve the creation of banks of soil along the canal route where compensation habitats can be included in order to encourage biodiversity. This should include the use of an appropriate grassland seed mix using British native species to provide habitats for pollinators and other insects. Scrub species including hawthorn are likely to self-colonise the area, due to their presence within the surrounding seed bank. However, additional planting should be undertaken to increase the diversity of scrub species, extending the flowering and fruiting periods. Native species should be used where possible including species such as hazel *Corylus avellana*, holly *Ilex aquifolium*, blackthorn, crab apple *Malus sylvestris* and elder. The submissions recommend that a Landscape and Environmental Management Plan (LEMP) is produced for the site detailing planting species and a minimum of five years habitat management.
- 6.11.5 Derbyshire Wildlife Trust (DWT) has reviewed the submissions and confirms that the assessments correctly identify the ecological interests. They note an area marked on the restoration plans for stockpile and fill that encroaches into the LNR and impacts on a small area of woodland. The same plan shows a flood compensation area option one that encroaches into an area of fen/mire woodland that is within the LWS and that this is ecologically valuable habitat and the LWS was recently extended to include this area. There is a flood compensation area option two shown on the plan which would be less of an impact and DWT advise that this option is chosen to avoid the impacts on the LWS and if possible the small area of woodland to the west of the LWS.

- 6.11.6 DWT recognise the value of the proposed restoration of the canal and the opportunities for biodiversity net gain through habitat improvements however appropriate precautions will need to be taken during works to safeguard existing habitats where practicable and associated species. DWT support the mitigation measures detailed in the Ecological Impact Assessment (EclA) (Peak Ecology, August 2020). In particular a Construction Ecological Method Statement (CEMP) will be vital to ensure the retention and protection of features of ecological value and this can be secured through a planning condition. DWT comment that an Ecological Clerk of Works will be essential to the successful implementation of the CEMP. DWT also support the suggestion in the initial Extended Phase 1 Habitat report to appoint an Environmental Champion within the Chesterfield Canal Trust to ensure that environmental/ecological considerations are taken into account at each stage of the works. To secure a net gain for biodiversity, DWT advise that a Landscape and Ecological Management Plan should be produced to detail specifications for habitat restoration, habitat creation and protected species enhancements and again this can be secured through a planning condition.
- 6.11.7 The Environment Agency (EA) similarly recommend a Construction Environmental Management Plan (CEMP) Biodiversity to demonstrate how construction related impacts of the development will be avoided. The EA comment that this approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. It is considered that conditions can be imposed which deal with the issues raised.
- 6.11.8 The conclusions reached is that the ecological and biodiversity issues relating to the site and proposals can be adequately addressed by planning conditions on any permission and which would comply with relevant planning policy CLP16.

7.0 REPRESENTATIONS

7.1

The application has been publicised by advert in the Derbyshire Times on 23rd July 2020 and by site notices along the site length on 17th July 2020. In response a total of 27 representation in support have been received. The following points have been raised:

- Policy support;
- Aspiration for a thriving borough - There are many developments current and pending that hinge of the canal's success. From the Waterside development to development opportunities along the Staveley corridor. Even though this application does not adjoin these sites, it is clear that their success is intimately linked to the completion of the full length of restoration. As a boater I know of many businesses that are keen to see the full length of the canal opened up to leisure traffic. The current terminus of the stretch of the canal linked to the rest of the system cannot compare to the welcome that visitors will get when they can complete the full length and moor up underneath the iconic Crooked Spire.
- Restoration of the canal in Staveley will be a valuable amenity for local residents and visitors – features which have been lost since the 60s – will encourage people to exercise;
- Crucial for Towns future;
- Facilitate tourism which will bring trade and revenue to local businesses and help with employment;
- Important link in the heritage restoration - putting back what has been lost;
- Agree fully with the arguments for the social, economic and environmental benefits of the scheme – including to South Yorkshire and North Nottinghamshire;
- Has significant educational benefits – the canal was used as an important resource in my education and I have used it very successfully as a teacher.
- A healthy and safe Borough - The Canal and River Trust stress the importance of the canal network to good mental health. Research is starting to show that if you visit canals and rivers regularly, you are naturally healthier and happier. This is certainly true of the impact the restored sections of canal have to our local communities. people enjoy the sections of canal

currently accessible. The opportunity to use the facilities make a great contribution to physical health, as well as their mental wellbeing;

- Canoeists, and disabled users (as it is flat along its length)
- Enriches the area and provides a much improved habitat and green space for wildlife;
- Provision of a clean, green and attractive Borough - Canal users are careful custodians of the canal;
- Visual improvements;
- The Cuckoo Way will be improved and safeguarded. It is often impassable – massive recreational opportunity;
- Property values in the vicinity will be enhanced;
- Impressed at the volume and high standard of work done by the volunteers of the Chesterfield Canal Trust including an excellent Planning Statement;
- As a board of directors for Monkey Park CIC, comprising a community hub, cycle workshop & co-working space - fully support the application which will be a good instigator of economic growth in the area - from tourism, the project will enable walking & cycling, boosting public health and there will be substantial wildlife & environmental benefits which will be delivered;
- I think it unclear that the safeguarding directive and plans give HS2 the grounds to object to the planning proposals as set out. HS2 seem to interpret the safeguarding directive as covering anything that might involve them in additional cost, at some unspecified point in the future. This seems a blanket, excessive use of the safeguarding powers, against the spirit of the legislation. As a canal user, I support the Canal Trust application, and think the HS2 objection should be checked to ensure it is not 'ultra vires'.

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law

- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant. The applicant has a right of appeal against any conditions imposed.

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2019 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, indeed policy CLP18 specifically relates to the restoration of the canal, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The Council has been involved in preapplication discussions on the project with the Chesterfield Canal Trust. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant /agent and supporters will be notified of the Committee date and provided with an opportunity to address the committee on this report. The report informs all parties of the application

considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

- 9.1 The proposals are considered to very much accord with the policies of the Chesterfield Local Plan 2018-35 and the wider National Planning Policy Framework. In particular, the stretch of canal has been largely derelict and fallen into disrepair for many years and the proposals would facilitate the restoration of this 2.6km stretch of derelict canal to full navigable use for community recreational purposes linking into the wider canal network to the south from Chesterfield. The proposal accords with the requirements of policy CLP18. Furthermore Staveley is identified as a Regeneration Priority Area in the local plan and so the restoration of the canal would bring positive benefits to the area which would assist with wider regeneration proposals in the area, particularly at its southern end to complement development that has taken place around the Staveley Canal basin and large-scale development and regeneration proposals planned for the Staveley Rother Corridor Regeneration Area where, in both cases, new homes and businesses could be attracted by the waterside location that the canal offers. The scheme together with restoration works that have already taken place to the canal from Chesterfield would also contribute to and enhance the canal being a significant tourist attraction for the area with the extended stretch of navigable water for both leisure cruises and other visitor boat use.
- 9.2 The main change which has arisen in respect of the proposal concerns the relationship between the proposed canal and the route of HS2. The HS2 route is a safeguarded route and is a significant material consideration being a major infrastructure project which like the canal restoration is supported in policy terms. The revised scheme, whilst adding to the canal restoration difficulty and cost, is acceptable to HS2 in engineering terms (subject to detail) and which will allow both projects to be developed side by side.

9.3 The proposal appropriately deals with the material planning considerations which are raised and which brings about the prospect of significant public benefit gains in terms of biodiversity, heritage and opportunities for leisure, recreation and general health and wellbeing.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- 9213-42-DCC-PL-100-B Site Location Plan
- 9213-42-DCC-PL-101-1-A General Arrangement
- 9213-42-DCC-PL-101-2 General Arrangement
- 9213-42-DCC-PL-101-3 General Arrangement
- 9213-42-DCC-PL-101-4 General Arrangement
- 9213-42-DCC-PL-101-5-A General Arrangement
- 9213-42-DCC-PL-102-1-A Field & Surface Water Drainage
- 9213-42-DCC-PL-102-2 Field & Surface Water Drainage
- 9213-42-DCC-PL-102-3 Field & Surface Water Drainage
- 9213-42-DCC-PL-102-4 Field & Surface Water Drainage
- 9213-42-DCC-PL-102-5-A Field & Surface Water Drainage
- 9213-42-DCC-PL-103-1 Cross Sections
- 9213-42-DCC-PL-103-2 Cross Sections
- 9213-42-DCC-PL-103-3 Cross Sections
- 9213-42-DCC-PL-103-4 Cross Sections
- 9213-42-DCC-PL-103-5 Cross Sections
- 9213-42-DCC-PL-104-1-A Footpath, Bridleway and Trail Networks
- 9213-42-DCC-PL-104-2 Footpath, Bridleway and Trail Networks

- 9213-42-DCC-PL-104-3 Footpath, Bridleway and Trail Networks
- 9213-42-DCC-PL-104-4 Footpath, Bridleway and Trail Networks
- 9213-42-DCC-PL-104-5-A Footpath, Bridleway and Trail Networks
- 9213-42-DCC-PL-200-1-B Mineral Rail Bridge (13b) and new canal lock (5b and 5c) General Arrangement
- 9213-42-DCC-PL-201-1 Trans-Pennine Trail Bridge 13c
- 9213-42-DCC-PL-202-1 Bellhouse Bridge 14
- 9213-42-DCC-PL-203-1 Doe Lea Aqueduct Bridge 14a
- 9213-42-DCC-PL-204-1 Packsaddle Bridge 15
- 9213-42-DCC-PL-205-1 Red Bridge 16

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

3. Development shall not commence in those areas identified as being at risk of instability until intrusive site investigations have been carried out to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason - To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site in accordance with policy CLP14 of the Chesterfield Local Plan 2018-35.

4. Where the findings of the intrusive site investigations (required by condition 3 above) identify that coal mining legacy on the site poses a risk to surface stability, development shall not commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason - To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site in accordance with policy CLP14 of the Chesterfield Local Plan 2018-35.

5. Development shall not commence on any particular phase or area of the site until a site investigation / phase 2 report for that phase or area of the site has been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

The site investigation / Phase 2 report shall document the ground conditions of the site and establish the full extent, depth and cross-section, nature and composition of any contamination. Chemical analysis, identified as being appropriate by the phase 1 desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods and all technical data shall be submitted to the Local Planning Authority.

A detailed scheme of remedial works shall be submitted if the investigation reveals the presence of contamination and the scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed.

If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

The restored canal hereby approved shall not be brought into use until a written Validation Report confirming that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement has been submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.in accordance with policy CLP14 of the Chesterfield Local Plan 2018-35.

6. No development shall take place on any particular phase or area of the site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority for that particular phase or area of the site. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”, to include all designated sites (pLWS, LWS, LNR).
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of safeguarding any ecological interests which may exist on the site in accordance with policy CLP16 of the Chesterfield Local Plan 2018-35 and the wider requirements of the NPPF.

7. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development on any particular phase or area of the site. The LEMP should combine both the ecology and landscape disciplines and include the following:
- a) Description and evaluation of features to be managed, including full details of habitats to be restored and created upon completion of works.

- b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.
 - i) Locations of roosting features, nesting features and habitat piles (include specifications/installation guidance/numbers)
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall be implemented in accordance with the approved details.

Reason - In the interests of safeguarding any ecological interests which may exist on the site in accordance with policy CLP16 of the Chesterfield Local Plan 2018-35 and the wider requirements of the NPPF.

8. Within 3 months of commencement of the development on any particular phase or area of the site, details of a soft landscaping scheme for that phase or part of the site shall be submitted to the Local Planning Authority for consideration. The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details, which are agreed in writing by the local planning authority shall be carried out in accordance with the implementation programme.

Reason - The condition is imposed in order to enhance the appearance of the development in the interests of the area as a whole in accordance with policy CLP15 of the Chesterfield Local Plan 2018-35.

9. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason - The condition is imposed in order to enhance the appearance of the development in the interests of the area as a whole in accordance with policy CLP15 of the Chesterfield Local Plan 2018-35.

10. Within 3 months of commencement of the development on any particular phase or area of the site, details of a hard landscaping scheme for that phase or part of the site shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours, means of enclosure and minor structures such as furniture, refuse or other storage units, signs and lighting. The details agreed in writing by the local planning authority shall be carried out as approved as part of the approved development.

Reason - The condition is imposed in order to enhance the appearance of the development in the interests of the area as a whole in accordance with policy CLP15 of the Chesterfield Local Plan 2018-35.

11. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref February 2020 / CKJ -JBAU-XX-00-RP-

HM-0001-S1-P02-Chesterfield_Canal_FRA / JBA Consulting) and the following mitigation measures it details.

The Aqueduct soffit levels shall be set at a minimum of 53.85m AOD and such mitigation measures shall be fully implemented prior to an operational use of the canal within the application site and which shall subsequently be retained and maintained thereafter for the life of the development.

Reason – In order to prevent increased risk of flooding by ensuring there is no blockage or diversion of flood waters in accordance with CLP13 of the Chesterfield Local Plan 2018-35.

12. The development hereby permitted shall not be commenced until such time as a scheme to ensure a detailed design for the compensatory flood storage has been submitted to, and approved in writing by, the local planning authority. The agreed scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason – In order that the site is drained in a sustainable manner without detriment to the surrounding environment and to prevent increased risk of flooding in accordance with CLP13 of the Chesterfield Local Plan 2018-35.

13. No construction works in the relevant area (s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the sewers and associated Waste Water Treatment Works for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand - off or protection measures are to be achieved via diversion or closure of any sewer, the developer shall submit evidence to the Local Planning Authority that

the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason - In the interest of public health and maintaining the public water supply in accordance with policy CLP11 of the Chesterfield Local Plan 2018-35.

14. Within 3 months of commencement of the development a management and maintenance plan of the Canal within the application site shall be submitted to the Local Planning authority for consideration. The details agreed in writing by the local planning authority shall be implemented as approved as part of the approved development.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into the proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority.

- 15 A verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority prior to the restored canal being brought into use. This shall demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

- 16 Development shall not take place on any particular phase or area of the site until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing. The scheme shall include:

1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation;
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the agreed archaeological Written Scheme of Investigation.

Reason - To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CLP21 of the Chesterfield Local Plan 2018-35 and the wider NPPF.

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Prior to the installation of any new bridge in the scheme, full details and specifications shall be submitted to the Local Planning Authority for consideration. These details shall include materials of construction, including any salvaged materials. Only those details, or any amendments to those details as may be required, which receive the written approval of the Local Planning Authority shall be constructed on site and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the area as a whole in accord with policy CLP20 of the Chesterfield Local Plan 2018-35.

18. Details of the new TPT bridge (13c) required under condition 16 above shall include the specification to conform with British Horse Society guidelines.

Reason – To ensure the interests of horse users are safeguarded in the interests of public safety.

19. No development shall take place on any particular phase or area of the site until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period on any particular phase or area of the site. The Statement shall provide for:
- a. the parking of vehicles of site operatives and visitors;
 - b. transportation of materials to the site;
 - c. loading and unloading of plant and materials;
 - d. storage of plant and materials used in constructing the development;
 - e. the erection and maintenance of security fencing including and decorative displays and facilities for public viewing, where appropriate;
 - f. any wheel washing facilities required;
 - g. measures to control the emission of dust and dirt during construction and
 - h. a scheme for recycling/disposing of any waste resulting from demolition and construction works.

Reason – In the interest of a health environment and highway safety in accord with policy CLP14 of the Chesterfield Local plan 2018-35.

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. The applicants attention is drawn to the advisory notes attached to the Lead Local Flood Authority letter dated 11th November 2020.
4. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
5. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should

not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

6. The detailed design for the compensatory flood storage areas should ensure that these areas do not prevent any future aspirations of river restoration / channel realignment to the north of the canal embankment, where palaeochannels are still visible within the floodplain. Construction of the canal offers an opportunity to coordinate with a joint Environment Agency National Trust project looking to improve habitat and morphological status for the River Doe Lea, which has been straightened in past years, potentially contributing to its hydromorphological status and helping to achieve the objectives of the Water Framework Directive (WFD).
7. The applicant is advised that the various diversions of the public rights of way will require a formal Diversion Order which will be required to be completed prior to the diversion works being undertaken.